

Unified Government of Wyandotte County and Kansas City, Kansas



Planning & Zoning / Board of Commission

Commission Chambers

701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Tyrone Garner

Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Tom Burroughs

Commissioner Dist. 1 Gayle E. Townsend – Commissioner Dist. 2 Bill Burns

Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Dr. Evelyn Hill

Commissioner Dist. 5 Mike Kane – Commissioner Dist. 6 Phil Lopez

Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

UPDATED AGENDA

Thursday, November 7, 2024

7:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. REVISIONS- Adding new item to Section 14, Commissioners' Agenda

6. 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.)

PLANNING & ZONING COMMISSION

7. PLANNING AND ZONING CONSENT AGENDA

Change of Zone Application(s)

7.1 COZ2024-014 - SCOTT RAY WITH BUC-EES

Synopsis: Change of Zone from A-G Agriculture District to CP-3 Planned

Commercial District to construct a new travel center at 601 Village West Parkway,

RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 to the CP-2 Planned General Business District.

Tracking #: 21470

7.2 COZ 2024-027 - JASON DANDROY

Synopsis: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District for a legal non-conforming office building at 4116 Strong Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21474

7.3 COZ204-028 - JIM SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a fueling station and convenience store at 2404 South 51st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0.

Tracking #: 21475

Special Use Permit Application(s)

7.1 SP2024-040 - CODY FOLTZ

Synopsis: Special Use Permit for a Short-Term Rental at 2100 North 70th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 1 YEAR.

Tracking #: 21476

7.2 SP2024-054 - BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC.

Synopsis: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for a community garden and greenhouse at 1810 North 1st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21455

7.3 SP2024-055 - BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC.

Synopsis: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for storage containers, coolers, farm market training, and a community garden at 1900 North 1st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS).

Tracking #: 21456

7.4 SP2024-059 - PETE DAVIS JR. WITH AUTO PLUG LLC

Synopsis: Renewal of a Special Use Permit (SP2022-003, expired 7/7/2024) for an auto dealership with light repair and detailing at 1830 Quindaro Boulevard, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21457

7.5 SP2024-062 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Special Use Permit for a Short-Term Rental at 10000 Hollingsworth Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 1 YEAR.

Tracking #: 21478

- 7.6 SP2024-063 - BLAKE LOSTAL WITH COLONIAL CLUB LLC
Synopsis: Renewal of a Special Use Permit (SP-2022-046 – expired 10/3/2024) for live entertainment at a drinking establishment at 322 North 6th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 5 YEARS.
Tracking #: 21458
- 7.7 SP2024-067 - DANIEL RIOS
Synopsis: Special Use Permit to keep landscaping equipment at a residence at 1323 South 51st Terrace, RECOMMENDED FOR DENIAL BY A VOTE OF 9 TO 0.
Tracking #: 21481
- 7.8 SP2024-068 - DARCY SWAN WITH YMCA
Synopsis: Special Use Permit to operate a before and after school daycare at the Piper Creek Elementary School at 4420 North 107th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 2 YEARS.
Tracking #: 21482
- 7.9 SP2024-069 - DARCY SWAN WITH YMCA OF GREATER KC
Synopsis: Special Use Permit to operate a before and after school daycare at the Piper Early Childhood Center at 4410 North 107th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 2 YEARS.
Tracking #: 21483
- 7.10 SP2024-070 - MEGAN DUMA WITH MD HOMES, LLC
Synopsis: Renewal of a Special Use Permit (SP-2023-066 – expires 3/14/2025) for a Short-Term Rental at 408 Sandusky Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21459
- 7.11 SP2024-071 - MEGAN DUMA WITH MD HOMES LLC
Synopsis: Renewal of a Special Use Permit (SP-2023-067 – expires 12/14/2024) for a Short-Term Rental at 2706 Espenlaub Lane, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21460
- 7.12 SP2024-072 - AARON LILLY
Synopsis: Renewal of a Special Use Permit (SP-2023-046 – expired 10/5/2024) for a Short-Term Rental at 4138 Lloyd Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21461
- 7.13 SP2024-073 - ALISON SCHWARTZ
Synopsis: Renewal of a Special Use Permit (SP-2023-093 – expires 1/25/2025) for a Short-Term Rental at 625 Northrup Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21462

7.14 SP2024-075 - BETSY AND RYAN MAXFIELD

Synopsis: Renewal of a Special Use Permit (SP2023-057 – expires 12/14/2024) for a Short-Term Rental at 4436 Cambridge Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21463

7.15 SP2024-076 - ELIZABETH HARDING

Synopsis: Renewal of a Special Use Permit (SP2023-053 – expired 10/5/2024) for a Short-Term Rental at 2822 West 43rd Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21464

7.16 SP2024-078 - MADISON BERCIUNAS

Synopsis: Renewal of a Special Use Permit (SP2023-056 – expired 10/5/2024) for a Short-Term Rental at 4206 Mission Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 1 YEAR.

Tracking #: 21465

7.17 SP2024-079 - LANCE PIERCE

Synopsis: Renewal of a Special Use Permit (SP2024-048 – expired 10/5/2024) for a Short-Term Rental at 3925 Springfield Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21466

7.18 SP2024-080 - LANCE PIERCE

Synopsis: Renewal of a Special Use Permit (SP2024-049 – expired 10/5/2024) for a Short-Term Rental at 4028 Booth Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21467

7.19 SP2024-081 - LANCE PIERCE

Synopsis: Renewal of a Special Use Permit (SP2024-049 – expired 10/5/2024) for a Short-Term Rental at 4456 Springfield Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21468

7.20 SP2024-086 - RACHEL MILLS

Synopsis: Special Use Permit for a drinking establishment with live entertainment at 612 North 5th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 2 YEARS.

Tracking #: 21484

Vacation Application(s)

7.1 VAC2024-008 - JOE MCLAUGHLIN

Synopsis: Vacation of street right-of-way at 1621 North 25th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21486

Master Plan Review Application(s)

7.1 MPL2024-008 - SCOTT RAY WITH BUC-EE'S

Synopsis: Master Plan Amendment from Planned Entertainment District to Planned Commercial District (Prairie-Delaware-Piper Area Plan) to construct a new travel center at 601 Village West Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0.

Tracking #: 21471

Miscellaneous

7.1 AN ORDINANCE authorizing a Special Use Permit (SP2024-052) for continuation of a Short-Term Rental at 3716 Springfield Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21493

7.2 AN ORDINANCE authorizing a Special Use Permit (SP2024-053) for continuation of a Short-Term Rental at 4016 Springfield Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21494

7.3 AN ORDINANCE authorizing a Special Use Permit (SP2024-007) for a Short-Term Rental at 2023 North 85th Street, RECOMMENDED FOR APPROVAL.

Tracking #: 21495

7.4 AN ORDINANCE rezoning property at 713 Osage Avenue and 813 South Pyle Street (COZ204-019) from R-2(B) Two Family District to CP-2 Planned General Business District, RECOMMENDED FOR APPROVAL.

Tracking #: 21496

7.5 AN ORDINANCE authorizing a Special Use Permit (SP2024-056) for live entertainment in conjunction with an existing restaurant at 4929 State Avenue, RECOMMENDED FOR APPROVAL.

Tracking #: 21497

7.6 AN ORDINANCE authorizing a Special Use Permit (SP2024-058) for continuation of the Temporary Use of Land for a commercial farmstead at 4141 Joyce Drive, RECOMMENDED FOR APPROVAL.

Tracking #: 21498

7.7 AN ORDINANCE authorizing a Special Use Permit (SP2024-060) for continuation of a Short-Term Rental at 527 Tenny Avenue, RECOMMENDED FOR APPROVAL.

Tracking #: 21499

8. PLANNING AND ZONING NON-CONSENT AGENDA

Change of Zone Application(s)

8.1 COZ2024-022 - ROGER BARRETT

Synopsis: Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District to construct a 24-unit apartment development at 4225 Mission Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 to 3.

Tracking #: 21472

8.2 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 1.

Tracking #: 21473

Special Use Permit Application(s)

8.1 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 8 TO 1 FOR 1 YEAR.

Tracking #: 21477

8.2 SP2024-064 - WENDY GONZALEZ

Synopsis: Special Use Permit for a car audio installation business at 1315 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 7 TO 2 FOR 2 YEARS.

Tracking #: 21479

8.3 SP2024-065 - LAJOYCE CALLOWAY WITH BEAUTIFUL BEGINNINGS EARLY CHILDHOOD

Synopsis: Special Use Permit for a home-based daycare at 3424 North 99th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 1 FOR 2 YEARS.

Tracking #: 21480

8.4 SP2024-077 - JOHN SILL

Synopsis: Special Use Permit for a Short-Term Rental at 819 Southwest Boulevard, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 1 FOR 1 YEAR.

Tracking #: 21485

REGULAR COMMISSION

9. MAYOR'S AGENDA

9.1 PROCLAMATION: LUNG CANCER AWARENESS MONTH

Synopsis: A Proclamation proclaiming the month of November 2024, as Lung Cancer Awareness Month.

Tracking #: 21489

9.2 PROCLAMATION: EXTRA MILE DAY

Synopsis: A Proclamation proclaiming the day of November 1, 2024, as Extra Mile Day.

Tracking #: 21531

9.3 PROCLAMATION: VETERANS DAY

Synopsis: A Proclamation proclaiming the day of November 11, 2024, as Veterans Day.

Tracking #: 21488

10. REGULAR CONSENT AGENDA

10.1 RESOLUTION: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – KANSAS CITY KANSAS POLICE DEPARTMENT

Synopsis: Resolution for approval to apply for and accept funding in the amount of \$86,202 under the FY24 Edward Byrne Memorial Justice Assistance Grant program. No match required.

*On October 28, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21412

10.2 RESOLUTION: KANSAS FIGHTS ADDICTION GRANT FISCAL YEAR 2025

Synopsis: A resolution for approval to apply for and accept grant funding in the amount of \$143,321.94. This grant would allow us to expand treatment, emergency housing, transportation, and defense services for those offenders in our behavioral health and drug courts.

*On October 28, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21409

10.3 RESOLUTION: APPROVING EPA CHANGE GRANT AND APPROVING MEMORANDUM OF UNDERSTANDING WITH CENTRAL AVENUE BETTERMENT ASSOCIATION

Synopsis: A resolution authorizing the application and acceptance of the Inter-departmental Grant proposal for the Environmental Change Grant (CSO55) in the amount of \$20 million dollars and authorizing the Memorandum of Understanding with the Central Area Betterment Association. No matching funds are required.

*On October 28, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21411

10.4 RESOLUTION: APPROVAL OF AMERICORPS KANSAS FUNDING
OPPORTUNITY GRANT RELATED TO AMERICORPS

Synopsis: Adoption of a resolution to request funding in the amount of \$75,600 with a required 24% match from AmeriCorps Kansas to continue building capacity and providing direct service opportunities in Wyandotte County.

*On October 28, 2024, the **Administration and Human Services Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 21413

10.5 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.

*On September 23, 2024, the **Administration and Human Services Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve changes for the Board of Commission meeting from October 31, 2024 to October 30, 2024.*

*On October 28, 2024, the **Administration and Human Services Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve changes for the Board of Commission meeting from January 2, 2025 to January 9, 2025, and changes for the Standing Committee meetings on December 30, 2024 to January 6, 2025.*

Tracking #: 21441

10.6 RESOLUTION: AMENDING MASTER LEASE AGREEMENT

Synopsis: Approval of a resolution authorizing the Unified Government to add equipment to its Master Equipment Lease Purchase Agreement with Banc of America Corp, submitted by Shelley Kneuvean, Chief Financial Officer.

*On September 30, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21371

10.7 PLAT: CREAL ESTATES

Synopsis: Plat of Creal Estates, located at 1223 Ann Avenue, and being developed by Emily Creal.

Tracking #: 21502

10.8 PLAT: ANN'S NEW ADDITION

Synopsis: Plat of Ann's New Addition, located at 1223 Ann Avenue, and being developed by Pillar KC, LLC.

Tracking #: 21503

10.9 APPOINTMENT: BOARDS AND COMMISSIONS

Synopsis: **UG Park Board:** Appointment of Nathan Brungardt, 11/7/24 to 12/15/25, submitted by Commissioner Stites.

Tracking #: 21530

10.10 MINUTES

Synopsis: Minutes from the Special Session meeting on September 26 and October 3, 2024, and Planning & Zoning and Regular Session meeting on August 31, 2023.

Tracking #: MINUTES

10.11 WEEKLY BUSINESS

Synopsis: Weekly business materials dated September 19, 26 and October 3, 2024.

Tracking #: WEEKLY BUSINESS

11. PUBLIC HEARING AGENDA

12. STANDING COMMITTEES' AGENDA

12.1 RESOLUTION: APPROVING EPA CHANGE GRANT SC019

Synopsis: Authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant for SC019 with statutory partners. No matching funds are required.

*On October 28, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted 5/1 to approve and forward to full commission.*

Tracking #: 21410

12.2 RESOLUTION: BUC-EE'S FAMILY TRAVEL CENTER DEVELOPMENT AGREEMENT

Synopsis: Adopt a resolution authorizing the Unified Government to enter into the Development Agreement for Buc-ee's Family Travel Center to be located at 601 Village West Parkway in Kansas City, Kansas.

*This item was heard by the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, on November 4, 2024. It was requested and voted unanimously to approve and fast-track this item to the November 7, 2024, commission meeting.*

Tracking #: 21448

12.3 RESOLUTION: KANSAS FOREST SERVICE GRANT PROGRAM

Synopsis: A resolution authorizing the Parks and Recreation Department to apply for a grant via the Kansas Forest Service grant program in the amount of \$100,000.00. No matching funds are required.

*This item was heard by the **Neighborhood & Community Development Standing Committee**, chaired by Commissioner Davis, on November 4, 2024. It was requested and voted unanimously to approve and fast-track this item to the November 7, 2024, commission meeting.*

Tracking #: 21442

13. ADMINISTRATOR'S AGENDA

13.1 PRESENTATION: MIDTOWN STATION - INDIAN SPRINGS

Synopsis: Presentation by Eastside Innovation of the proposed project for the development of the former Indian Springs site as selected through the RFP process.

For information only

Tracking #: 21529

13.2 ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE VILLAGE WEST III (NORTHPOINT) DEVELOPMENT

Synopsis: Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$45.7 million for the purposes of acquiring, constructing, and equipping a 330-unit apartment complex located south of Parallel Parkway and 114th Street, and providing for a 10-year payment in lieu of tax (PILOT).

Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-8-20 and approved assigning the rights to NP Village West III in resolution R-61-22.

Tracking #: 21450

13.3 ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE CARNATION PARTNERS LLC DEVELOPMENT

Synopsis: Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$11.5 million for the purposes of acquiring, constructing, and equipping a 56,700 square foot manufacturing facility at 4500 Dover Street in Kansas City, Kansas, and providing for a 10-year payment in lieu of tax (PILOT).

Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-71-23.

Tracking #: 21451

13.4 ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR KC THE YARDS 2, LLC PROJECT

Synopsis: Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$51,803,111 for the purposes of acquiring, constructing, and equipping a 224-unit multifamily facility at 200 James Street in Kansas City, Kansas.

Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-73-22.

Tracking #: 21453

13.5 ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE MARGARITAVILLE AND HOMEFIELD OUTDOOR PROJECT

Synopsis: Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$135 million for the benefit of HFMGV KCK OWNER, LLC, for the purposes of acquiring, constructing, and equipping a 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue in Kansas City, Kansas.

Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-42-23.

Tracking #: 21454

13.6 ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE LEGENDS 267 PROJECT

Synopsis: Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$65.5 million for the purposes of acquiring, constructing, and equipping a commercial multifamily facility at Village West Parkway and Parallel Parkway in Kansas City, Kansas, and providing for a 10-year payment in lieu of tax (PILOT).

Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-21-21 and Resolution No. R-10-22.

Tracking #: 21452

14. COMMISSIONERS' AGENDA

14.1 RESOLUTION/TRAVEL REQUEST: BYNUM AND BURROUGHS **(ADDED PER AGENDA UPDATE)**

Synopsis: A resolution authorizing travel for Commissioners Bynum and Burroughs to Washington, D.C., to meet with the Kansas Congressional Delegation.

Tracking #: 21534

LAND BANK BOARD OF TRUSTEE

15. LAND BANK BOARD OF TRUSTEES' AGENDA

15.1 LAND BANK OPTIONS

Synopsis: The following **option application(s)** were presented at the 09/30/2024 meeting:

Please visit the new site to review the applications below

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

8 Single Family Homes + Nehemiah Project

2 Multi-Family Units

1 Commercial

Tracking #: 21376

15.2 LAND BANK PROPERTY TRANSFERS

Synopsis: The following **property transfer application(s)** were presented at the 09/30/24 standing committee meeting:

Please visit the new site to review the applications below <https://gisapp.wycokck.org/Landbank.html>

1 UG transfer into the Land Bank

Tracking #: 21377

16. ADJOURN

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government Clerk's Office 48 hours in advance of the meeting at 913-573-5260.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84320745737>

Webinar ID: 843 2074 5737

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**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, NOVEMBER 7, 2024**

ADDING ITEMS

14. COMMISSIONERS' AGENDA

**Item No. 1 – RESOLUTION/TRAVEL REQUEST: COMMISSIONERS BYNUM
AND BURROUGHS**

Synopsis: A resolution authorizing travel for Commissioners Bynum and Burroughs to Washington, D.C., to meet with the Kansas Congressional Delegation.

Tracking #: 21534



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

To: Board of Commissioners

From: Planning and Urban Design Staff

Date: November 7, 2024

Re: **Change of Zone Petition COZ2024-014 and Master Plan Amendment MPL2024-008**

GENERAL INFORMATION

Applicant Information:

Scott Ray
Buc-see's, LTD
327 Highway 2004 Road
Lake Jackson, Texas 77566

Subject Property:

601 Village West Parkway
Kansas City, Kansas 66111

Requested Action and Purpose:

Approval of a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District. and a Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 pump Buc-ee's travel center.

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	A-G Agriculture and CP-2 Planned General Business Districts	Kansas Speedway and Hollywood Casino
South	None	Interstate 70 Right-of-Way
East	CP-2 Planned General Business District	Chateau Avalon and Interstate 70 Right-of-Way
West	A-G Agriculture District	Kansas Speedway office building

Total Tract Size: 25.80 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Planned Entertainment, which allows for areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Village West Parkway as a Major Arterial.

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. 296 spaces are required. 560 spaces are provided.

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 (1) per 7,000 square feet of site area.

Section 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. 281 trees are required.

Advertisement:

The Wyandotte Echo – May 16, 2024
Letters to Property Owners – May 17, 2024,
June 4, 2024, June 30, 2024, and August 2, 2024

Public Hearings:

October 14, 2024 and November 7, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212, Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-213, 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. 2014 – SIGN 2014-221 – Sign Permit – Pylon sign for “Bullseye” Target logo.
 2. 2014 – SIGN 2014-222 – Sign Permit – Pylon sign for “Bullseye” Target logo.
- COZ2024-014 + MPL2024-008

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 I-435 West Statistical Neighborhood and Block Group 0447031. The neighborhood consists of the Kansas Speedway racetrack, ancillary parking and Hollywood Casino to the north, wooded, open space and Chateau Avalon hotel to the east, Interstate 70 to the south and a small office building to the west, across Village West Parkway/Speedway Boulevard.

This area, with the Kansas Speedway and Hollywood Casino is the western and southern entrance into the Village West area and commercial corridor along Village West Parkway.

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

The zoning and uses are set out above. The proposed use will be compatible with the Kansas Speedway and Hollywood Casino, both commercial uses along Village West Parkway.

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 for the uses to which it has been restricted, which lends itself for agricultural related uses, however the Prairie Delaware Area Piper Plan designates this property as Planned Entertainment (and an amendment to Planned Commercial), which requires Change of Zone or Special Use Permit, so removing the restrictions will not detrimentally affect nearby property because the Kansas Speedway and Hollywood Casino are commercial uses, north, across Village West Parkway and relatively undeveloped around the Kansas Speedway along Speedway Boulevard.

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 since 2001 as a part of the original Village West redevelopment.

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.

A convenience store/travel center of this scale and size is a use that is not currently found in our city. The debate is to whether or not this use is a necessary convenience is a relative decision based in large part on how frequented this travel is by the general public for food, merchandise and fuel.

Detrimental effects on marketability of vacant or large parcels adjacent to this development proposal is unlikely. Depending on location, a project of this type could actually increase the value of some of those properties which are capable of functioning as a large-scale regional destination, similar to the Kansas Speedway or Hollywood Casino.

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.*

Provided they address Public Works comments, this should not be an issue. The Traffic Impact Study (TIS) has been submitted prior to these land entitlement applications for advanced review by the County Traffic Engineer.

Portions of Village West Parkway are proposed to be vacated and will be widened with multiple turn lanes and a roundabout for a continuous flow of traffic rather than traffic signals, which completely stop vehicle traffic.

There is ample parking on site. 296 spaces are required based on the 74,000 square foot building. The applicant intends to provide 560 parking spaces for standard passenger automobiles, EV, accessible, and RV spaces.

The parking provided is almost double than what is needed to comply with the code. The site can be redesigned to reduce the amount of parking provided on site.

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

The proposed use does not conform to the Prairie Delaware Piper Area Plan, which is designated as Planned Entertainment and allows areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

The goDotte Countywide Strategic Mobility Plan identifies this segment of the property as scenic Interstate 70 corridor, thereby requiring extra screening along

the interstate.

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

If the site and stormwater management infrastructure are properly managed and maintained, the proposed use will not cause environmental harm. There is significant landscaping planted around the perimeter of the site that will enhance the environment and buffer from the adjacent interstate.

9. *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*

Sanitary sewer service is being extended by the developer and maintained by the Unified Government.

c. *Storm Water Control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District 227.

e. *Fire*

Fire service is provided by Station #6, located at North 98th Street and State Avenue, which is two (2) miles away from the subject property.

f. *Transit*

There is no public transit provided to or near the subject property.

g. *Schools*

Public Education is provided by Edwardsville Elementary School, Robert E Clark Middle School, and Bonner Springs High School, under Bonner Springs/Edwardsville USD 204.

h. *Streets*

See item #6 above.

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

The proposed use will have a significant economic impact on the community. These impacts include jobs, property and sales taxes, and new destination to compliment Village West, Hollywood Casino and the Kansas Speedway.

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

The project, which requires some revisions, could meet all 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.*

It is difficult to see gain to the public health, safety or welfare from a travel center operation, however, given the future development scenarios in the area, it is not likely to impose hardships on individual landowners.

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

While a Master Plan Amendment is required to put the commercial use in its proper land use designation, Planned Commercial is not too dissimilar from Planned Entertainment — in terms that both area plans expect large populations to visit the area.

14. *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 preliminary plat complies with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable Unified Government policies and regulations. Right-of-way is being vacated to construct a roundabout and vacate utility easements that are demarcated around the perimeter of the plat.

15. *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.*

The parcels around the Kansas Speedway are relatively large tracts of land. Urban Outfitters and Hollywood Casino are 90 and 63 acres, respectively. The total tract size of the parcel in question is 56 acres, but only 25 acres is being platted.

Relative to the size of the property and the proposed building and gas pumps, the lot-to structure is proportional to the surrounding properties that have buildings on them.

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

The proposed one (1) lot subdivision will not cause adverse or negative impacts on the natural or social environment. Trees stands to the east are being preserved, thereby enhancing the property, and given the national popularity of the Buc-ee's travel center, this parcel will become a regional destination along the Interstate 70 corridor improving the social environment along Village West Parkway.

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

The subdivision will not cause an undue burden on the Unified Government for maintenance of land or facilities. The Developer is responsible for maintaining the sanitary sewer lift station on the property.

Village West Parkway exists but is being widened and realigned to better accommodate the inflow of from North 110th Street. Increase in lane mile will increase long-term maintenance and repair costs for the Unified Government.

18. *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.*

Given the proximity to Interstate 70 and Village West Parkway, the subdivision may encourage piece-meal development based on the surrounding development pattern and availability of sanitary sewer service. The closest development on the south side of Village West Parkway is one (1) mile east, Chateau Avalon Hotel.

The Kansas Speedway was the first development in the area, constructed in 2001, followed by Hollywood Casino in 2010.

19. *Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area as to make the application acceptable.*

The area is a tourist draw due to the Kansas Speedway and Hollywood Casino. These uses tend to attract commercial uses that supplement the Planned Entertainment designation. The Master Plan Amendment to Planned Commercial compliments and supports the Entertainment land use designation.

20. *Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.*

The amendment is consistent with the goals and policies of the Prairie Delaware Piper Area Plan. Planned Commercial allows uses that are large scale big box stores for large populations, while this is not a big box store per se, this is a 74,000 square feet travel center that will be open 24 hours a day, predominately supporting patrons going to or leaving the Hollywood Casino, Kansas Speedway, interstate freeway traffic.

21. *Whether the proposed amendment will result in comprehensive plan or regulatory conflicts.*

The proposed amendment to Planned Commercial will not result in regulatory conflicts as the proposed use is allowed within the amended land use designation.

22. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.*

The proposed amendment will allow a change in the development on the subject site without creating adverse impacts on existing and planned surrounding uses because the entertainment uses are inside the Village West Parkway ring with the exception of Urban Outfitters distribution center at the southeast corner of 118th Street and State Avenue.

23. *The impacts of the potential costs and benefits derived by the community or area by the proposed change.*

The 25-acre parcel that is being amended from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) will benefit the community by allowing a commercial travel center adjacent to two (2) major tourism destinations in the area, the Kansas Speedway and Hollywood Casino as well as the greater Village West Area.

As a result of the construction of Buc-ee's travel center, sidewalks will be constructed along North 110th Street, Speedway Boulevard and Village West Parkway.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 701 Village West Parkway (Chateau Avalon Hotel) on May 24, 2024. Attached is the list of persons who attended

the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Connectivity
Landscaping and Screening
Tree Preservation
Parking Surplus
Exterior Building Materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-014**, to the **CP-2 Planned General Business District** and Master Plan Amendment **MPL2024-008**, 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:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. 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.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;

4. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;
7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;

17. 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;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. 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);
21. 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;
22. 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;
23. 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;
24. 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;
25. 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;

26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;
28. 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;
29. 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;
30. 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;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant

factors and either approve, approve with conditions, or deny the rezoning application.

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 **COZ2024-014** and **MPL2024-008** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Off-Site Improvement Plan
Landscape Plan
Building Elevations

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2024-014 and MPL2024-008** 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** Petitions **COZ2024-014 and MPL2024-008**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:49:50:

CHANGE OF ZONE APPLICATION COZ2024-014 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District to construct a new travel center at 601 Village West Parkway.

MASTER PLAN AMENDMENT APPLICATION MPL2024-008 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Master Plan Amendment from Planned Entertainment District to Planned Commercial District (Prairie-Delaware-Piper Area Plan) to construct a new travel center at 601 Village West Parkway.

PLAT APPLICATION PLAT2024-013 – SCOTT RAY WITH BUC-EES– SYNOPSIS: Preliminary Plat for one (1) commercial lot and dedication of new right-of-way to construct a new travel center at 601 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

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

COZ2024-014 + MPL2024-008

November 7, 2024

15

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 October 14, 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 for the Change of Zone and Master Plan; 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:

- John Chamberlin, Kimley-Horn and Associates, engineer representing the Applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:39: Planning Director Hand stated that the request is for a Change of Zone, Master Plan Amendment and Preliminary Plat for a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store. Staff is recommending CP-2 Planned General Business District in lieu of the original CP-3 Planned Commercial District. The property is in the Prairie-Delaware-Piper area right off the 110th Street exit. Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report, including the three (3) requested deviations from the Commercial Design Guidelines. Director Hand further stated that a variance will need to be filed for their proposed signage.

Motion starts at 2:55:40:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application**

MPL2024-008:

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye

COZ2024-014 + MPL2024-008

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:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. 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.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
4. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;

7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. 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;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. 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);
21. 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;
22. Regarding BPU transformer screening, the following applies:
- g. Gate doors are required for all types of screening that are placed in front of the transformers.
 - h. 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.
 - 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).
 - l. 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;
23. 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;
24. 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;
25. 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;
26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;

28. 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;
29. 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;
30. 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;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning application.

On motion by Mr. Straws, seconded by Ms. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-014 to the CP-2 Planned General Business District:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

COZ2024-014 + MPL2024-008

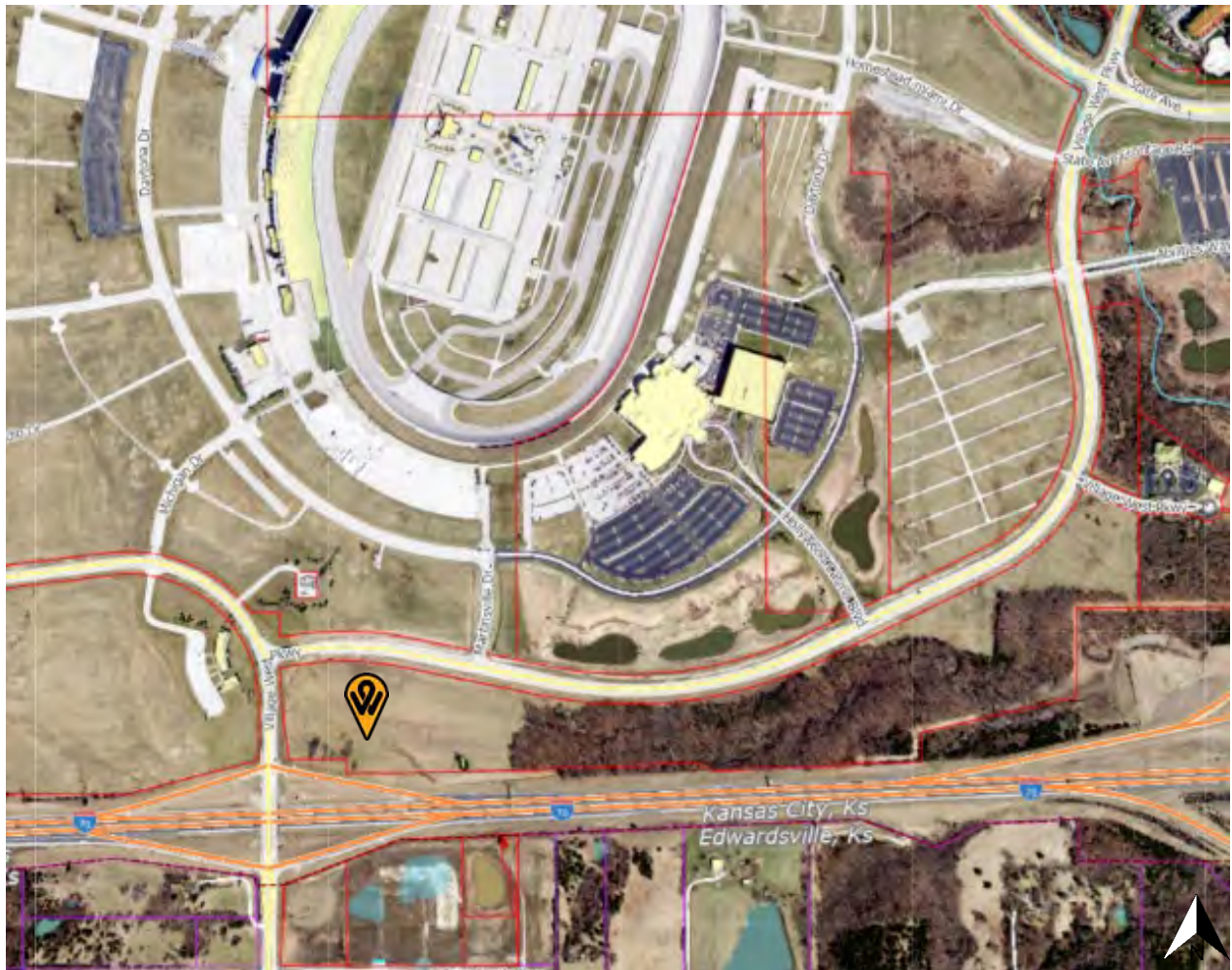
Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions.

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Preliminary Plan Application PLAT2024-013:**

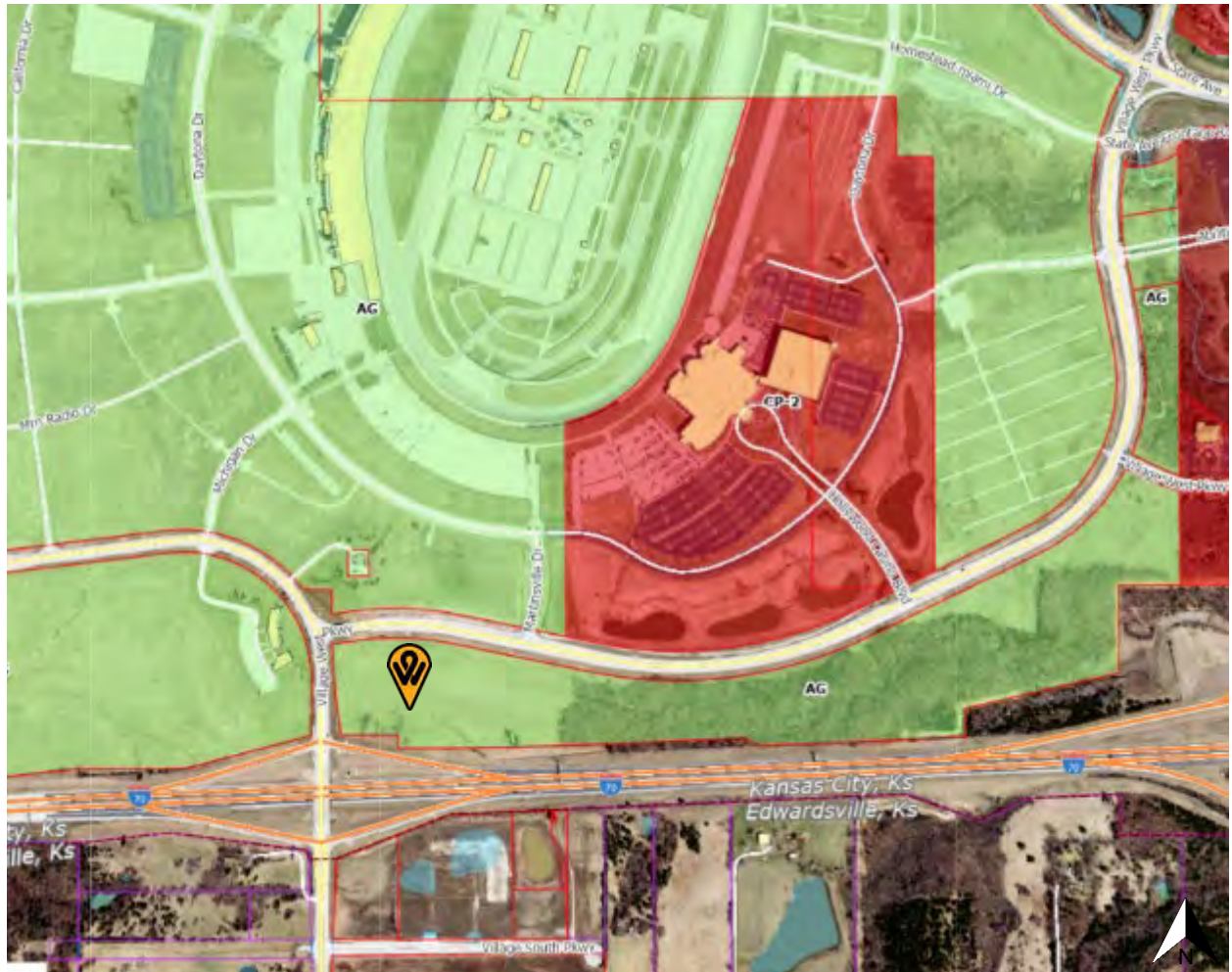
Carson Chairman
Mohler Aye
Schwartz Aye
Straws Aye
Ward Aye
Armstrong Aye
Beth Aye
Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 9 to 0
Subject to the above conditions.

ATTACHMENTS

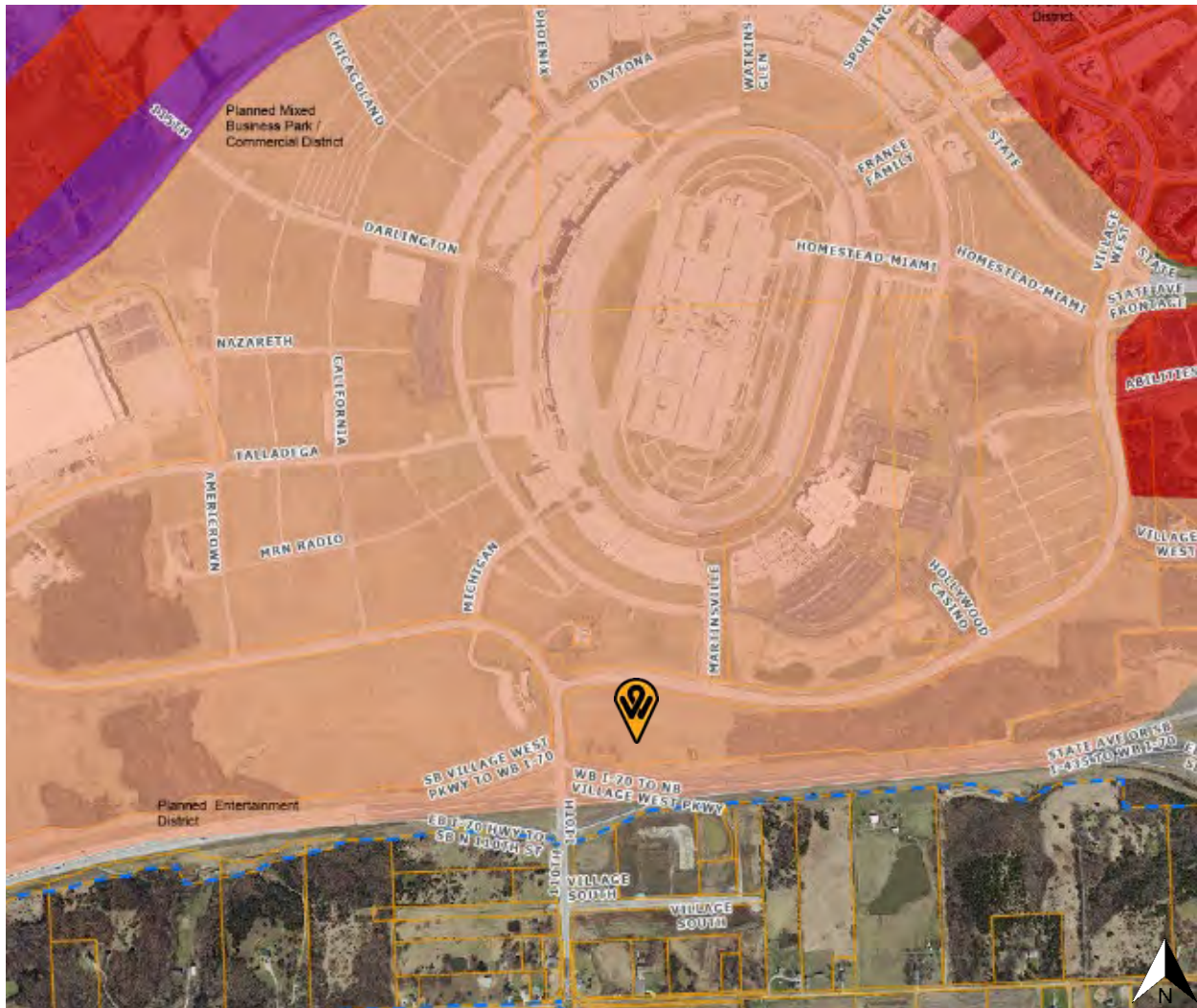
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





September 30th, 2024

Department of Planning + Urban Design
Unified Government of Wyandotte County
Kansas City, KS

**Re: Buc-ee's KCK
Change of Zone Petition (COZ2024-014)
Preliminary Plat Buc-ee's (PLAT2024-013)
Master Plan Amendment (MPL 2024-008)
Comment Response Letter**

Dear Planning and Urban Design Staff,

The purpose of this letter is to provide formal comment responses to the received comments, dated May 17, 2024, for the above-mentioned project. Our responses (**in red**) follow each of the provided comments.

Planning & Urban Design / General:

Comment 1: Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District.

Response: Acknowledged.

Comment 2: Staff understands Buc-ee's is a regional destination, but why is there 560 spaces when only 296 are required? It appears that the impervious footprint can be reduced.

Response: Buc-ee's generous parking requirements are well documented and consistently updated for operational integrity. The high volume of visitors, the longer length of stay, the peak demands, and employee parking requirements adds up to a large number of spaces required.

Resolution: Determined on call that, given the unique nature of the land use, the number of proposed parking spaces is acceptable and no further action is required.

Comment 3: 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. Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

Because this is a destination for not only Kansas Citians, but also regionally, there needs to be connection between detention ponds and amenities for drivers, passengers and potential customers (e.g. dog park, walking trails, etc.).

Response: Please refer to the included site plan which includes vehicular and pedestrian circulation patterns consistent with code requirements. As such, pedestrian connectivity meets code, attached site plan shows pedestrian connectivity between Village West Parkway and the front of the store. Site grading and layout does not provide for connection between detention ponds or walking trails.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with requirements and no further action is required.

Comment 4: Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.

Response: Please refer to the updated site plan where the eastern canopy was shifted east 5 feet to provide a 5-foot wide crosswalk from the Village West Parkway roundabout to the front door of the building.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(10) and no further action is required.

Comment 5: Section 27-575(f)(1) States there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Add sidewalk medians in the parking lot islands and crosswalks through the parking lot on the east and west sides of the building to make a clear, defined pathway for pedestrians. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building.

Response: Accessible parking is currently planned on 3 sides of the building (North, East, and West). The parking on the outer edge of the east and west sides of the site includes island sidewalks to provide pedestrian connectivity throughout the site.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(f)(1) and no further action is required.

Comment 6: Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle).

Response: Please refer to the included site plan where a proposed connection to the Village West Parkway multi-use path is currently shown.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(14) and no further action is required.

Comment 7: The parking spaces adjacent to Village West Parkway, north of the fuel pump canopy can be removed, as there is a surplus of parking on-site, but this will assist in improved site circulation.

Response: Please see Response to Comment 2 above.

Resolution: As agreed on the call, the referenced parking spaces will generally serve as employee parking, be designated as such within the store's operational procedure, and no further action is required.

Comment 8: Section 27-612(6)a.9. No more than one (1) vending machine is permitted per property except as follows:

- a. If the vending machines area is located on a side of the building not facing a road or street then the number of allowed vending machines shall be increased to three (3).
- b. If the vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping approved by the Director of Planning then the number of allowed vending machines shall be increased to three (3).
- c. For every 200 feet that the façade on which the vending machine is located is set back from the nearest road or street right-of-way then the number of allowable vending machines shall be increased by one.

If the landscaping on the north, east and west fully screen the ice chests from public view, incorporating Section 27-577(d)(1), the total number that is illustrated on the site plan can remain.

Response: Per Sec. 27-430 of the Code of Ordinances of Wyandotte County – Unified Government, a vending machine is defined as ‘a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system’. Buc-ee’s Ice Merchandisers are not vending machines.

Resolution: As determined on the call, these Ice Merchandisers are not considered vending machines and therefore not subject to requirements per Sections 27-612(6)a.9 and 27-577(d)(1). No further action is required.

Building Architecture:

Comment 1: The Commercial Design Guidelines allow a maximum of 15 percent EIFS per façade. Stone, brick, veneer, integrally-color textured CMU block and stucco are exterior masonry materials that are permitted. These materials must account for 85 percent of each façade.

Response: The architectural design of the Buc-ee’s building is consistent with all Buc-ee’s Travel Centers completed and/or being constructed to date. This continuity of design is critical to the Buc-ee’s brand and cannot be deviated from. If a Variance will be required to address this issue, please advise.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 2: Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

Faux windows along the east, west and south facades can be used to break up the façade.

Response: Same response as above.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 3: Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.

Response: Architect: All roof drains are internalized. We have one gutter and two downspouts at the compactor area that are not internal, but they are shielded by the gates and stone screen wall. We have 4 overflow drains (lamb's tongue types) that are code required to be visible from the outside.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines and Comment 3 will be revised to indicate the exception for the compactor area gutter and downspouts is accepted.

Landscaping and Screening:

Comment 1: Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced.

Response: Several varieties of native shade and evergreen trees have been included along the southern property line while limits of disturbance in this area will have a native lawn seed mix applied to create a naturalistic design to maintain the rural character of I-70 as outlined in the goDotte Countywide Strategic Mobility Plan. The design includes 32 deciduous trees at 2-inch caliper, and 29 evergreen trees installed at 6' min. height.

Resolution: It was determined on the call that the revised Landscape Plan

materially complies with the intent of the goDotte Countywide Strategic Mobility Plan and no further action is required.

Comment 2: Reforest around the east detention basin.

Response: Acknowledged and provided; see revised Landscape Plan. The reforestation design places 1-inch caliper trees at the eastern edge of disturbance at the rate of 1 tree per 5,000 SF of disturbed forest for a total of 23 deciduous trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with these requirements and no further action is required.

Comment 3: The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

The landscape plan does (not*sic) illustrate landscaping around the foundations of the building.

Response: Buc-ee's structural engineering protocol prohibits "foundation" plantings at the base of the building. Buc-ee's operating and risk management practices prohibit any type of above ground planters, etc, within the perimeter of the building walls to the parking lot. To provide a comparable and more aesthetic alternative to this foundation planting requirement, Buc-ee's has proposed additional landscape islands at the head-in parking areas shown on the attached revised Landscape Plans. If a Variance will be required to address this issue, please advise.

Resolution: It was determined on the call that applicant has addressed the intent of Section 27-577(d)(1) with additional perimeter landscape islands and plantings. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 4: Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater.

Response: Acknowledged and provided. Landscape zone on site is 125' average on the north side and 80' average on the west side between site parking and parking street. Please see Landscape Plan.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(1) and no further action is required.

Comment 5: Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when

planted) provided for every 30 feet of street easement or frontage.

Response: Acknowledged and provided. Please see Landscape Plan for street trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(a) and no further action is required.

Comment 6: Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(b) and no further action is required.

Comment 7: Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Response: Parking screening provided through street trees, traditional shrub plantings, and evergreen trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(e)(4) and no further action is required.

Comment 8: Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-699(a)(6) and no further action is required.

Comment 9: Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Response: Acknowledged; trash enclosure is shown with appropriate screening shrubs.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(g)(3) and no further action is required.

Signage:

Comment 1: Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Comment 2: Pole and pylon signs are prohibited in the Sign Ordinance. Revise your signage accordingly.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Planning Engineering:

Comment A: Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None

Response: Acknowledged.

Comment B: Items that are conditions of approval:

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged. Updated documents included in resubmittal.

Comment C: Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None

Response: Acknowledged.

Standard Conditions:

Comment 1: All landscaping shall be irrigated.

Response: Acknowledged and to be provided. Final Development Plan to include Irrigation Design.

Comment 2: 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).

Response: Acknowledged and provided; see Landscape Plan for plant

specifications.

Comment 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.

Response: Acknowledged; site lighting to comply with this requirement.

Comment 4: 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.

Response: Acknowledged. Appropriate screening provided.

Comment 5: If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.

Response: Acknowledged.

Comment 6: If approved, the applicant 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.

Response: Acknowledged.

Comment 7: A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Acknowledged.



Comment 8: All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged.

Comment 9: A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Acknowledged.

Comment 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.

Response: Acknowledged.

Comment 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.

Response: Acknowledged.

Comment 12: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

Please feel free to call or email if there are any questions.

Very Truly Yours,

John Chamberlin, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

Buc-ee's KCK - Neighborhood Meeting (May 23, 2024 @ 6:00 p.m.)
Sign-In Sheet

[illegible]

MEETING MINUTES:

Application Number COZ2024-014/MPL2024-008/PLAT2024-013

Date and Location: Thursday, May 23, 2024, at 6:00 p.m. (601 Village West Parkway, Kansas City, KS 66111)

Meeting called to order at: 6:00 PM

Names of people in attendance:

1. Stan Beard (Buc-ee's, Director of Real Estate)
2. Patrick Warren (Speedway President)
 - o (913) 526 - 9101
3. Steve Beaumont (Chateau Avalon Hotel Owner)
 - o (913) 593-9565
4. John Chamberlin (Kimley-Horn)
5. Nate Collins (Kimley-Horn)
6. Daniel Hoop (Kimley-Horn)

Introductions

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

- Project Overview – John Chamberlin
 - o 74K building layout.
 - o Relocation of Village West Parkway with new roundabout
 - o Improvements to I-70 interchange.
 - o 3 detention ponds for stormwater runoff
 - o 120 fuel pumps (i.e., 60 stations with two pumps each)
- Steve
 - o Retention ponds?
 - John – Ponds on site will be detention and grassed.
 - o Retaining walls?
 - John – Yes, provided explanation of retaining wall locations and reasoning.
 - o Are Lot 1 and site area acreage different? Or does one capture the other?
 - Conversation regarding plat area and ALTA survey
 - Stan will discuss with Buc-ee's partners regarding limits

- John mentioned site is limited to the east by the 10' CMP pipe and resulting channel that runs through the wooded area.
- Building facades
 - Stone and EIFS
- Stan – What are the landscaping requirements? Types of trees?
 - Landscape plan – John and Nate
 - Based on KCK/UG requirements code.
 - Oak trees one of trees currently proposed.
 - 10' multi-use path on northern side of Village West Parkway
 - Serves as ADA/pedestrian access.
 - Crosswalk location is only location due to grading limitations in other parts of the site.
- Construction phasing and maintaining access for Village West Parkway
- Opportunity to explore variances considering KCK/UG comments.
 - Work collaboratively with all parties to develop mutually beneficial solution.
- Discussion of entitlement schedule
 - 2 potential schedules for remaining submittals
 - Buc-ee's to review potential steps moving forward.
 - Kimley-Horn shared entitlement schedule with Buc-ee's.
- Steve asks if there are electrical vehicle chargers on Buc-ee's site.
 - Stan responded yes, both Tesla and Mercedes
 - Discussion regarding collaboration on use of charging stations with hotel

Meeting adjourned at: 6:45 PM

Minutes taken by: Daniel Hoop

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Florida)
) SS:
COUNTY OF Palm Beach)

Comes now Nathan V. Collins, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2024-014, PLAT2024-013, and MPL2024-008.
2. That I conducted a neighborhood meeting on Thursday, 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.

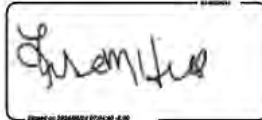
Further affiant saith not.

Nathan V. Collins

Affiant

ACKNOWLEDGED BEFORE ME BY MEANS OF ONLINE NOTARIZATION AND SWORN to before me this 24th day of May, 2024.

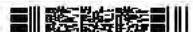
My commission expires:
5/18/2027



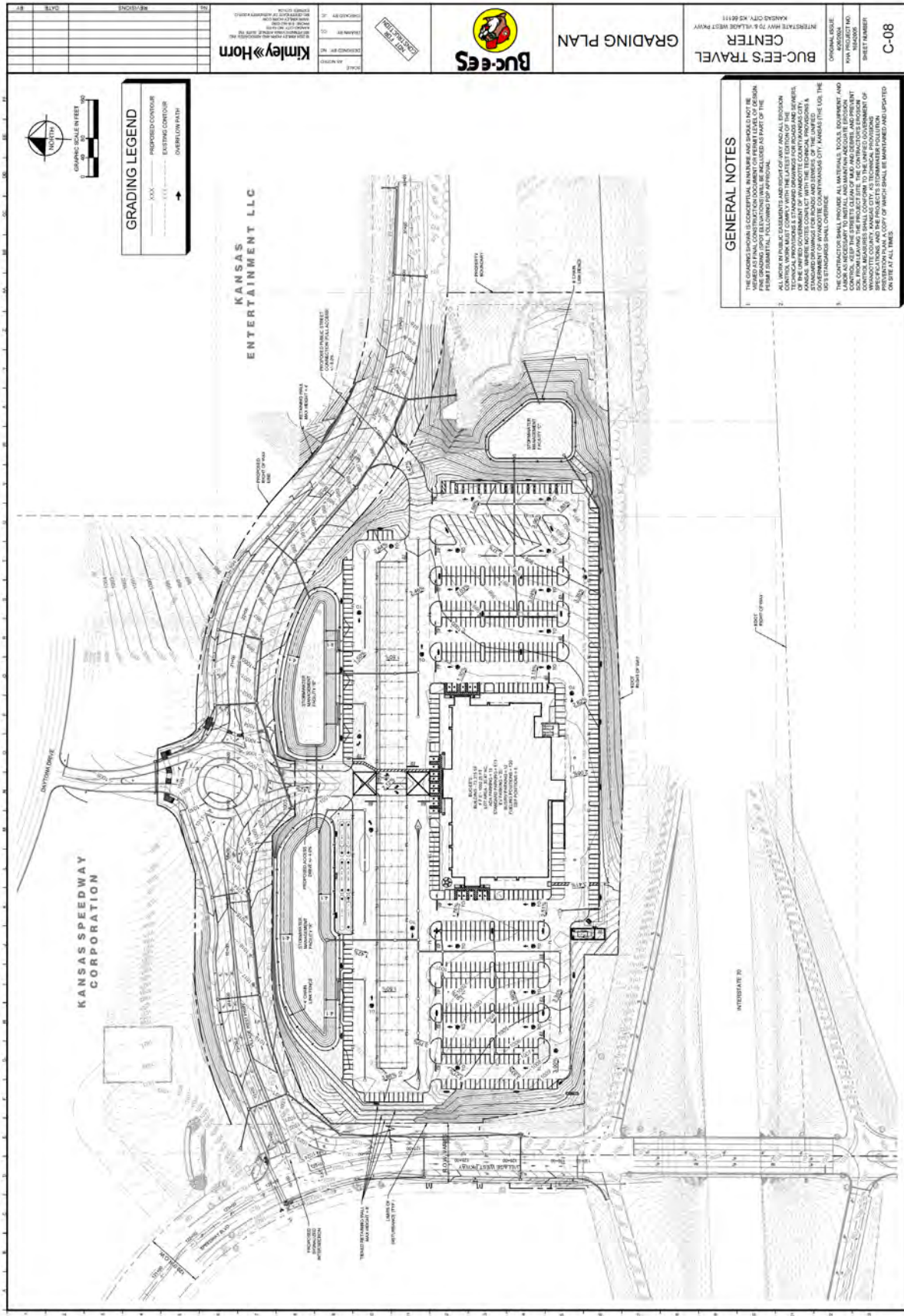
Notary Public

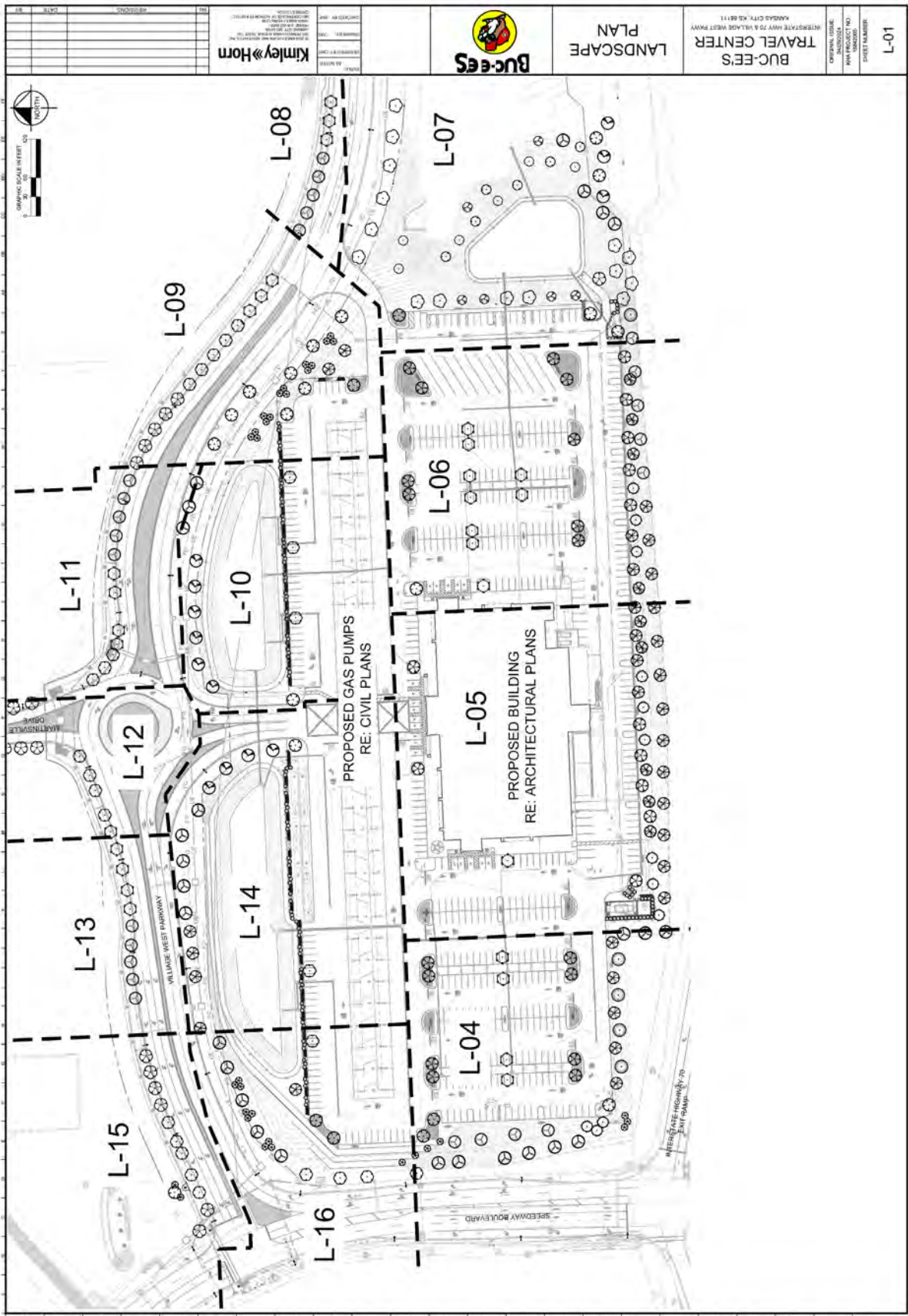
Lisa M. Hill
Commission # HH 363807
Notary Public - State of Florida
My Commission Expires May 18, 2027

Notarial act performed by audio-visual communication









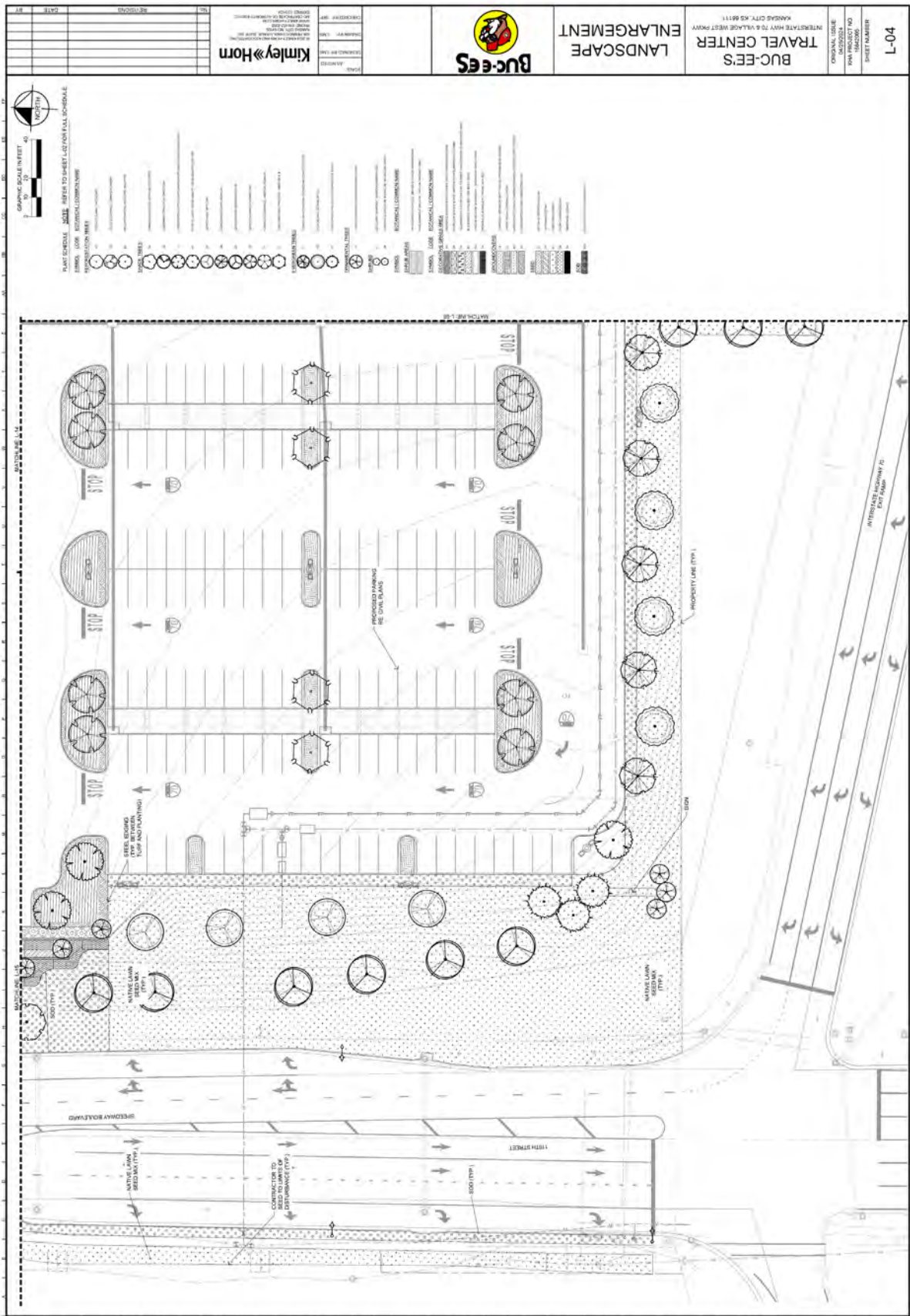




Figure 1. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 2. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 3. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 4. Site Photograph of 601 Village West Parkway looking southeast from Village West Parkway (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: November 7, 2024

Re: Change of Zone Petition COZ2024-027

GENERAL INFORMATION

Applicant Information:

Jason Dandoy
Barden Properties LLC
2105 West 49th Street
Westwood Hills, KS 66205

Subject Property:

4116 Strong Avenue
Kansas City, KS 66106

Requested Action and Purpose:

Approval of a Change of Zone from
R-1(B) Single District to CP-0
Planned Nonretail Business District.

Commission Districts:

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

Existing Zoning District(s):

R-1(B) Single Family District

Proposed Zoning District(s):

CP-0 Planned Nonretail Business
District



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family home
South	R-1(B) Single Family District	Single-family homes
East	R-1(B) Single Family District	Single-family home
West	C-1 Limited Business and R-1(B) Single Family Districts	Restaurant and retail store

Total Tract Size: 0.33 Acre

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates this property as Neighborhood Commercial, which allows small-scale commercial and office development. Uses may include commercial retail, professional office and services.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates 42nd Street and Strong Avenue as Minor Collectors.

Parking Requirement: Sec. 27-463(e) Uses in this district, except those situated in the area herein described as the central business 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. Six (6) spaces are required. 8 spaces are provided.

Landscaping Requirement: Sec. 27-463(g) Trees are required to be provided at not less than one (1) tree per 7,000 square feet of site area. 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.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support:

One person appeared in support at the October 14, 2024, City Planning Commission meeting.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Dandoy with Barden Properties LLC, wants to rezone 4116 Strong Avenue from R-1(B) Single Family District to CP-0 Planned Nonretail Business District to continue to operate and legalize a legal, non-conforming dental office.

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. 2014 – Sign not properly affixed/mounted. Case closed.
2. 2005 – Business sign laying in the yard. Case closed.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

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

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This area is part of the Argentine Statistical Neighborhood, Census Block Group 0427001. The area along South 42nd Street is at the edge of transition between single-family homes and commercial business, as the boundary between Strong Avenue to Metropolitan Avenue on the west side of South 42nd Street are commercial businesses. The majority of the properties on the east side of the street are zoned R-1(B) Single Family District.

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

The zoning and uses of properties nearby are set out above. The proposed use is an existing dental office that will provide parking for employees and customers. This property is bordered by single-family homes to the north, east and south, across Strong Avenue. Across the street to the west is a restaurant and Dollar Tree retail store.

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

Removal of the restrictions will not detrimentally affect nearby property because the proposed zoning district does not allow intense commercial uses/businesses. General, professional, and medical offices are permitted, which is not a noxious use when abutting residential zoning districts. Additional landscaping, screening and buffering is required to be planted along the north and east property lines to shield the parking lot and driveway from public view.

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

The property is not vacant, but it appears that the dental office's business license has not been obtained for the past four (4) years.

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

The proposed use is necessary for patients who need dental care in the Argentine area. The site and building are not changing, other than making repairs to the driveway, parking lot and landscape buffering. The Change of Zone to CP-0 Planned Nonretail Business District only allows office uses and will not permanently injure the appropriate use, visual quality or marketability of nearby property because the use has been in existence since 1987.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use of the building and its parking lot has been in existence since at least 1987. Additionally, most dental offices have high-turnover and are appointment-only and have a high-familiarity with patients.

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

The proposed use conforms to the PlanKCK Comprehensive Plan, which designates this property as Neighborhood Commercial. This designation allows small-scale commercial and office development. Uses may include commercial retail, professional office and services.

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

If the site is properly managed and maintained, the proposed use will not cause environmental harm. There will be additional landscaping planted around the perimeter of the site that will enhance buffering of the use and parking lot from the abutting single-family residences.

9. *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*

UG provides sanitary sewer service.

c. *Storm Water Control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District 331.

e. *Fire*

Fire service is provided by Station #7, located at North 27th Street and Strong Avenue, which is 0.87 mile from the subject property.

f. *Transit*

Kansas City ATA provides transit service at the southeast corner of North 42nd Street and Strong Avenue, approximately 65 feet south, across the street, Route #104.

g. Schools

Public Education is provided by New Stanley Elementary School, Argentine Middle School, and Harmon 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 proposed use will have a minimal economic impact on the community. The property owner will generate commercial property tax for the Unified Government due to the dental office rather than residential property tax if the structure was converted to a single-family residence.

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

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 minimal. If this application is denied, the owner will need a Special Use Permit to be approved in order to use the building as a dental office, convert the building into a single-family residence or wait for one (1) year to re-apply for a Change of Zone to CP-0 Planned Nonretail Business District.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4116 Strong Avenue on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping, Screening and Buffering
Driveway and Sidewalk Improvements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-027, subject to:

1. Keep mature trees on the property and trim back landscaping near the porte-cochere;
2. Install either a privacy fence or additional trees that provide affective landscape screening along the north and east property lines, which abut single-family homes;
3. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
4. Resurface the parking lot and restripe accordingly;
5. Improve the driveway apron along Strong Avenue to comply with the Public Works Department standards;
6. Repair the sidewalk along Strong Avenue simultaneously with the driveway apron;
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. Lighting cannot exceed one (1) footcandle at the property line;
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. 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. If approved, the applicant 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;
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. 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. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning application.

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 **COZ2024-027** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Letter
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Site Photographs taken by Staff on October 3, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-027** 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 **COZ2024-027**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:00:12:

CHANGE OF ZONE APPLICATION COZ2024-027 – JASON DANDROY– SYNOPSIS:

Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District for a legal non-conforming office building at 4116 Strong Avenue.

Detailed Outline of Requested Action: The applicant, Jason Dandroy with Barden Properties LLC, wants to rezone 4116 Strong Avenue from R-1(B) Single Family District to CP-O Planned Nonretail Business District to continue to operate and legalize a legal, non-conforming dental office.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he is recusing himself and turning the meeting over to Vice Chairman Jones, as the Applicant is one of his clients.

Present in Support:

- Jason Dandoy, applicant, Barden Properties, 2105 West 49th Street, Westwood Hills, Kansas
- Stephanie Peugeot Birch, 2100 South 59th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:04:19: Planning Director Hand stated that this Change of Zone is from R-1(B) Single Family District to CP-O Planned Non-Retail Business District. Staff believes this property was included in a downzoning in the 70s, 80s, or 90s. The land use for this property has been commercial for decades. The CP-O zoning is for office, so in the future it could only be a similar type office tenant if this rezoning were to move forward. The property is in the PlanKCK area in the Argentine neighborhood. Staff has received no letters in support nor opposition. There are some older Notices of Violation, which would be addressed by the redevelopment of the property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:06:00:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-027:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. Keep mature trees on the property and trim back landscaping near the porte-cochere;**
- 2. Install either a privacy fence or additional trees that provide affective landscape screening along the north and east property lines, which abut single-family homes;**

3. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
4. Resurface the parking lot and restripe accordingly;
5. Improve the driveway apron along Strong Avenue to comply with the Public Works Department standards;
6. Repair the sidewalk along Strong Avenue simultaneously with the driveway apron;
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. Lighting cannot exceed one (1) footcandle at the property line;
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. 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. If approved, the applicant 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;
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. 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. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning

application.

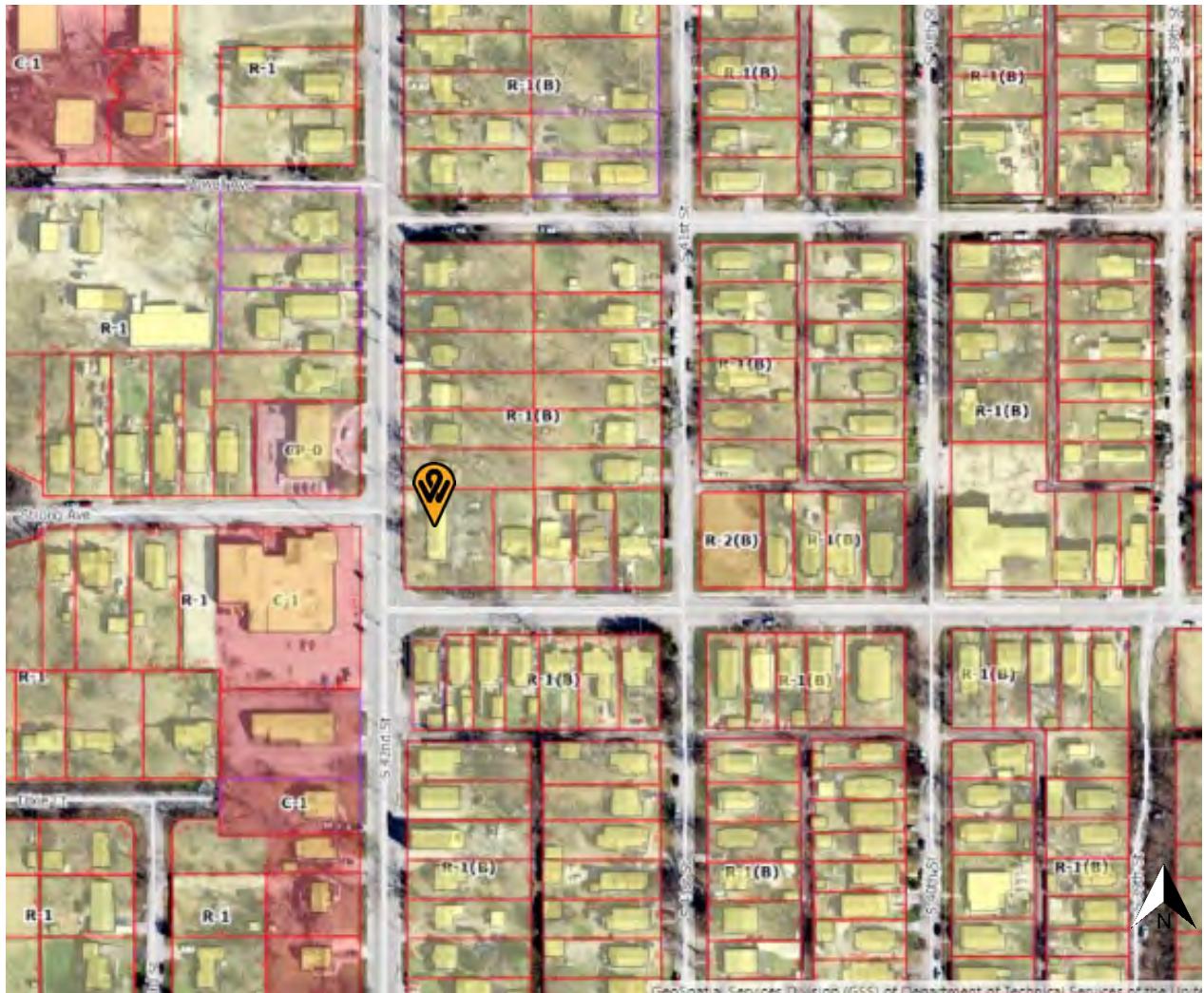
Chairman Carson assumed the chairmanship at 1:07:10.

ATTACHMENTS

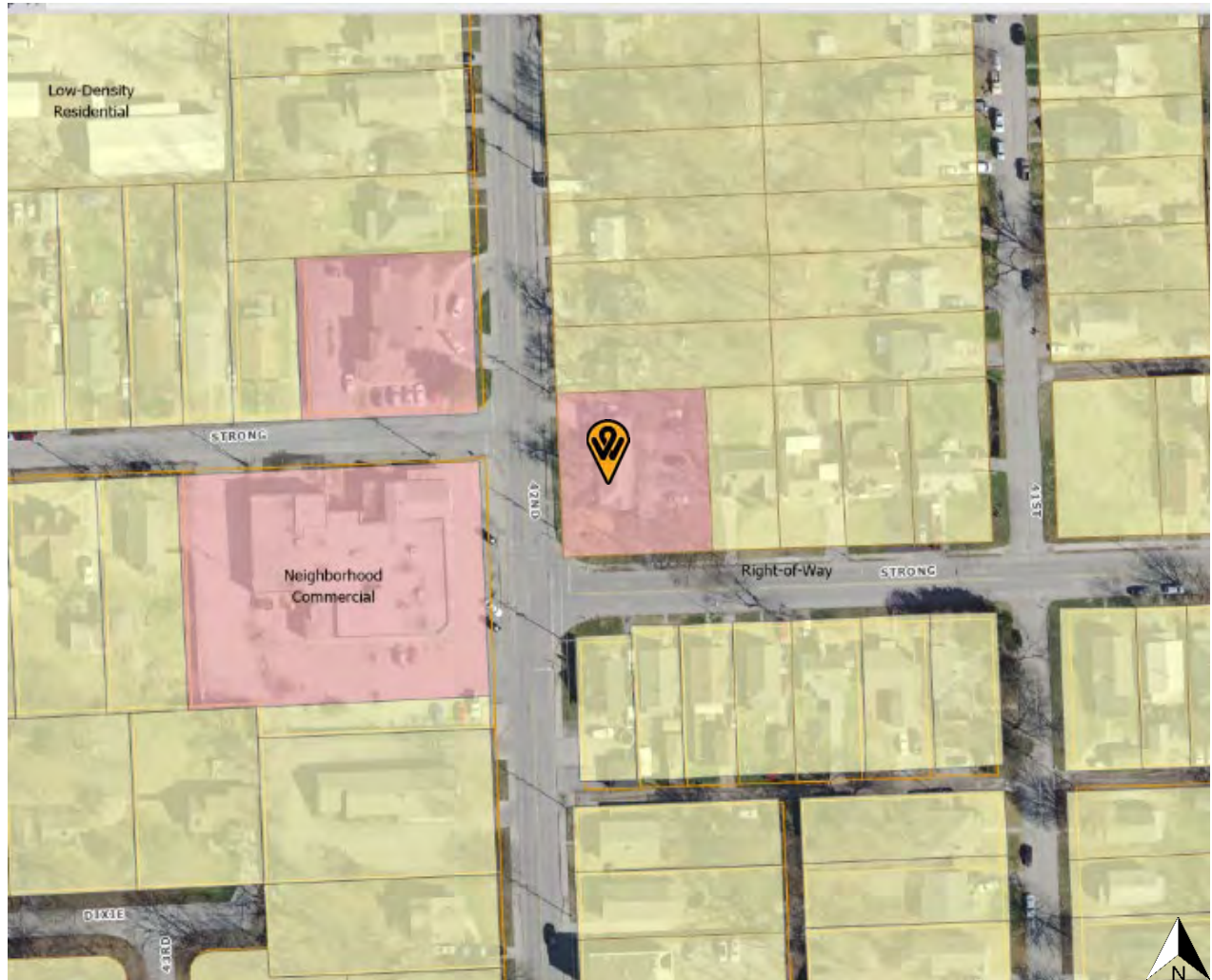
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS

4116 Strong Avenue Property Rezoning Memo

August 16, 2024

4116 Strong Ave.
Kansas City, KS 66106

Dear Mr. or Mrs. City Planner,

I am writing to you in support of Barden Properties LLC. Ownership group and their efforts to rezone their commercial property back to a "Commercial & Industrial – C" zoning classification.

The property's physical address is **4116 Strong Ave., Kansas City, Kansas 66106**. The property is located on the corner of Strong Avenue and South 42nd Street, just east of C-1 and CP-0 commercially zoned properties. Please see the last page for additional property information.

The owner's intent is to return the property back to its original zoning [C-1] with no additional modifications to the property. All existing real estate on the property is to remain in-situ and there are no plans for any building additions or property modifications that would negatively impact the existing stormwater conditions. Therefore, there are no plans to submit a revised stormwater report.

In addition to this memo, the applicant is providing an as-built plan of the existing conditions to remain in addition to photographs of the site to support the as-built plan.

Please reach out with any additional information needed to complete the rezoning request. We look forward to working with the U.G. on the betterment and growth of our community, and bringing back a dental practice that has served our friends and families for several decades.

Sincerely,

Josh Erhart, PLA



September 30, 2024

Change of Zone Petition COZ2024-027

City Planning Commission:

We recently acquired the property at 4116 Strong Ave. and are requesting that the property be rezoned back to a Commercial designation. The building has been home to a dental clinic for over 30 years and has provided care to this community. We plan to continue this service in order to benefit residents. If rezoning is not obtained and the building is repurposed, the lifelong patients and new residents who need care will be negatively impacted. We request your support in allowing the change-of-zone.

The current building tenant is Dr. Steve Brotherson, who intends to continue to practice at this location. We plan to make additional upgrades/improvements to the property in the next few years, which will benefit the patients and community. We are open to working with the city to accomplish the items requested in the "Staff Comments and Suggestions" section but ask that we be provided a 36-month window to complete the needed concrete/asphalt items. We would plan to coordinate that work with other improvements to the property.

Items requested and response:

Improve the driveway apron along Strong Avenue to comply with the Public Works Department standards.

- We will replace the existing driveway apron.

Repair the sidewalk along Strong Avenue simultaneously with the driveway apron.

- We will repair the sidewalk along Strong Ave.

Resurface the parking lot and restripe accordingly.

- We will sealcoat and stripe the parking lot.

Keep mature trees on the property and trim back landscaping near the porte-cochere.

- We will keep existing trees. Additional landscaping will be maintained.

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.

- Install additional plantings to add to the existing vegetation screen.

We value the individuals in this community and hope to be able to serve their dental needs for many years to come. Allowing us to complete these improvements over time would ensure a coordinated and beneficial long-term result for the community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason Dandoy". The signature is written in a cursive, slightly slanted style.

Jason Dandoy

Meeting Sign-In

Project: 4116 Strong Re-zoning

Date: 9/30/24

Time: 5:00

Place/Room: 4116 Strong Ave.

Print Name	Organization	Phone	Email
1. Jason Dandoy	Owner	913-588-3912	dandoy.business@hotmail.com
2. Deanna Barden	owner	913-588-3912	dandoy.business@hotmail.com
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

Jason Dandoy
Barden Properties, LLC
4116 Strong Ave.
Kansas City, KS 66106

Meeting Minutes:

Application Number: COZ2024-027

Date and Location: 9/30/24; 4116 Strong Ave., Kansas City, KS, 66106

Meeting called to order at: 5:00 p.m.

Names of people in attendance: Jason Dandoy
Deanne Barden

Introductions

Presentation by applicant: Shared historical information about use of property and described future use as staying consistent.

Questions and answers:

None

Meeting adjourned at: 5:30 pm

Minutes taken by: Jason Dandoy

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # COZ2024-027.
2. That I conducted a neighborhood meeting on September 30, 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.

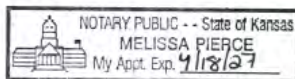
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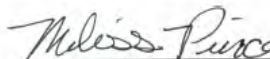


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of October, 2024.

My commission expires 18 of April, 2027





Notary Public



SEPTEMBER 20, 2024

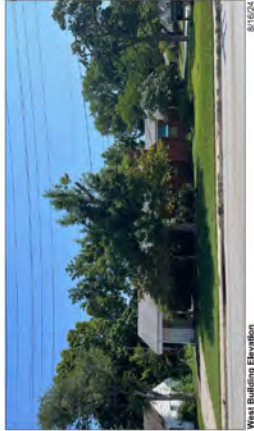
PROPOSED CONCEPT PLAN

4116 STRONG AVE.
KANSAS CITY, KS

L1.1



East Building Elevation



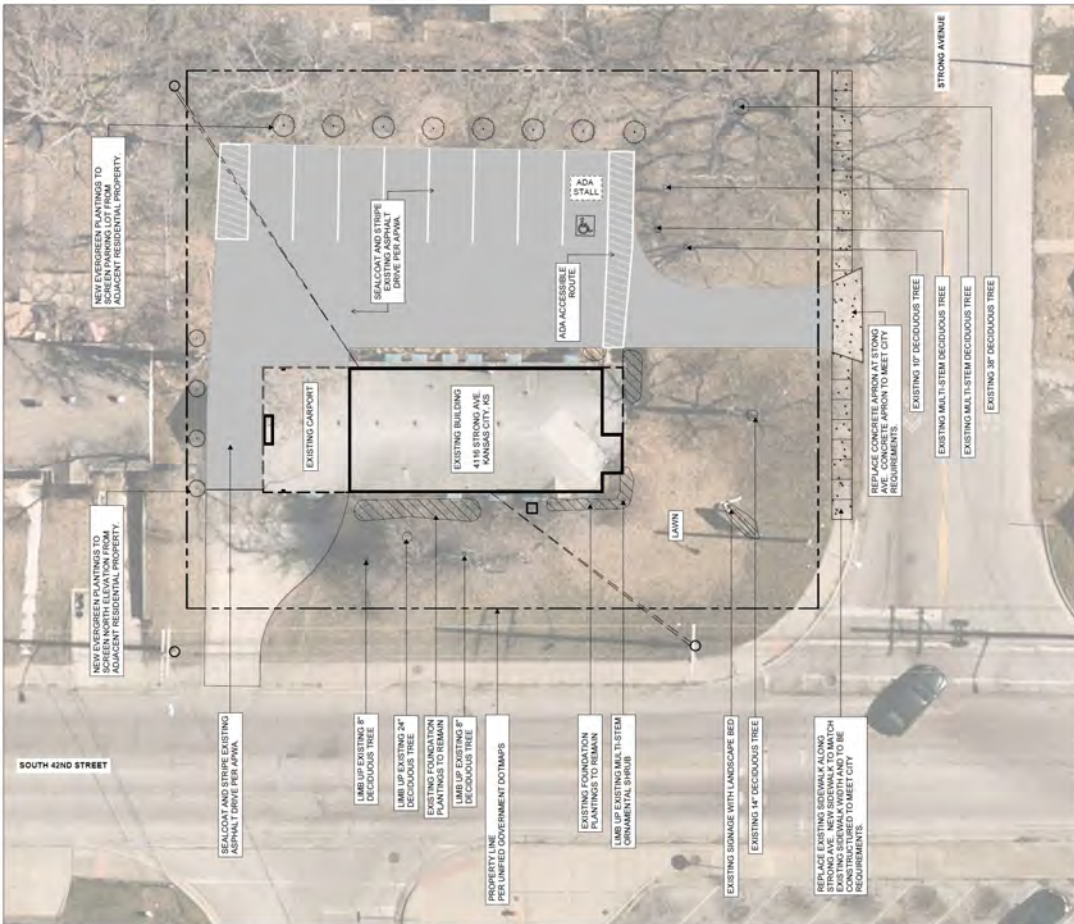
West Building Elevation



North Building Elevation



South Bullfinch Elevator



1116 Strong Ave. Kansas City, KS 66106 | Proposed Conceptual Site Plan



SITE PHOTOGRAPHS









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: November 7, 2024

Re: Change of Zone Petition COZ2024-028

GENERAL INFORMATION

Applicant Information:

James Sullivan
Sullivan Palmer Architects
8621 Johnson Drive
Merriam, KS 66202

Subject Property:

2406 South 51st Street
Kansas City, KS 66106

Requested Action and Purpose:

Approval of a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a building addition, gas canopy and fueling pumps.

Commission Districts:

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

Existing Zoning District(s):

CP-1 Planned Limited Business District



Proposed Zoning District(s):

CP-2 Planned General Business District

	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family homes
South	RP-4 Planned Garden Apartment District	Townhomes (future construction)
East	CP-3 Planned Commercial District	Vacant commercial building
West	C-3 Commercial and RP-4 Planned Garden Apartment Districts	Auto mechanic shop and townhomes (future construction)

Total Tract Size:

0.33 Acre

Comprehensive Plan Area:

PlanKCK Comprehensive Plan

Comprehensive Plan Designation:

The PlanKCK Comprehensive Plan designates this property as Community Commercial, which allows medium-sized box stores with small-scale accessory commercial uses and small-scale commercial centers. While automobile-oriented commercial is allowed, buildings should be built up to the street to form a consistent street frontage with special consideration and prominence given to major block corners and transition to abutting residential uses.

Major Street Plan:

The goDotte Countywide Strategic Mobility Plan designates Gibbs Road as a Minor Collector.

Parking Requirement:

Sec. 27-465(e) Uses in this district, except those situated in the area herein described as the central business 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. 9 parking spaces are required. 17 spaces are provided.

Landscaping Requirement:

Sec. 27-465(g) Trees are required to be provided at not less than one (1) tree per 7,000 square feet of site area. 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.

Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 Letters to Property Owners – September 20, 2024
Public Hearings:	October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jim Sullivan with Sullivan Palmer Architects, has applied for a Change of Zone to rezone from CP-1 Planned Limited Business District to CP-2 Planned General Business District and a Final Development Plan to build a 450 square foot building addition, gas canopy and fueling pumps to turn an existing convenience store into a gas station on 0.51 acres at 2406 South 51st 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. 2014 – Sign not properly affixed/mounted. Case closed.
2. 2005 – Business sign laying in the yard. Case closed.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

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

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This area is part of the Turner Statistical Neighborhood, South Turner Neighborhood Group, Census Block Group 0436002. The area along Gibbs Road is comprised of commercial businesses, an automotive repair shop, vacant bowling alley, and car wash. The majority of the properties on South 51st Street are commercial businesses with the exception of the former KCKFD Station #17, which has been relocated to South 55th Street and Douglas Avenue. Dodson Avenue to the south in the beginning of the Highland Crest single-family neighborhood.

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

The zoning and uses of properties nearby are set out above. The proposed use, a convenience store and additional fueling pumps will provide an opportunity for residents in the area as the closest gas station is at I-635 & Kansas Avenue. This property is bordered by a mechanic shop to the west, the entrance/exit of a townhome development (under construction) to the south, a vacant commercial building to the east, and single-family homes to the north, across Gibbs Road.

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

Removal of the restrictions will not detrimentally affect nearby property because the proposed zoning district is not out of character with the other commercial districts in the vicinity. There is not a significant difference between C-1 and C-2 uses except the increased number of gas pumps that are permitted and the allowance of automotive related uses (car lots, car washes, and mechanic and tire shops). Additional landscaping, screening and buffering is required to be planted along the west and south property lines to shield the parking lot and driveway from residentially zoned 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 is not vacant. The convenience store has been operating at this location through various operators/owners since 1998.

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 necessary for residents in the vicinity who have to travel a few miles to a gas station. The applicant and property owner are required to

install additional landscaping and screening as well as other site and building improvements to buffer the gas station/convenience store and parking from residentially zoned property, which should not 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 not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems, however, Public Work Department and Planning Engineering are reviewing the project to determine if a Traffic Impact Study or Traffic Memorandum is necessary. The applicant is closing one of two curb cuts along South 51st Street and reducing the width of the southern ingress/egress onto South 51st Street.

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

The proposed use conforms to the PlanKCK Comprehensive Plan, which designates this property as Community Commercial. This designation allows 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. While automobile-oriented commercial is allowed, buildings should be built up to the street to form a consistent street frontage with special consideration and prominence given to major block corners and transition to abutting residential uses.

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

If the site is properly managed and maintained, the proposed use will not cause environmental harm from the outset, however, long-term, if the site ever closes, adding a gas tank creates a future brownfield. There will be additional landscaping planted around the perimeter of the site that will enhance buffer the use and parking lot from the abutting future multi-family development.

9. *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*

UG provides sanitary sewer service.

c. Storm Water Control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District 334.

e. Fire

Fire service is provided by Station #17, located at North 55th Street and Douglas Avenue, which is 0.71 mile from the subject property.

f. Transit

Kansas City ATA does not provide transit service to or near the 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

See item #6 above.

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

The proposed use will have a minimal economic impact on the community. The property owner will generate more commercial property tax and sales/gas tax for the Unified Government with the installation of fueling pumps rather than simply operating a convenience store.

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

With revisions to the site plan and landscape plan, the proposed use is capable of meeting applicable ordinance and other requirements, specifically all of the Commercial Design Guidelines.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owner will need to amend the application to have fewer fueling pumps or modify

their application in a manner that complies with the Factors to Be Considered.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 2406 South 51st Street on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping, Screening and Buffering
Driveway and Sidewalk Improvements
goDotte Countywide Strategic Mobility Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-028, subject to:

1. **Per the goDotte Countywide Strategic Mobility Plan designates the south side of Gibbs Road and the west side of South 51st Street as a priority sidewalk. Install a sidewalk five (5) foot sidewalk along both streets, so the sidewalk cannot connect to the future townhome development property to the south;**
 - a. **Establish a connection along the north property line that links to the existing sidewalk on the north side of Gibbs Road, adjacent to South 51st Street;**
2. **Resurface and restripe the parking lot;**
3. **Adhere to Accessory Uses for vending machines, donation bins and collection facilities per Sec. 27-612(6–8);**
4. **Sec. 27-576(e)(2) Exterior building materials shall not include the following:**
 - a. **EIFS at the ground level or comprising more than 15 percent of any façade.**
 - b. **Metal paneling can only account for 15 percent of any façade;**
5. **Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;**
6. **Enhance landscaping along the south, east and west property lines;**
7. **Per Sec. 27-466(g) The rear property line that abuts the residential zoning district (RP-4 Planned Garden Apartment District) requires a six (6) foot high architectural screening along all side and rear property lines common to or across an alley from residentially zoned property. The privacy fence must have opaque, comprised of wood or metal panel with masonry columns every 32 feet running;**
8. **Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements; Per Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.51 acres, six (6) trees are required based on**

Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;

9. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
10. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. As denoted on the site plan, the existing obsolete pole sign shall be removed;
13. Remove all accessory signs plastered on the front and sides of the building and window signs that do not comply with the Sign Code.
 - a. 25 percent of the window can be covered by a window sign;
14. Per Sec. 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 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 new landscaping shall be irrigated;
 17. 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;
 18. 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. Lighting cannot exceed one (1) footcandle at the property line;
 19. If approved, the applicant 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;
 20. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 22. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. 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;
 24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 25. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall

terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **COZ2024-028** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 30, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Site Paving Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on October 8, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-028** 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 **COZ2024-028**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:07:15:

CHANGE OF ZONE APPLICATION COZ2024-028 – JIM SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a fueling station and convenience store at 2404 South 51st Street.

PLAN REVIEW APPLICATION PR2024-025 – JIM SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS: Final Development Plan for a fueling station and convenience store at 2404 South 51st Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 14, 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.

Planned Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Mr. Lateef, owner, 2406 South 31st Street, Kansas City, Kansas
- Jim Sullivan, applicant, Sullivan Palmer Architects, 8621 Johnson Drive, Merriam, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:11:23: Planning Director Hand stated that the request is for a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District and a Final Development Plan, which allows for gas pumps. The property is currently a convenience store. The property is in the PlanKCK area in the Turner neighborhood. Staff received no letters in support nor in opposition. There are some Notices of Violation, all of which have been closed and addressed by the Applicant or would be addressed by the expansion and renovation of the current property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:12:28:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-028:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. Per the goDotte Countywide Strategic Mobility Plan designates the south side of Gibbs Road and the west side of South 51st Street as a priority sidewalk. Install a sidewalk five (5) foot sidewalk along both streets, so the sidewalk cannot connect to the future townhome development property to the south;
 - a. Establish a connection along the north property line that links to the existing sidewalk on the north side of Gibbs Road, adjacent to South 51st Street;
2. Resurface and restripe the parking lot;
3. Adhere to Accessory Uses for vending machines, donation bins and collection facilities per Sec. 27-612(6-8);
4. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - b. EIFS at the ground level or comprising more than 15 percent of any façade.
 - c. Metal paneling can only account for 15 percent of any façade;
5. Gasoline pump canopies shall have masonry wrapped columns that match

- the convenience store;
6. Enhance landscaping along the south, east and west property lines;
 7. Per Sec. 27-466(g) The rear property line that abuts the residential zoning district (RP-4 Planned Garden Apartment District) requires a six (6) foot high architectural screening along all side and rear property lines common to or across an alley from residentially zoned property. The privacy fence must have opaque, comprised of wood or metal panel with masonry columns every 32 feet running;
 8. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
 9. Per Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.51 acres, six (6) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
 10. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
 11. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - c. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
 - d. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
 12. 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;
 13. As denoted on the site plan, the existing obsolete pole sign shall be removed;
 14. Remove all accessory signs plastered on the front and sides of the building and window signs that do not comply with the Sign Code.
 - b. 25 percent of the window can be covered by a window sign;
 15. Per Sec. 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. 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;
 17. All new landscaping shall be irrigated;
 18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 19. 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. Lighting cannot exceed one (1) footcandle at the property line;
 20. If approved, the applicant 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;
 21. 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;
 22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 23. 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;
 24. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 25. 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. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the

landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-025:**

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

Motion to APPROVE Passed: 9 to 0
Subject to the above conditions.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP





30 September 2024

MR. BYRON TOY, AICP
PLANNING AND URBAN DESIGN
UNIFIED GOVERNMENT
701 N 7TH STREET, KANSAS CITY, KS. 66101

RE: CHANGE IN ZONE PETITION COZ2024-028 AND PR2024-025
2406 S 51ST STREET SERVICE STATION

This letter is in response to your plan review. The responses as follows correspond with your plan review numbers.

APPLICATION REVIEW- STAFF COMMENTS

PLANNING AND URBAN DESIGN COMMENTS:

1. SITE PARKING: The site plan currently has 17 parking spaces, which we hope to maintain unless site mobility becomes an issue.
2. PROPOSED HOURS OF OPERATION: The business owner intends to maintain a 6:00 AM to 12:00 PM hours of operation.
3. SIDEWALKS: The site plan now includes sidewalks along both streets. Refer to Sheet AS-2.
4. RESURFACE AND RESTRIPE PARKING LOT: The site plan now calls out for the existing parking lot to be resurfaced and restriped. Refer to Sheet AS-2
5. UTILITY PLAN: Sheet U-1 shows the location of the existing sanitary sewer, however there will be no revisions to additions to the sanitary or storm water lines.
6. ACCESSORY USES: Note acknowledged.

BUILDING ARCHITECTURE

1. PROVIDE COLORED ELEVATIONS: Colored elevations are attached herewith. See Sheet E of drawing set.

8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152

2. GAS CANOPY ELEVATIONS: Gas Canopy Elevations are added to the building colored elevations, sheet E1.
3. GAS CANOPY SUPPORT COLUMNS: The support columns are shown as masonry on the colored elevations and on the Site Plan AS-1.

LANDSCAPING REVIEW:

1. ENHANCE LANDSCAPING ON THE S, E AND WEST PROPERTY LINES: The east property line shows a continuous hedge to screen pumps and parking while adding trees at less than 30' o.c.. The south property line has added a continuous opaque fence, while maintaining previously shown shrubs and trees. The west property line not shows a continuous opaque fence with masonry columns. See Sheet L1

2. OPAQUE FENCE AND POSTS: As noted above, a 6' opaque fence with masonry posts at 32' o.c. is now shown against the residentially shown properties.

3. SCREENED PARKING: The parking areas on the site have been screened from adjacent streets by a continuous hedge along the east property line, by a hedge located west of the north parking and by a continuous 6' opaque fence located along the south property line.

4. LANDSCAPING TREES: 6 trees are shown along the south and west property lines.
5. ROWS OF SHRUBS: As noted above, a continuous row of shrubs is noted north of the building along the west property line and along the east property line.
6. TREE SPACING: So noted.
7. TRASH BINS: A trash enclosure has been shown along the west property line at the south area. The enclosure, which has been detailed, shows a masonry wall with gate at 7' height.

SIGNAGE:

1. POLE SIGN: This pole sign has been noted to be removed on Sheet AS-1.
2. ACCESSORY SIGNS: So noted.
3. SIGN PERMIT: So noted.

STANDARD CONDITIONS:

1. ORDINANCE PUBLICATION FEE: Payment requirement is so noted.
2. OVERSTORY TREES: Tree size so noted and called out on landscape schedule.
3. LANDSCAPE IRRIGATION: The landscape is noted to be irrigated on the Landscape Plan, Sheet L1.
4. SIGN PERMIT: So Noted.
5. EXTERIOR LIGHTING: Lighting requirements so noted.
6. BUSINESS OWNERS LICENSE: License requirement so noted.

8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152

-
7. BUILDING PERMIT: Permit so noted.
 8. UG STANDARD CURB CUTS: Curb cut requirement so noted.
 9. RIGHT OF WAY PERMIT: Requirement for permit for work in the Right-of-Way is so noted.
 10. PLANNING ENGINEERING COMMENTS: Compliance with Planning Engineering comments is so noted.
 11. PROJECT ABANDONMENT: This time schedule for abandonment of project is so noted.

Respectfully yours,
Sullivan Palmer Architects, Inc.

Jim Sullivan



8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152



SIGN-IN SHEET

Nick Atkins 5125 Harmony Dr 913-731 1195

TERRY BUSING 2422 S 51 ST 913 980-1526

Alex Manriquez 8809 NE 116th St 916-605-9702
Alex Manriquez

Cosmo Cuatrecasas 2322 Key LN. 913-498-3650

Manuel Cruz 2531 S 52 St

Brown A Pair 2521 S 52 St 913-405-8245

Rubén González 2531 S 52 St 913-208-2321

Glenn Flores 2531 S 52 St 913 808 8706

Marivel Fernandez 5146 Harmony Dr 91999-8464

Bonnie Luna 2521 S 52nd 913-346-2036

Roberto Cruz 2537 S 52nd St 913 222 9099

Manuel C Briones 2522 So 52nd 913 309-9236

Julio Marino 5142 Harmony Dr. Kansas City
KS 913 481 2528

Krusty Quick 2437 S 53 Lane 913-226-0553

Dent & Detail 5114 Gibbs Rd Ks - 913-208-8375

Jose M Ramirez 2521 S 51 Terr - 913-636-7816

Nikki Harris 2148 S. 50th St. - 913 396 2848

Mohammed Uddin 8811 W 118th Terr of Ks - 816-914-9017.

Antonio Lopez 4451- Louisa - 913-265 9358

Shahana Chowdhury 9609 W. 51st 816-288-2427

Meeting Minutes

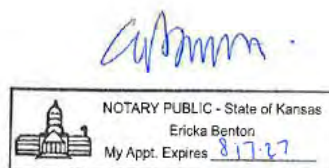
Meeting Date & Time: September 30th 24 at 6.00 pm

Meeting Location: 2406 S. 51st Street, Kansas City, Kansas-66106.



People in attendance:

1. Mis. Teresa Johnson
2. Mr. Ricardo
3. Mr. Nick Atking
4. Mis. Terry Busing
5. Mr. Alex Manriquez
6. Mr. Casey Carter
7. Mr. Manuel Cruz
8. A Paiz
9. Mr. Rusty Cruz
10. Mis Elena Flores
11. Mr. Marivel Fernandez
12. Mr. Bomel Gunna
13. Mr. Roberto Cruz
14. Mr. Manul



15. Mis Julio Marino
16. Mr. Party Quick
17. Dent and Detail
18. Mr. Jose Ramirez
19. Mis Nikki Harris
20. Mohammed Uddin
21. Antonio Lopez
22. Mr. Haris
23. Mis Shahana

Mr. Latif welcome to everybody to attended in the meeting. He also explains why and how they are thinking to improve the store and add a Fuel pumps.

After that Mr. Jim Sullivan displayed all those maps and picture and explain in detailed about the project. Like:

1. How many pumps and their locations
2. Entrance and exit
3. Perkins
4. Building additions and plans to use. Etc.

After that asking those participants about their opinion about the project. The following were discussed in the meeting:

Mr. Casey Carter: It will be very helpful for him; he owns landscaping business and will able to fill up his gas close by.

Mr. Ricardo (RM Tech Auto) and Dent and Detail: After adding the gas pumps hopefully more traffic will be here and will bring more customer for their business.

Mis. Teresa Johnson: Asking for timeline for this project. Mr. Latif explain that, Kansas Department of Health and Environment already issue the permit. Also explained about the city approval process. Hopefully if everything goes smooth by November'24 physical work will be started.

Mr. Manuel Cruz: Asking for store hours after project done. Mr. Latif explain that, tentative plan is some days 6:00 am to 11:00 pm and some days up to midnight. But it's depending on the business. If everything goes expected they may be 24 hours. Participants suggested for 24 hours open. If not possible at list gas pups need to be open for 24 hours.

Mr. Rustey Cruz: Asking about the extension part of the building. Mr. Jim explain again about its construction and it will be use as walking cooler.

After open discussion Mr. Latif invited all participants to joints for snacks and drinks.

Meeting Adjourned at 7:30 pm.

Minutes taken by: Latif Chowdhury.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # COZ2024-028
2. That I conducted a neighborhood meeting on _____.
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.

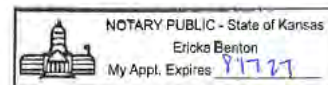
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2 day of October, 2000 2024

My commission expires 17 of August, 2005 2027


Notary Public



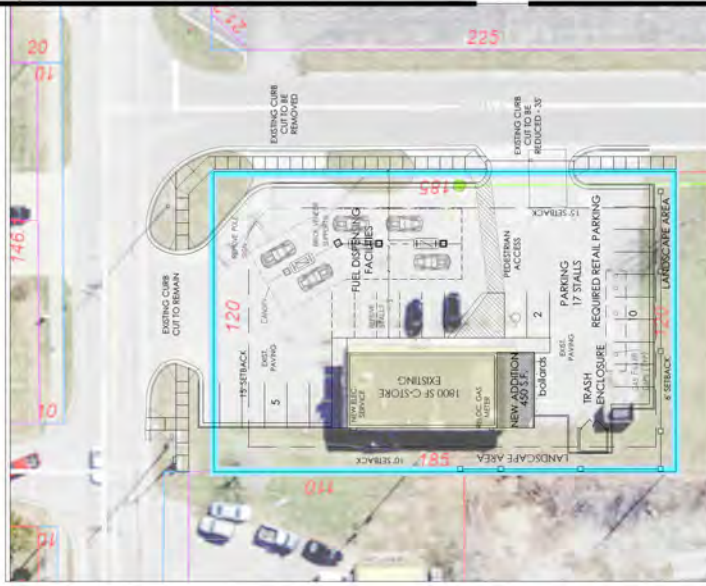


**PRELIMINARY DESIGN
CONVENIENCE STORE RENOVATION**
2406 S. 51st STREET, KANSAS CITY, KANSAS

**SULLIVAN
PALMER
ARCHITECTS**

Date: 8-24-24
Revision:

Drawn by:
Sheet:
AS-1
Site Plan



1 SITE PLAN
AST 10'-0" = 1'-0"

PROJECT INFORMATION:
BUILDING ADDRESS: 2406 S. 51ST STREET, KANSAS CITY, MO
BUILDING OWNER: M&H MART
2406 S. 51ST STREET, KANSAS CITY, MO

CODE ITEMS:
2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL PLUMBING CODE
2017 NATIONAL ELECTRICAL CODE
2018 INTERNATIONAL FIRE CODE
ANSI A117.1 ACCESSIBILITY

SITE DATA:
EXISTING ZONING: CP-1
LANDSCAPE AREA: 3,017 S.F. (INCH PARKING)
SITE AREA: .51 ACRES
SITE PARKING: 17 STALLS

BUILDING DATA:
EXISTING BUILDING AREA: 1,800 S.F.
NEW BUILDING AREA: 453 S.F.

LEGAL DESCRIPTION:
SEC. 34, T2N-11, R10E-24, S34, T11, E24 ACRES .5
500-C-1-8, BECT 4891.5 OF NW COR NE 1/4 S
18951 E 120TH N 189PT. W 120PT TO POB.

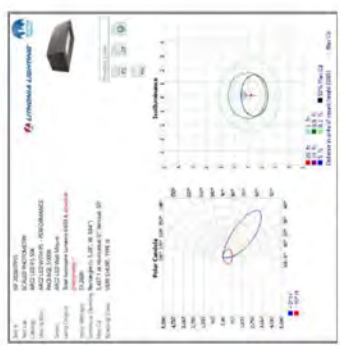
BUILDING USE:
RETAIL SERVICE STATION



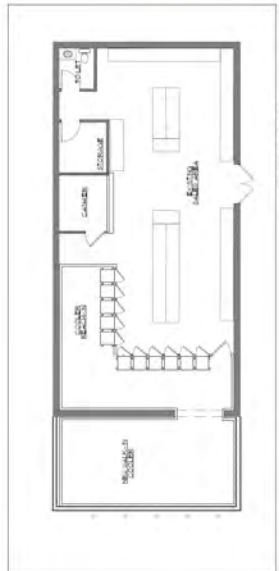
FRONT ELEVATION



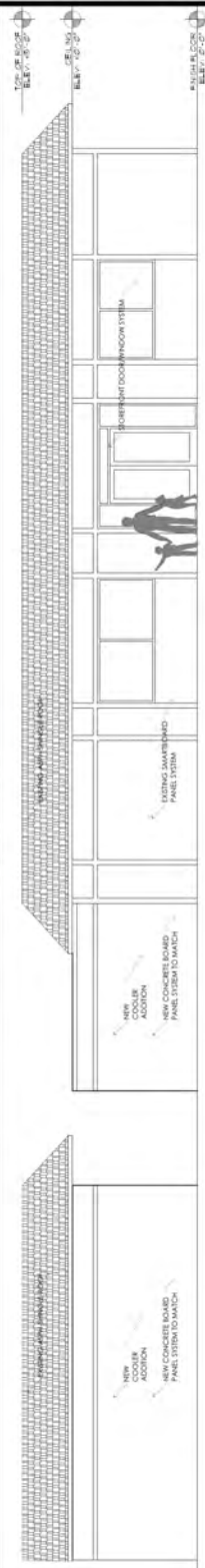
SIDE ELEVATION



EXTERIOR LIGHTING



3 FLOOR PLAN
AST 10'-0" = 1'-0"



2 FRONT ELEVATION
AST 10'-0" = 1'-0"

3 SOUTH ELEVATION
AST 10'-0" = 1'-0"



UNITED - UNITED WALL OF PROTECTED THE BOARDS
UNITED THE AS ABOVE





PRELIMINARY DESIGN
CONVENIENCE STORE RENOVATION
2406 S. 51st STREET, KANSAS CITY, KANSAS

SULLIVAN
PALMER
ARCHITECTS

Date: 9-25-24
Revision: _____

Drawn By: _____
Sheet: _____



1 | LANDSCAPE PLAN
Scale: 1" = 20'

LANDSCAPE SCHEDULE			
KEY	COMPONENT NAME	NOTATION	QUANTITY
1	1" x 6" x 6' PLANK	1" x 6" x 6' PLANK	1
2	2" x 4" x 6' PLANK	2" x 4" x 6' PLANK	1
3	3" x 6" x 6' PLANK	3" x 6" x 6' PLANK	1
4	4" x 6" x 6' PLANK	4" x 6" x 6' PLANK	1
5	5" x 6" x 6' PLANK	5" x 6" x 6' PLANK	1
6	6" x 6" x 6' PLANK	6" x 6" x 6' PLANK	1
7	7" x 6" x 6' PLANK	7" x 6" x 6' PLANK	1
8	8" x 6" x 6' PLANK	8" x 6" x 6' PLANK	1
9	9" x 6" x 6' PLANK	9" x 6" x 6' PLANK	1
10	10" x 6" x 6' PLANK	10" x 6" x 6' PLANK	1

LANDSCAPE NOTES:

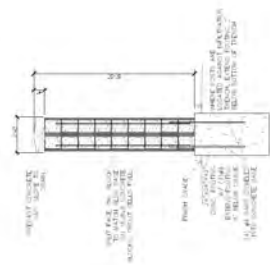
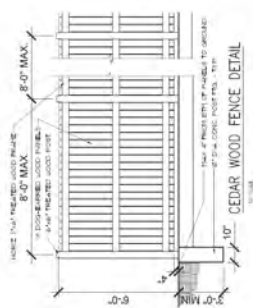
1. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR.
2. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR.
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9. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR.
10. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR.

SITE NOTES:

1. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
2. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
3. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
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10. LANDSCAPE SCHEDULE TO THE CONTRACTOR.

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9" x 6" x 6' PLANK
10" x 6" x 6' PLANK



BRICK POST DETAIL



EAST ELEVATION

SITE PHOTOGRAPHS









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: November 7, 2024

Re: Special Use Permit Petition SP2024-040

GENERAL INFORMATION

Applicant Information:

Cody Foltz
Owner
4024 Northwest Claymont Drive
Kansas City, MO 64116

Subject Property:

2100 North 70th Street
Kansas City, KS 66109

Requested Action and Purpose:

Approval of a Special Use Permit to operate a short-term rental. This is not the applicant's primary address.

Commission Districts:

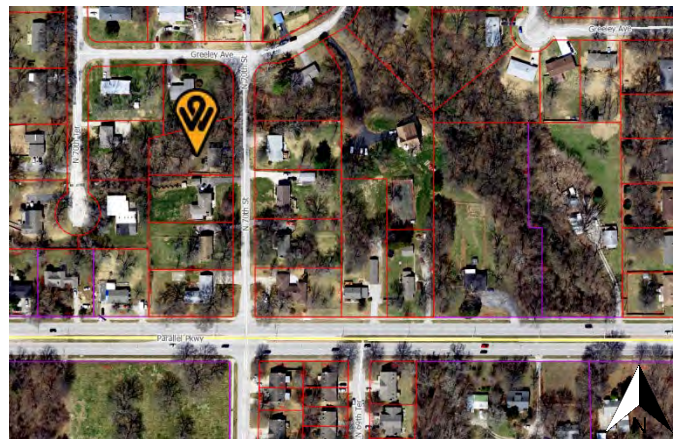
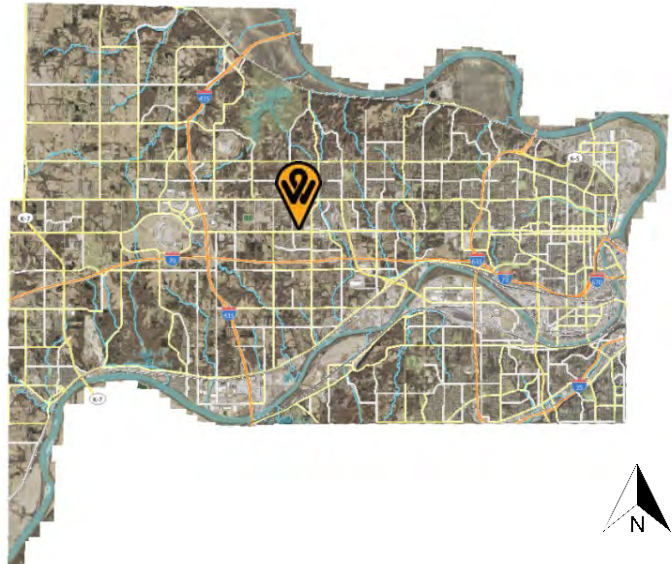
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

R-1 Single-Family Residential

Comprehensive Plan Area

PlanKCK Comprehensive Plan



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

Total Tract Size: 0.46 Acre

Comprehensive Plan Area: PlanKCK Comprehensive Plan

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. Development in these areas should provide adequate open space to maintain the neighborhood character.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 70th Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-454 (e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The subject property provides three (3) parking spaces, one (1) of which is covered.

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

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024, June 30, 2024, August 2, 2024 and September 17, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cody Foltz, is requesting a Special Use Permit to operate a short-term rental at 2100 North 70th Street, Kansas City, Kansas 66109. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2100 block of North 70th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 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 Victory Hills Statistical Neighborhood and the Leavenworth Road Association Neighborhood Business Group. The neighborhood consists of primarily single-family residences. The subject property is located to the North of Parallel Parkway, which is a mixed-use commercial corridor.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to Parallel Parkway, which is a commercial corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

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

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

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

The property has been vacant since January 2024.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Development in these areas should provide adequate open space to maintain the neighborhood character. The proposed use conforms to the PlanKCK Comprehensive Plan designation.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of North 70th 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, single-family 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 established single-family 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 will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

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. Staff recommends a maximum of seven (7) occupants without the obtainment of a Kansas State Lodging License, which is required for lodging establishments with more than seven (7) guests. 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 the West Wyandotte Public Library 1737 N. 82nd Street, Kansas City, KS 66112, Conference room B on August 8, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-040, **for one (1) year**, subject to:

- 1. The applicant must maintain liability insurance;**
- 2. All items listed in the summary of repairs in the home inspection report must be completed;**
- 3. The maximum number of STR renters or guests shall be 7;**
- 4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must post a copy of the Ordinance granting permission to operate**

- the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 12. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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 shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-040** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-040** 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 **SP2024-040**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-040 – CODY FOLTZ – SYNOPSIS:

Special Use Permit for a Short-Term Rental at 2100 North 70th Street. Detailed Outline of Requested Action: The applicant, Cody Foltz, is requesting a Special Use Permit to operate a short-term rental at 2100 North 70th Street, Kansas City, Kansas 66109. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2100 block of North 70th 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 October 14, 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:

- Cody Foltz, applicant, 4024 Northwest Claymont Drive, Kansas City, MO 64116

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:17:00: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the PlanKCK area in the North Mid-Town neighborhood. Staff received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year subject to the conditions in the staff report which includes a maximum of seven (7) people on site and three (3) cars off-street.

Motion starts at 1:17:35:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-040 for one (1) year:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye

Armstrong Aye
Beth Aye
Easterwood Aye
Ernst Aye
Jones Aye
Miller Aye

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. The applicant must maintain liability insurance;
2. All items listed in the summary of repairs in the home inspection report must be completed;
3. The maximum number of STR renters or guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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;

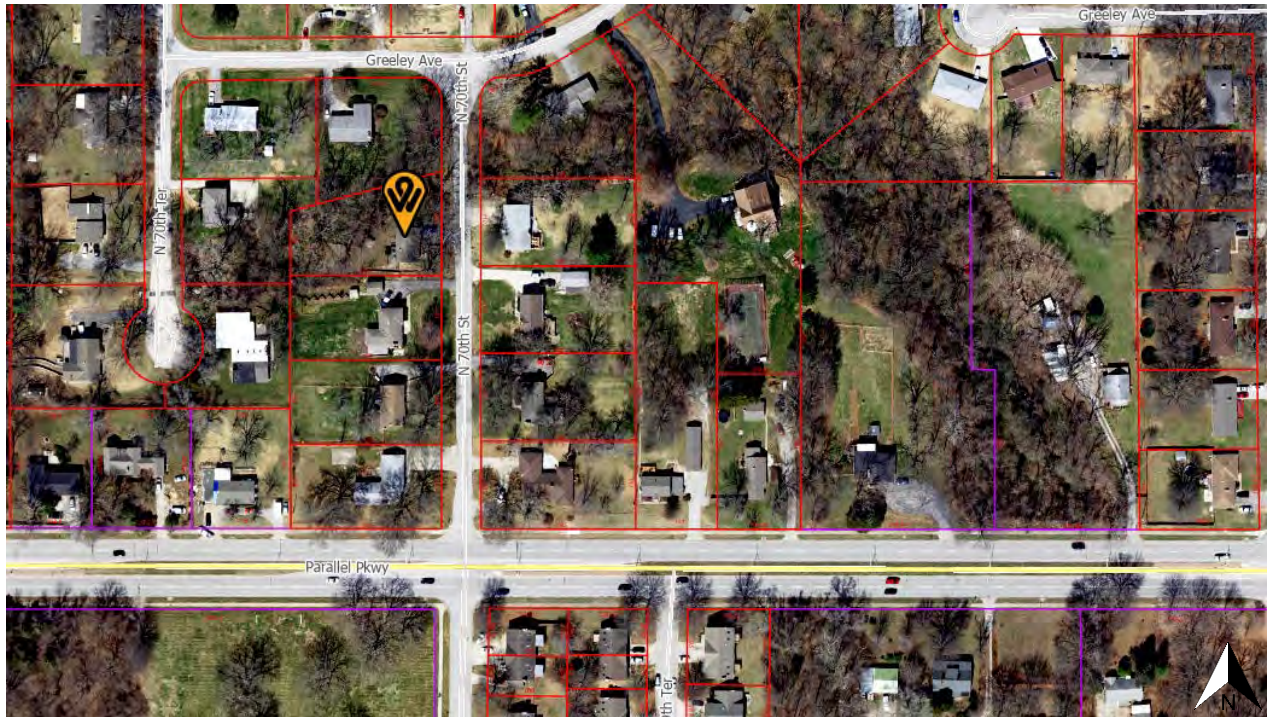
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements 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 shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the

ordinance is published in the newspaper; and,

21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

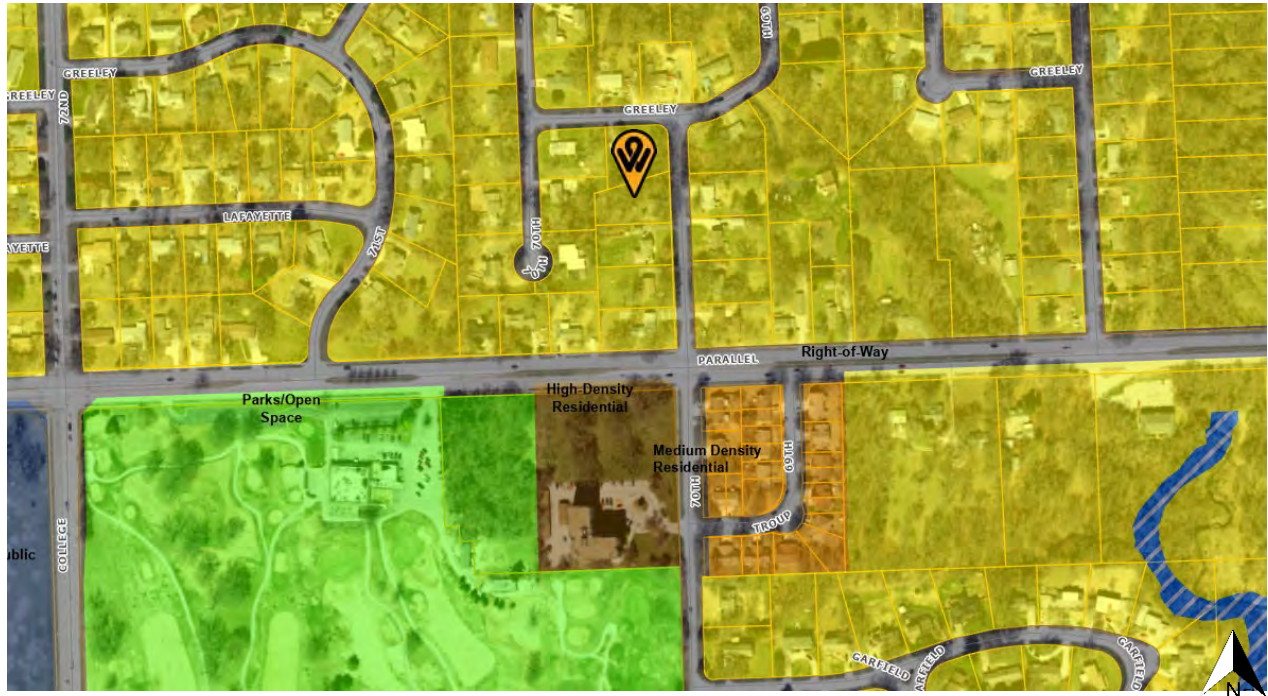
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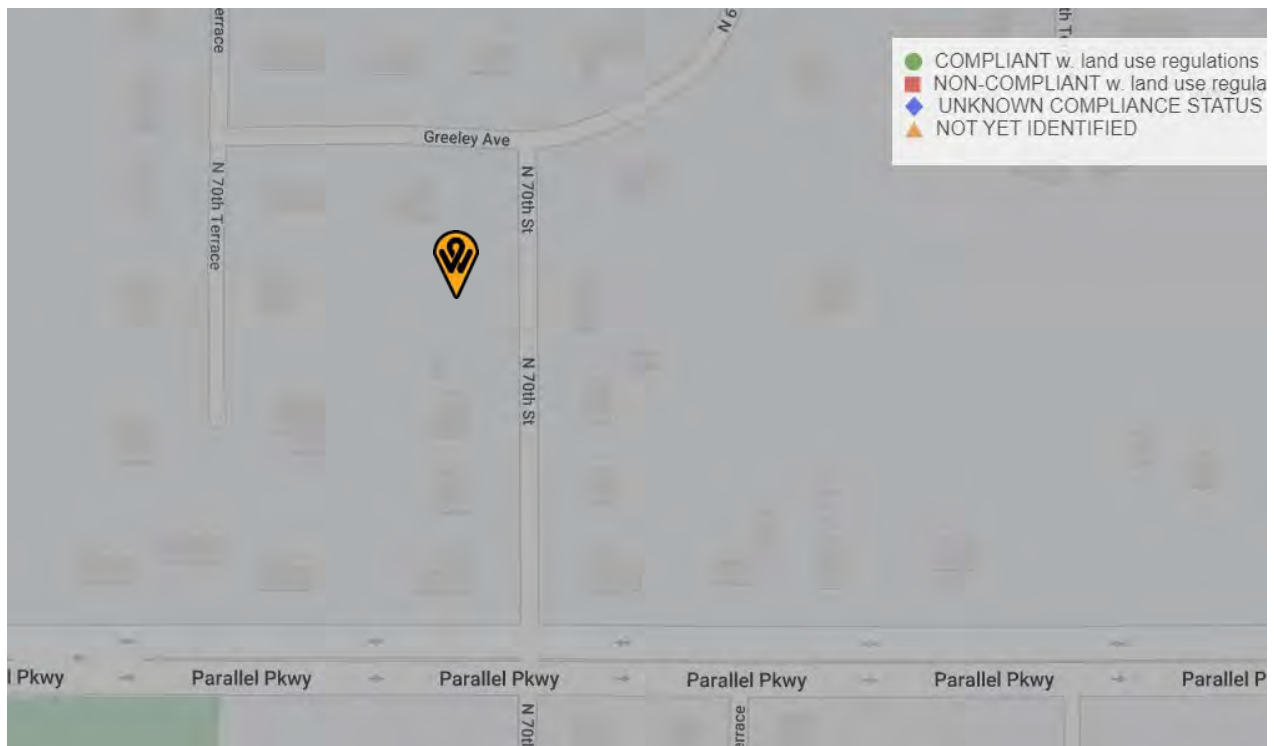
ZONING MAP



LAND USE MAP



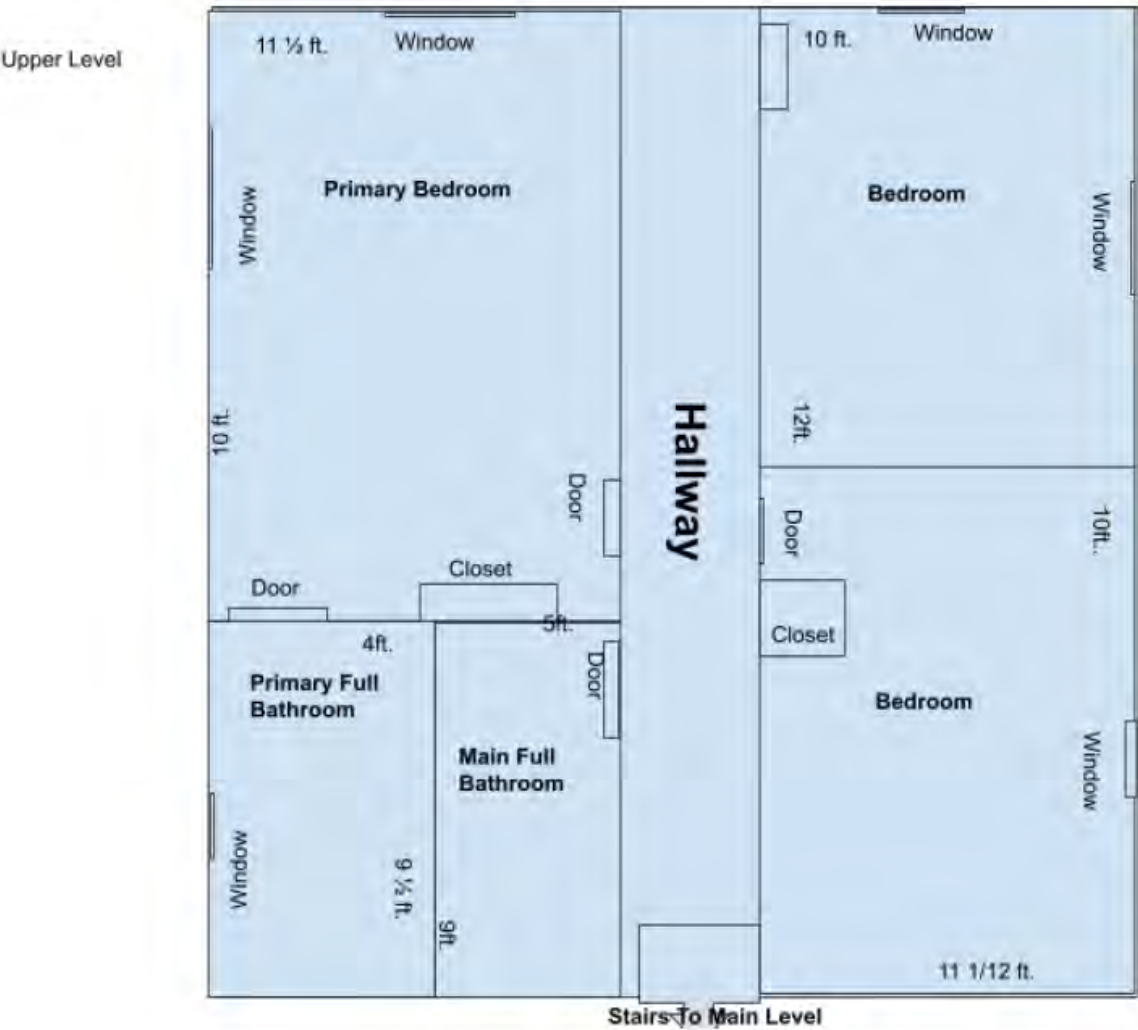
SHORT-TERM RENTAL MAP



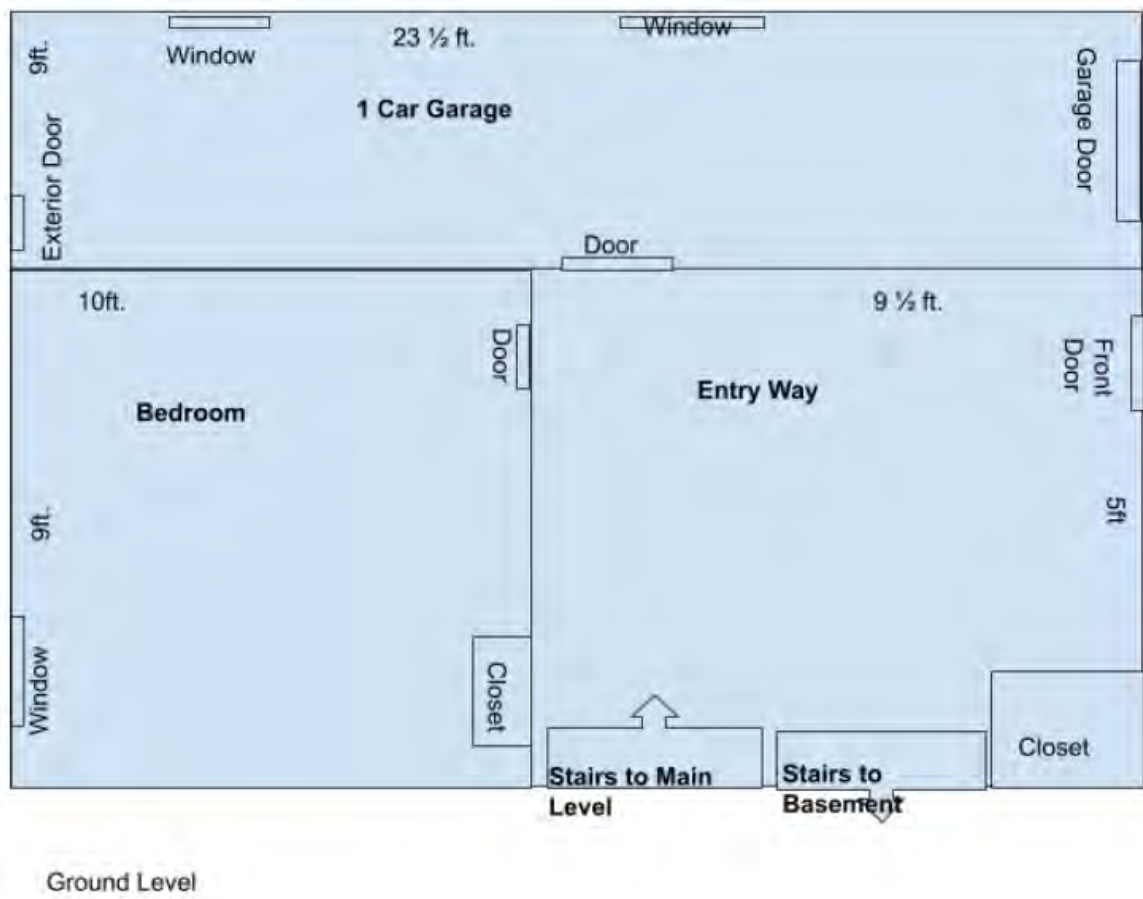
FLOOR PLAN



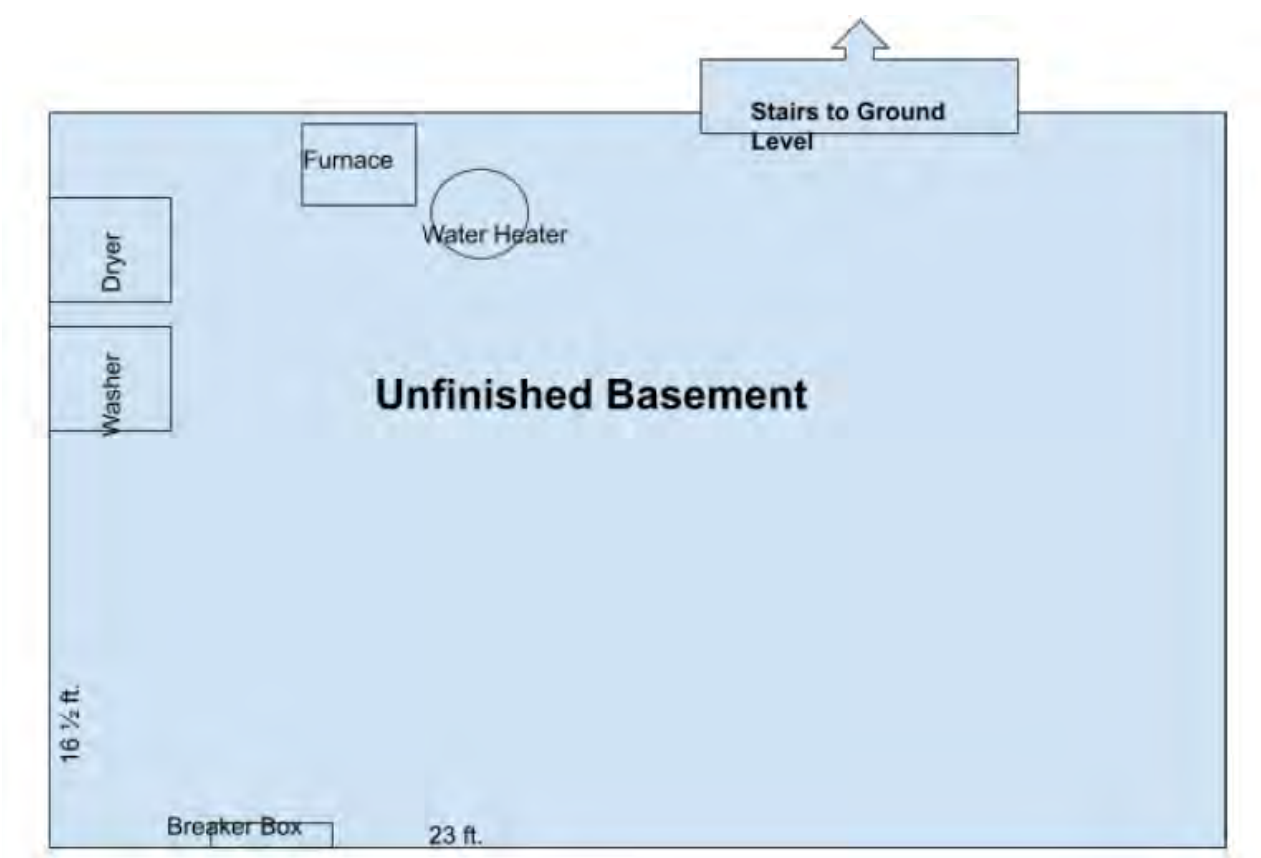
FLOOR PLAN



FLOOR PLAN



FLOOR PLAN



HOME INSPECTION REPORT



300 NE 70th Terrace
Gladstone, MO 64118
Phone: 816-508-7342

▶ **Cody Foltz**

3100 N 70th ST
Phone: 816-808-0781

Dear Cody Foltz

On 10/3/2024 we re-visited the property listed for a final safety and performance inspection after renovation and repair work that was recommended in the original purchase inspection conducted on 11/30/2023, Report 1065.

At this time, all electric and plumbing fixtures have been installed. Stairs and handrails have been repaired. All installed appliances operated and functioned. The previously installed Radon Mitigation Fan functions but is noisy and may be in need of replacement soon. No other safety or performance concerns were found. All remaining work is considered cosmetic in nature.

Thanks again for choosing iLook Home Inspection Co

Steven K Spoon, ACI
iLook Home Inspection Co.

HOME INSPECTION REPORT

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

STRUCTURE

PLUMBING

HEATING

COOLING

INSULATION

PLUMBING

INTERIOR

REFERENCE

This Summary outlines potentially significant issues from a cost or safety standpoint. This section is provided as a courtesy and cannot be considered a substitute for reading the entire report. Please read the complete document.

[Priority Maintenance Items](#)

Roofing

SLOPED ROOFING \ Asphalt shingles

Condition: • [Near end of life expectancy](#)

Roof is nearing the end of its life expectancy. Roof flashings have deteriorated. Water stains noted on ceiling and in attic. Recommend further evaluation and repair or replacement by a qualified, licensed, and insured roofing contractor. A professional may have additional concerns.

Implication(s): Chance of water damage to structure, finishes and contents

Location: Roof

Task: Further evaluation/ Repair or Replace

Exterior

ROOF DRAINAGE \ Gutters

Condition: • [Clogged](#)

Gutters are clogged. Gutter guards have failed. Recommend cleaning and repairing gutter guards.

Implication(s): Chance of water damage to structure, finishes and contents

Location: Exterior

Task: Clean / Repair

Time: Immediate

WALLS \ Vinyl siding

Condition: • [Mechanical Damage](#)

Damage noted on vinyl siding in a few areas. Recommend replacement if damaged areas to protect structure. Photo is representative.

Implication(s): Chance of water damage to structure, finishes and contents

Location: Exterior

Task: Repair

Time: Unknown

DOORS \ Hardware

Condition: • Missing or damaged

Self closer and latch on front storm door are damaged. Recommend repair for proper function.

Implication(s): Increased heating and cooling costs | Poor security

Location: Front Exterior

Task: Repair

Time: Unknown

PORCHES, DECKS, STAIRS, PATIOS AND BALCONIES \ General notes

Condition: • [Wood/soil contact](#)

Providing great home inspections for every client every time

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SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

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Deck is in contact with soil. Insect damage noted. Deck has deteriorated beyond repair. Recommend removing and replacing deck.

Implication(s): Rot | Insect damage

Location: Exterior

Task: Demolish

Time: Unknown

LANDSCAPING \ Retaining wall

Condition: • Rot or insect damage

Wood retaining wall has deteriorated and is leaning. Eventual replacement will be necessary.

Implication(s): Weakened structure | Chance of movement

Location: Exterior

Task: Replace

Time: Unknown

Structure

FOUNDATIONS \ Performance opinion

Condition: • Further evaluation required

Foundation is cracked in the SW corner and appears to leak regularly. Exterior grading and failed gutters may be contributing factors. Recommend further evaluation by a structural engineer or dry basement professional.

Implication(s): Chance of structural movement

Task: Further evaluation

Time: Immediate

ROOF FRAMING \ Rafters/trusses

Condition: • Mechanical Damage

One broken roof rafter noted. Recommend repair to protect structure.

Implication(s): Weakened structure | Chance of structural movement

Location: Attic

Task: Repair

Time: Unknown

Electrical

RECOMMENDATIONS \ Overview

Condition: • Working with electricity can be hazardous. It is recommended that all electrical repairs are completed by a qualified, licensed, and insured electrician. A professional electrician may have additional recommendations.

DISTRIBUTION SYSTEM \ Wiring (wires) - installation

Condition: • Open splices

One open splice noted. Recommend that all connections are inside a covered junction box for increased safety.

Implication(s): Electric shock | Fire hazard

Location: Basement

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

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WELDING

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OVERVIEW

Task: Repair

Time: Immediate

DISTRIBUTION SYSTEM \ Outlets (receptacles)

Condition: • Inoperative

Outlet under kitchen sink is inoperative at time of inspection. Cause undetermined. Recommend further evaluation and repair or replacement for proper function.

Implication(s): Equipment inoperative

Location: First Floor Kitchen

Task: Further evaluation

Time: Immediate

DISTRIBUTION SYSTEM \ Cover plates

Condition: • Missing

Missing cover plates noted in multiple locations. Recommend installing cover plates for increased safety. Photos are representative.

Implication(s): Electric shock

Task: Provide

Time: Immediate

DISTRIBUTION SYSTEM \ Smoke alarms (detectors)

Condition: • Old smoke alarms if present should not be trusted. Recommend installation of new photoelectric and ionization smoke alarms upon closing for increased safety.

Heating

RECOMMENDATIONS \ Overview

Condition: • Gas furnace operated and functioned as designed. Recommend annual cleaning to extend service life.

FIREPLACE \ General notes

Condition: • Inspect chimney, and sweep, if needed before using

Fireplace not operated. Fireplace appears to have been out of service for some time. Recommend inspection and cleaning by a qualified, licensed, and insured chimney sweep prior to use. Chimney cleaning should be considered a routine maintenance item.

Implication(s): Fire hazard

Location: First Floor Living Room

Task: Service annually

Time: Immediate

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

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ELECTRICAL

HEATING

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INSULATION

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INTERIOR

REFERENCE

Cooling & Heat Pump

RECOMMENDATIONS \ Overview

Condition: • Air conditioner operated and functioned as designed. Recommend annual cleaning to extend service life.

AIR CONDITIONING \ Whole house fan

Condition: • Inoperative

Attic fan inoperative. Cause undetermined. Recommend repair or replacement for proper function.

Implication(s): Reduced comfort

Location: Second Floor

Task: Repair or replace

Time: Unknown

Insulation and Ventilation

RECOMMENDATIONS \ Overview

Condition: • No insulation recommendations are offered as a result of this inspection.

Plumbing

SUPPLY PLUMBING \ Water shut off valve

Condition: • Handle on main water shutoff valve is missing. Recommend repair for proper function.

Location: Basement

Task: Repair

Time: Immediate

FIXTURES AND FAUCETS \ Bathtub

Condition: • Caulking loose, missing or deteriorated

Caulk and grout around bathtub is deteriorated or missing. Recommend repair to protect structure.

Implication(s): Chance of water damage to structure, finishes and contents

Location: First Floor Hallway Bathroom

Task: Repair

Time: Immediate

Condition: • Drain stop missing

Drain stop is missing on bathtub. Recommend repair for proper function.

Implication(s): Reduced operability

FIXTURES AND FAUCETS \ Toilet

Condition: • Flush mechanism inoperative

Flush handle on master bath toilet is broken. Recommend repair for proper function.

Implication(s): Equipment failure | Sewage entering the building

Location: First Floor Master Bathroom

Task: Repair

Providing great home inspections for every client every time

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SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

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CARPENTRY

HEATING

Cooling

INSULATION

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REFERENCE

Time: Immediate

Condition: • Running continuously

Toilet in main bathroom failed to shutoff properly after flush. "Jiggling" of handle was necessary for shutoff. Recommend repair for reduced water consumption.

Implication(s): Chance of condensation damage to finishes and/or structure | Increased water consumption

Location: First Floor Hallway Bathroom

Task: Repair

Time: Immediate

Interior

CEILINGS \ General notes

Condition: • Damage

Ceiling damage note in multiple areas. Recommend repair.

Implication(s): Damage or physical injury due to falling materials

Location: Basement First Floor

Task: Repair

Time: Unknown

FLOORS \ General notes

Condition: • Mechanical damage

Floor damage noted in entry way, kitchen, and bathroom. Recommend repair.

Implication(s): Trip or fall hazard

Location: First Floor Kitchen Bathroom Foyer

Task: Repair

Time: Unknown

WINDOWS \ Glass (glazing)

Condition: • Multiple window seals are failing. Recommend replacement. Photos are representative

Location: First Floor

Task: Replace

Time: Unknown

CARPENTRY \ Cabinets

Condition: • Plates missing or loose

Recommend repair of kitchen cabinets for proper function.

Implication(s): Damage or physical injury due to falling materials

Location: First Floor Kitchen

Task: Repair

Time: Unknown

STAIRS \ General notes

Condition: • Mechanical Damage

Stairs to basement present a trip hazard. Recommend repair or replacement for increased safety.

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

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INTERIOR

SEWER/POW

Implication(s): Weakened structure | Chance of structural movement

Location: Basement

Task: Repair or replace

Time: Immediate

STAIRS \ Handrails and guards

Condition: ♦ Missing

Recommend installation of a handrail on interior stairway for increased safety.

Implication(s): Fall hazard

Location: Second Floor

Task: Provide

Time: Immediate

EXHAUST FANS \ Kitchen range exhaust system (range hood)

Condition: ♦ Range hood operated and functioned as designed.

GARAGE \ Vehicle door operators (openers)

Condition: ♦ Inoperative

Garage door opener inoperative at time of inspection. Cause undetermined. Recommend repair or replacement.

Implication(s): System inoperative

Location: First Floor Garage

Task: Repair or replace

Time: Unknown

APPLIANCES \ Refrigerator

Condition: ♦ Refrigerator functioning as designed.

APPLIANCES \ Range

Condition: ♦ Electric range operated and functioned as designed.

APPLIANCES \ Dishwasher

Condition: ♦ Dishwasher operated and functioned as designed. Cleaning performance not evaluated.

This concludes the Summary section.

The remainder of the report describes each of the home's systems and also details any recommendations we have for improvements. Limitations that restricted our inspection are included as well.

The suggested time frames for completing recommendations are based on the limited information available during a pre-purchase home inspection. These may have to be adjusted based on the findings of specialists.

[Home Improvement - ballpark costs](#)

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Clay)

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

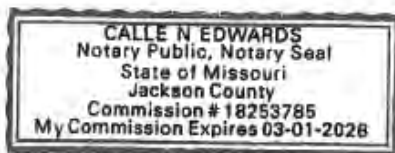
1. That I am the petitioner for Petition # SP2024-040
2. That I conducted a neighborhood meeting on 8/8/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of September, 2024.
My commission expires 01 of March, 2028.

[Signature]
Notary Public



NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting 08/08/2024 Sign in Sheet

Special Use Permit SP2024-040

Name	Date	
<u>Paul J. Jorgensen</u>	<u>8/8/24</u>	7015 green
<u>Christa George</u>	<u>8/8/24</u>	
<u>Robert Nowak</u>	<u>8/8/24</u>	2019 N. 70th
<u>Carma Nowak</u>	<u>8/8/24</u>	
<u>Glen W. Jackson</u>	<u>8-8-24</u>	

MINUTES FROM MEETING:

Application Number: sp2024-040

Date and Location: 08/08/2024, West Wyandotte Public Library 1737 N. 82nd Street, Kansas City, KS 66112, Conference room B

Meeting called to order at: Names of people in attendance: Tom Flanagan, Christa Geoge, Robert Nowak, Carma Nowak, Glenn Jackson

Introductions: The meeting was given by Cody Foltz (property owner) and Kaylin Williams (property manager).

Presentation by applicant and/or team: After introductions Cody and Kaylin explained the special use permit application was submitted for approval to use the property at 2100 N 70th Street, Kansas City, KS 66109, as a short term rental. Advised attendees that the proposed property was a 4 bedroom, 2 bath single family home with driveway parking. The property intends to host 10 or fewer guests per booking. Pets will not be allowed. Cody and Kaylin shared information with meeting guests detailing how short term rental properties operate. They explained the following: short term rentals are properties used to host guests for stays shorter than 30 days. On average guests book stays at the short term rental for approximately 4 days, however stays will vary between guests. The team operating the short-term rental does not permit stays less than 2 nights. Advised attendees the current methods for booking are through Airbnb.com and VRBO.com, and guest identification confirmation is required by both listing sites. They advised neighbors in attendance for the meeting that the property should not draw negative attention and rules have been established to ensure that negative attention is not drawn. Parties are prohibited, illegal activity is prohibited, and excess noise volume is prohibited. Cody and Kaylin also shared their experience with hosting/managing short term rentals. They advised that they have hosted/managed additional properties with little to no issue with surrounding neighbors. Any issue that has come forward has been met with changes and protocols to prevent future issues of the same nature. They introduced team members not in attendance for the meeting such as cleaners and maintenance. Cody and Kaylin shared contact information

NEIGHBORHOOD MEETING MATERIALS

with attendees so that if they ever had questions, comments or concerns they could contact them directly for resolve.

Questions and answers:

Q(Tom Flanagan): I have lived in the neighborhood for many years, in fact grew up in this very neighborhood. I have invested a lot of time, money and dedication into my home and in turn the neighborhood. How will a short-term rental affect property values?

A(Cody Foltz): You may have noticed that since purchasing the home we have started many renovations. The home is currently the most outdated on the block and maybe in the neighborhood. We have completely remodeled the interior of the home and will be starting to modify the outside to boost the appearance of the home and increase the home's value.

A (Kaylin Williams): The home was purchased with the intent of it being an investment property. As Cody explained, we have begun remodeling the home. We aim to attract guests of decent nature and to do so the home will need to have an inviting appearance and will need to be satisfactory to guests expectations. The short term rental should not take away from the neighborhood, impose a threat to the wellbeing of neighbors or the area surrounding, but rather serve as an enhancement.

Q(Carma Nowak): What about parties at the house, what if guests do not follow the rules for parties and host them regardless?

A(Kaylin Williams): Both sites that we use to book guests explicitly state that parties are prohibited. If a guest/booking raises any suspicion that the property will be used to host a party the site will block the guest from being allowed to book.

A(Cody Foltz): The booking sites also allow hosts to preview what other hosts have said about the guest wanting to book a stay. Hosts are able to publicly review guests so that other hosts can see if the guest followed the rules and maintained the home in a decent manner during their stay. From there we have the discretion to accept or deny the booking.

Comment(Tom Flanagan): For the most part the surrounding neighbors are really good about keeping up with their property, however there are a couple who do not and sometimes that comes with repercussions for everyone. We have had several large trees fall and knock out power lines.

Comment (Cody Foltz): When the home was purchased we did notice that there were a few dead or rotten trees on the property. Tree removal has been scheduled to ensure that they are not a threat to the property or neighbors.

Q (Glenn Jackson): What if people who book a stay are felons?

A (Cody Foltz): Both Airbnb and VRBO do not allow felons to book homes with their sites.

A(Kaylin Williams): As we stated the home should not draw any unusual attention. To someone who does not know the home is a short-term rental, it should appear as a normal single family home. The home should blend in and it should not be noticeable that the home is being used as a short-term rental. While felons specifically are not permitted to book, we do have the right to end a stay early or cancel a booking if a guest causes any issue. We can be contacted at any time if a neighbor is being disrupted by guest activity, and the issue will be resolved.

Q(Tom Flanagan): Because of the geographical layout of the neighborhood and being at the lowest point of the hills, noise tends to carry. Noise that one wouldn't think would be disruptive can be amplified because of the natural structure of the neighborhood. Should we expect that to be worsened with guests staying at the property?

A (Cody Foltz): Quiet hours are from 10pm-7am. It is the expectation that guests would limit noise during that time so as to not disrupt nearby neighbors.

Q(Robert Nowak): The streets in the neighborhood are narrow, would guest parking prevent the flow of traffic?

A(Kaylin Williams): Guests are limited to 4 cars max and all vehicles and street parking is not allowed. All cars belonging to guests must be within the area of the driveway.

A(Cody Foltz): The driveway should fit 4 cars comfortably so there should be no reason that guests park elsewhere. If there is ever an issue with the amount of cars or where they are parked we can see that from the security cameras at the property and guests will be required to move the car either into the driveway or remove it from the property entirely.

Comment (Robert Nowak): In the winter our street is one of the last that is plowed during winter storms. The hill becomes a layer of ice and it is difficult to get cars up the street if the weather conditions are bad. A lot of

NEIGHBORHOOD MEETING MATERIALS

times residents will have to take it upon themselves to do prep and clean up after storms.

Comment (Cody Foltz): That is good information to know. We do have personnel responsible for preparing the driveway for storms and clearing the driveway after storms. I will relay that information so they know that they will also need to treat/clear the street area immediately in front of the house.

Meeting adjourned at: 6:42pm

Minutes taken by: Kaylin Williams

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



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







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: November 7, 2024

Re: Special Use Permit Petition SP2024-054

GENERAL INFORMATION

Applicant Information:

Brien Darby
Representative
Cultivate Kansas City
4049 Pennsylvania Avenue, Suite
206
Kansas City, Missouri 64111

Subject Property:

1810 North 1st Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Approval of a Temporary Use of Land
Special Use Permit for gardening and
farming to serve the permanent
structure.

Commission Districts:

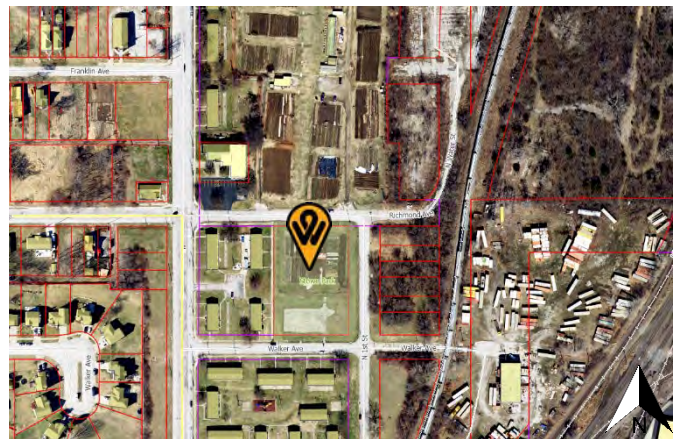
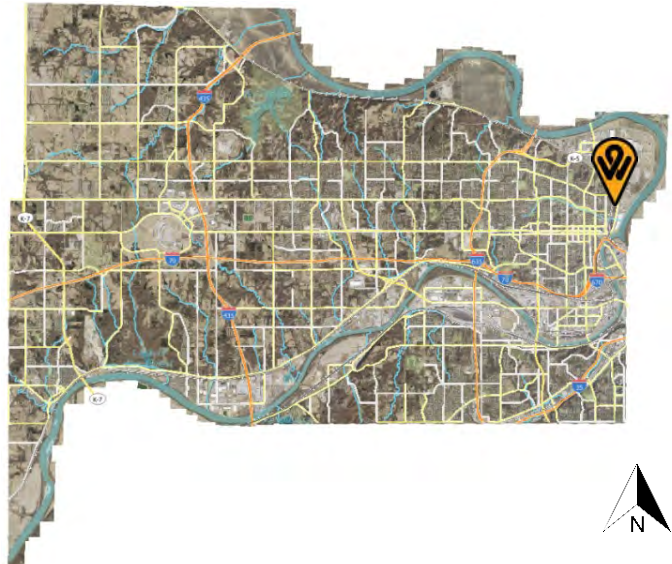
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

RP-5 Apartment District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-5 Apartment District	Juniper Gardens Residential Housing and Cultivate KC Gardens
South	RP-5 Apartment District	Apartments
East	RP-5 Apartment District	Vacant Lots
West	RP-5 Apartment District	Apartments

Total Tract Size: 1.21 Acres

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods.

Major Street Plan: The goDotte Mobility Plan designates North 1st Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-460 (d) states “One (1) and one-half (1/2) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less”. There are no dwelling units located on the subject property; therefore, no parking spaces are required.

Section 27-668 (b) states “Any use not included in the parking requirements found in this article (article VII) shall be assigned a parking requirement by the planning commission”.

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”. The subject property is approximately 52,707 square feet; therefore 8 trees are required. The subject property does not fulfill this requirement.

Advertisement:	<u>The Wyandotte Echo</u> – August 15, 2024 <u>Letters to Property Owners</u> – August 16, 2024 and September 17, 2024
Public Hearings:	October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brien Darby, is requesting a Temporary Use of Land Special Use Permit for gardening and farming to serve the permanent structure at 1810 North 1st 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. 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. 2023 – DRC23-0013 – Miscellaneous Improvements – Frame greenhouse and anchoring for two (2) shipping/storage containers.
 - a. 2023 – GRD23-0068 – Grading/Excavation
 - b. 2024 – ELE24-0394 – Electrical Permit – Installation of new 200-amp service.

Previous Planning Actions:

1. 2022 – SP2022-053 – Temporary Use of Land – For community garden and greenhouse.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Northeast Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood

consists of lots that vary in size from 0.05 acre at 25' or 50' wide for residential uses and adjacent commercial row-style buildings. Larger lots are generally reserved for parks and churches. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining.

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

The zoning and uses are set out above. The subject property is surrounded by the RP-5 Apartment District. The proposed use, which is agricultural in nature, is compatible with nearby uses if properly managed.

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

The proposed use is suitable for the subject property as the property to the north has operated as an urban farm since 2012 under the same program, the New Roots for Refugees program. The removal of restrictions will not detrimentally affect nearby property as this is an existing use with a similar use nearby.

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

The property is not vacant. The property was a former park and has operated as an urban farm since 2022.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods. The proposed use conforms to the Northeast 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 and should not exceed the capacity of North 1st Street, a Local/Neighborhood Street, to accommodate it if managed properly. There is currently no available parking

on the subject property, therefore, participants who drive to this location are currently using on-street parking.

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 might be reasonably necessary for the convenience and welfare of the public as the proposed use provides an opportunity for program participants to be taught entrepreneurial skills and provides a place to grow produce to be sold at farmers markets. The proposed use will not affect the use, quality, or marketability of nearby property as this is an existing use in the neighborhood.

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

Noise and dust are expected to occur in durations or intensities as to potentially create issues with nearby properties due to the types of equipment used to harvest crops. These are not expected to create problems for nearby property, however if, proper procedures are being followed, hours of operation are during daytime hours, and a Conservation Plan is being followed.

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 cold storage, washstand, and greenhouse.

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 urban farm 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 large as this use occupies a large portion of the neighborhood. Additionally, it provides educational training for participants and food production. If denied, the property owner may not use the property for an urban farm, they would need to find another location to use for gardening or farming practices.

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 there is not an active business license on file for the subject 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 result in the overcrowding of land or undue concentrations of population because the property is used mainly by participants of the New Roots program during working hours.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Additional Structures
Conservation Plan
Hours of Operation
Parking Requirements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP204-054, **for two (2) years**, subject to:

- 1. A Wyandotte County Conservation Plan must be provided before the publication of the associated ordinance;**
- 2. The applicable landscaping and parking requirements must be met;**
- 3. 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 4. 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;**
- 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

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 **SP2024-054** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated August 16, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-054** 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 **SP2024-054**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-054 – BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC. – SYNOPSIS: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for a community garden and greenhouse at 1810 North 1st Street. *Detailed Outline of Requested Action:* The applicant, Brien Darby, is requesting a Temporary Use of Land Special Use Permit for gardening and farming to serve the permanent structure at 1810 North 1st Street, Kansas City, Kansas 66101.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. A Wyandotte County Conservation Plan must be provided before the publication of the associated ordinance;
2. The applicable landscaping and parking requirements must be met;
3. 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

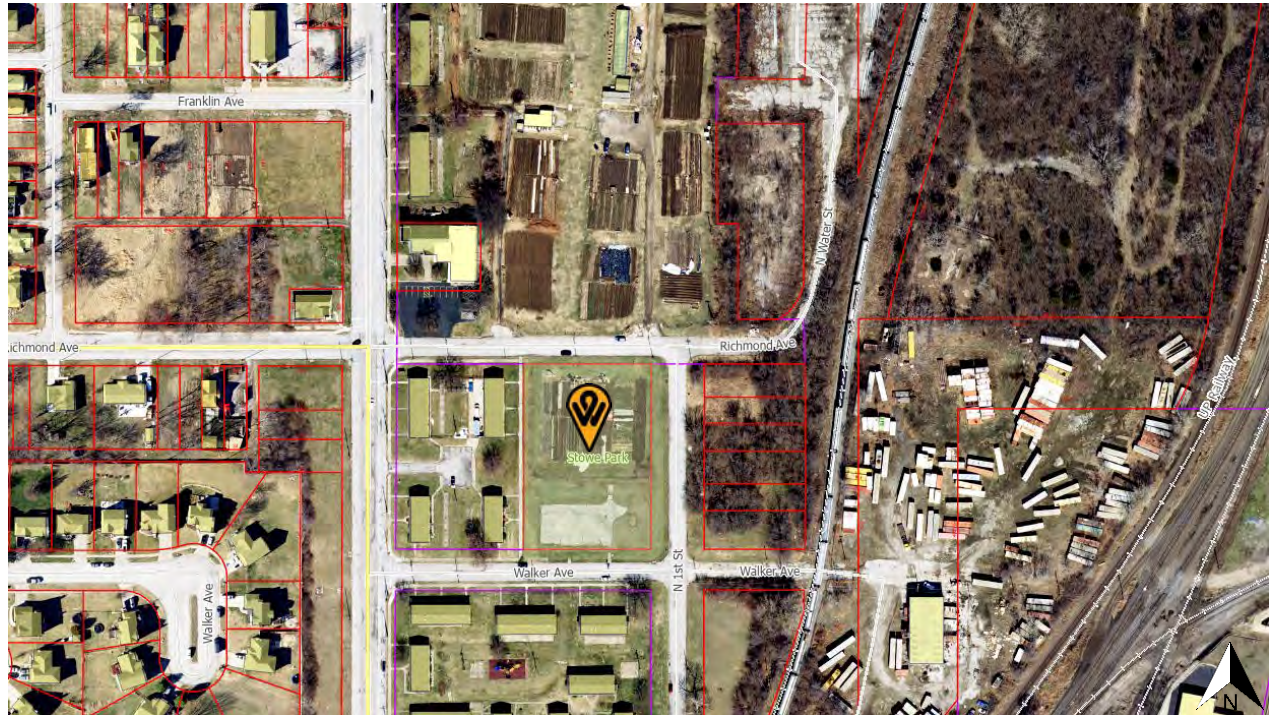
4. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
5. Per Section 27-723(a), no sign (including the structure or sign 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty

of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

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

1. That I am the petitioner for Petition # SP2024-054
2. That I conducted a neighborhood meeting on 08/20/2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

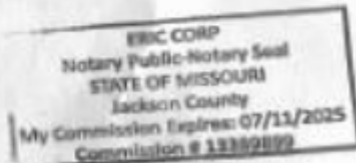
Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of AUGUST, 2024

My commission expires 10 of Nov, 2025

[Signature]
Notary Public



NEIGHBORHOOD MEETING MATERIALS



4049 Pennsylvania Ave,
Ste 206
Kansas City, MO 64111
www.cultivatekc.org

Neighborhood Meeting Minutes:

Application Number: SP2024-054 (Stowe Farm)

Date: August 20, 2024
6:30 p.m.

Location: Zoom -
<https://us02web.zoom.us/j/87195728511?pwd=DJchXaviahxbaDx6YhJTyDA5WwkYBd.1>
Meeting ID: 871 9572 8511
Passcode: 078841

Meeting was not called to order, as there was no one outside of Cultivate Kansas City employees in attendance.

Names of people in attendance:

- Ben Carpenter, Manager, Juniper Gardens Training Farm
- Linda Siemens, Director of Finance & Administration

Ben Carpenter, Brien Darby, and Linda Siemens were available to answer questions until 7:00 p.m. At that time, the meeting was adjourned.

Minutes taken by: Linda Siemens, Director of Finance & Administration

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-055

GENERAL INFORMATION

Applicant Information:

Brien Darby
Representative
Cultivate Kansas City
4049 Pennsylvania Avenue, Suite
206
Kansas City, Missouri 64111

Subject Property:

1900 North 1st Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 2024) for a
community garden, storage
containers, coolers, and farm market
training.

Commission Districts:

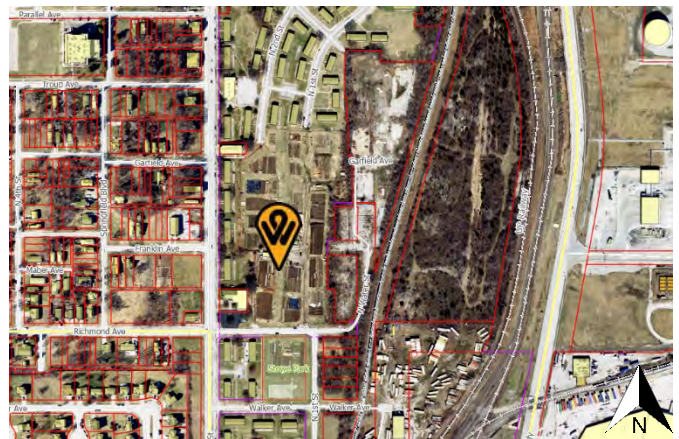
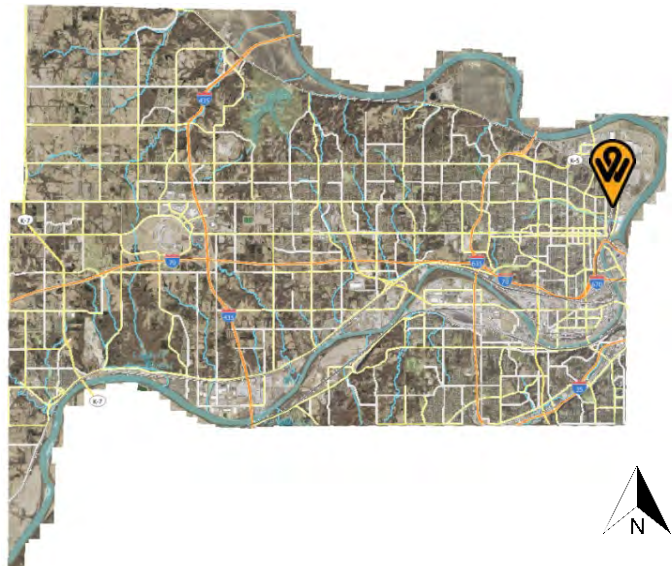
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

RP-5 Planned Apartment District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-5 Apartment District	Juniper Gardens residential housing, single-family residences, and vacant lots.
South	RP-5 Apartment District	Cultivate Kansas City Stowe Park gardens and apartment housing
East	M-3 Heavy Industrial	Vacant Land
West	RP-5 Apartment District	Single-family residences and Vacant land

Total Tract Size: 29.6 Acres

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods.

Major Street Plan: The goDotte Mobility Plan designates North 1st Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-460 (d) states “One and one-half (1½) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less”. There are no dwelling units located on the subject property; therefore, no parking spaces are required.

Section 27-668 (b) states “Any use not included in the parking requirements found in this article (article VII) shall be assigned a parking requirement by the planning commission”.

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”. The subject property is approximately 52,707 square feet; therefore eight (8) trees are required. The subject property does not fulfill this requirement.

Advertisement:	<u>The Wyandotte Echo</u> – August 15, 2024 <u>Letters to Property Owners</u> – August 16, 2024 and September 17, 2024
Public Hearings:	October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brien Darby with Cultivate Kansas City, is requesting a renewal of a Special Use Permit (expires December 2024) to operate a community garden and farm market training with the addition of one (1) storage container for a total of eight (8) storage containers and a rented mobile office unit at 1900 North 1st 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. The subject property has over 1,600 police related cases. These are related to the housing development. The current applicant has no disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. 2024 – ENV24-1566 – Environmental – Loose trash on parcel.

Outstanding or Related Permit and Cases:

1. 2012 – 12380-0070 – Electrical – New Panels for Utility Storage Containers
2. 2012 – 12300-00214 – DRC – Certificate of Occupancy for Utility Storage Containers and A/C Coolers for Produce

Previous Planning Actions:

1. 2012 – SP2012-013 – Special Use Permit for Temporary Use of Land
2. 2014 – SP2014-041 – Special Use Permit for a community garden.
3. 2016 – SP2016-097 – Special Use Permit for a community garden with two (2) storage containers.
4. 2018 – SP2019-002 – Special Use Permit for a community garden with storage containers and a cooler.
5. 2022 – SP2022-052 – Special Use Permit for a community garden, seven (7) storage containers, and coolers.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is located within the Northeast Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood consists of lots that vary in size from 0.05 acre at 25 feet or 50 feet wide for residential uses and adjacent commercial row-style buildings. Larger lots are generally reserved for parks and churches. The subject property is on the same parcel as a large housing development in which half the buildings have been demolished, leaving the land vacant. Approximately 900 housing Units were originally built with approximately 385 remaining.

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

The zoning and uses are set out above. The subject property is surrounded by the RP-5 Planned Apartment District and the M-3 Heavy Industrial District. The proposed use, which is agricultural in nature, is compatible with nearby uses if properly managed.

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

The proposed use is suitable for the subject property as the property has operated as an urban farm since 2012 under the same program, the New Roots for Refugees program. The removal of restrictions will not detrimentally affect nearby property as this is an existing use with a similar use nearby.

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

The property is not vacant. The apartments received dedication in the 1960s and have remained on the property. Cultivate KC began operating on the property after the demolition of several uninhabitable buildings.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods. The proposed use conforms to the Northeast 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 and should not exceed the capacity of North 1st Street, a Local/Neighborhood Street, to accommodate it if managed properly. There is currently no available parking on the subject property, therefore, participants who drive to this location are currently using on-street parking.

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 might be reasonably necessary for the convenience and welfare of the public as the proposed use provides an opportunity for program participants to be taught entrepreneurial skills and provides a place to grow produce to be sold at farmers markets. The proposed use will not affect the use, quality, or marketability of nearby property as this is an existing use in the neighborhood.

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

Noise and dust are expected to occur in durations or intensities as to potentially create issues with nearby properties due to the types of equipment used to harvest crops. These are not expected to create problems for nearby property, however if, proper procedures are being followed, hours of operation are during daytime hours, and a Conservation Plan is being followed.

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 community garden.

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 community garden with numerous storage containers and covered storage areas on the property in an existing, urban built-out neighborhood. The addition of another storage container will not damage an irreplaceable natural resource.

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

The relative gain to public health, safety and welfare is large as this use occupies a large portion of the neighborhood. Additionally, it provides educational training for participants and food production. If denied, the property owner may not use the property for an urban farm, they would need to find another location to use for gardening or farming practices.

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 there is not an active business license on file for the subject 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 result in the overcrowding or land or undue concentrations of population because the property is used mainly by participants of the New Roots program during working hours.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Conservation Plan from the Wyandotte County Conservation District
Future Plans
Hours of Operation
On-site Sales
Parking
Visitors

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-055, **for two (2) years**, subject to:

- 1. The applicable landscaping and parking requirements must be met;**
- 2. Should additional storage containers be needed beyond 8 or the addition of any other temporary structures, a modification to the Special Use Permit is required;**
- 3. 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

4. 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;
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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. 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;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-055** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Planning Engineering Comments – General Engineering Review
Planning Engineering Comments – Sanitary Sewer Review
Planning Engineering Comments – Applicant Response
Conservation Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated August 16, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-055** 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 **SP2024-055**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-055 – BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC. – SYNOPSIS: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for storage containers, coolers, farm market training, and a community garden at 1900 North 1st Street. Detailed Outline of Requested Action: The applicant, Brien Darby with Cultivate Kansas City, is requesting a renewal of a Special Use Permit (expires December 2024) to operate a community garden and farm market training with the addition of one (1) storage container for a total of eight (8) storage containers and a rented mobile office unit at 1900 North 1st Street, Kansas City, Kansas 66101.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye

Armstrong Aye
Beth Aye
Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

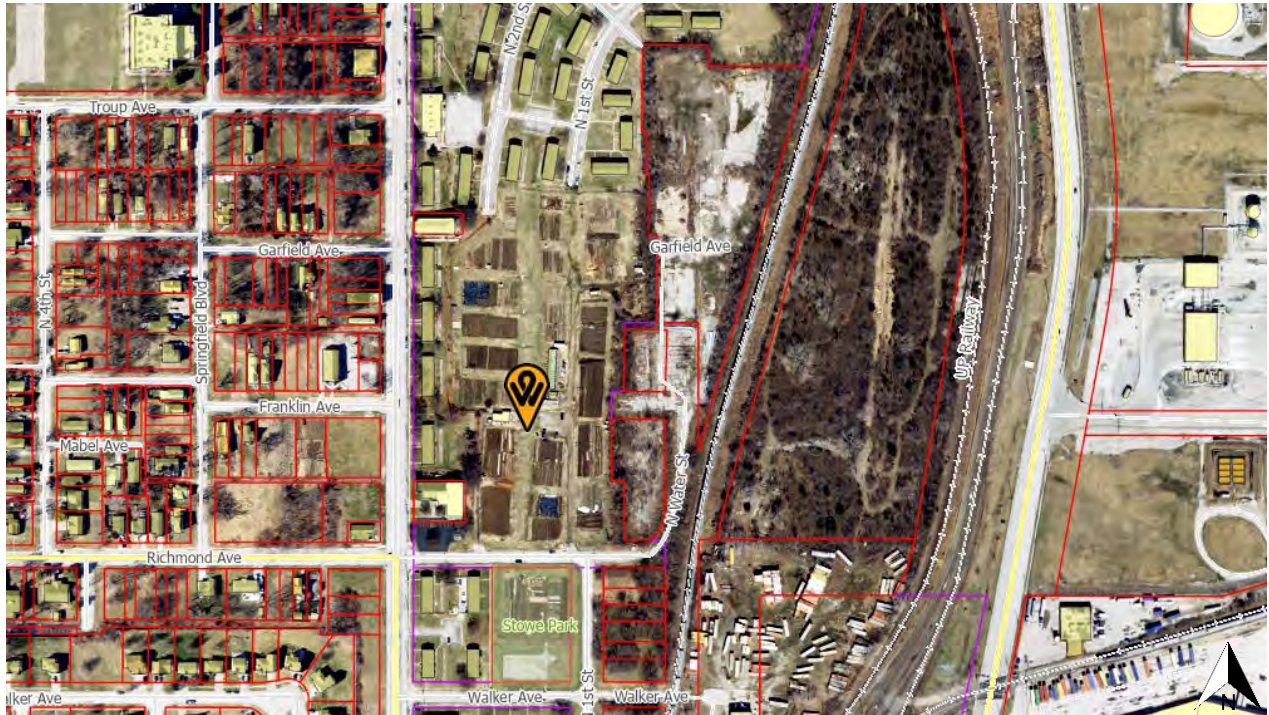
1. The applicable landscaping and parking requirements must be met;
2. Should additional storage containers be needed beyond 8 or the addition of any other temporary structures, a modification to the Special Use Permit is required;
3. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
4. 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;
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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

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

ATTACHMENTS

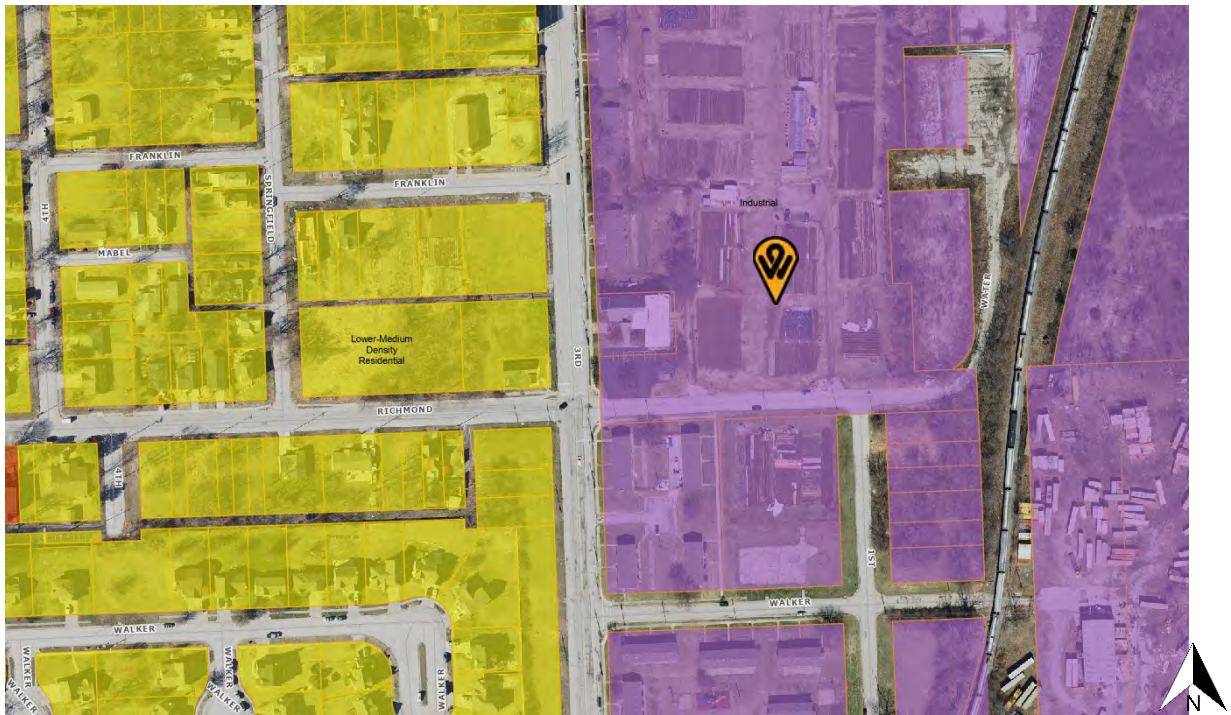
AERIAL IMAGERY



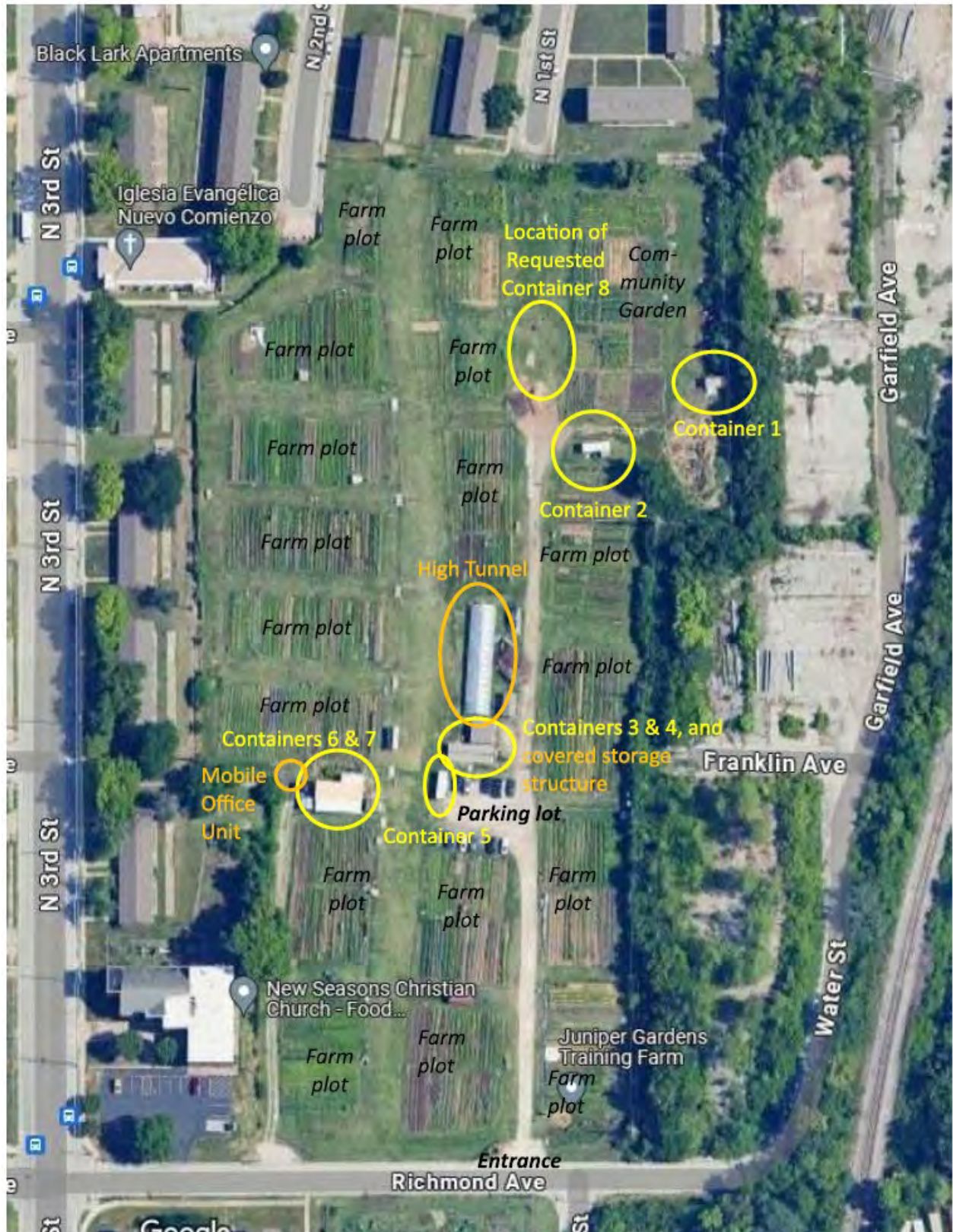
ZONING MAP



LAND USE MAP



SITE PLAN





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: Travis Trumble
Project Engineer

DATE: August 16, 2024

SUBJECT: Brien Darby – (SP2024-055)
1900 N. 1st Street
General Engineering Review No. 1 (of the application received 7/25/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

- 1) This special use permit submittal requires site plan drawings. Because of the addition of one container and a rented mobile office unit, the site plan shall include the structure(s) location with all dimensions, right of way widths, existing driveway widths, parking areas, distances from property lines, utilities, etc.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 3) See Sanitary Sewer review for additional comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2024.08.16 18:35:29 -0500



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: Travis Trumble
Project Engineer

DATE: August 16, 2024

SUBJECT: Brien Darby – (SP2024-055)
1900 N. 1st Street
Sanitary Sewer Review No. 1 (of the application received 7/25/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Sanitary Sewer design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

- 1) Provide more information and/or detail on the utilities service i.e., provide and indicate the size of the private sanitary service line for the rented mobile office unit, as applicable. Is there a holding tank to use as a sanitary service? If so, please coordinate with Wyandotte County Health regarding the holding tank. Further discussion with staff may be required.
- 2) Prior to the permit acquisition, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system, as applicable.
- 3) Will the rented mobile office unit structure need a new sanitary connection? If so, the contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.
- 4) Private sanitary service line shall comply with the applicable uniform plumbing code.
- 5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and
Land Use, email=ttrumble@wycokck.org, c=US
Date: 2024.08.16 18:35:51 -0500



4049 Pennsylvania Ave.
Ste. 206
Kansas City, MO 64111
www.cultivatekc.org

Kiley and Travis,

Included with this letter are site plan drawings for the proposed container and rented mobile office. These drawings include the new structure locations with all dimensions, right of way widths, existing driveway widths, parking areas, distances from property lines, utilities, etc.

Drawing 1 shows an aerial view of Juniper Gardens Training Farm within the former Juniper Gardens Public Housing complex. The entirety of Juniper Gardens Training Farm resides on land now owned by Black Lark LLC. Revisions are clouded for the proposed storage container as well as the rented mobile office unit.

Drawing 2 depicts the same map including municipal utilities.

Drawing 3 depicts dimensions for the rented mobile office unit, showing that it is 8 feet wide by 20 feet long, and 8 feet high. This drawing also indicates that it is located 180 feet from the property line on 3rd Street.

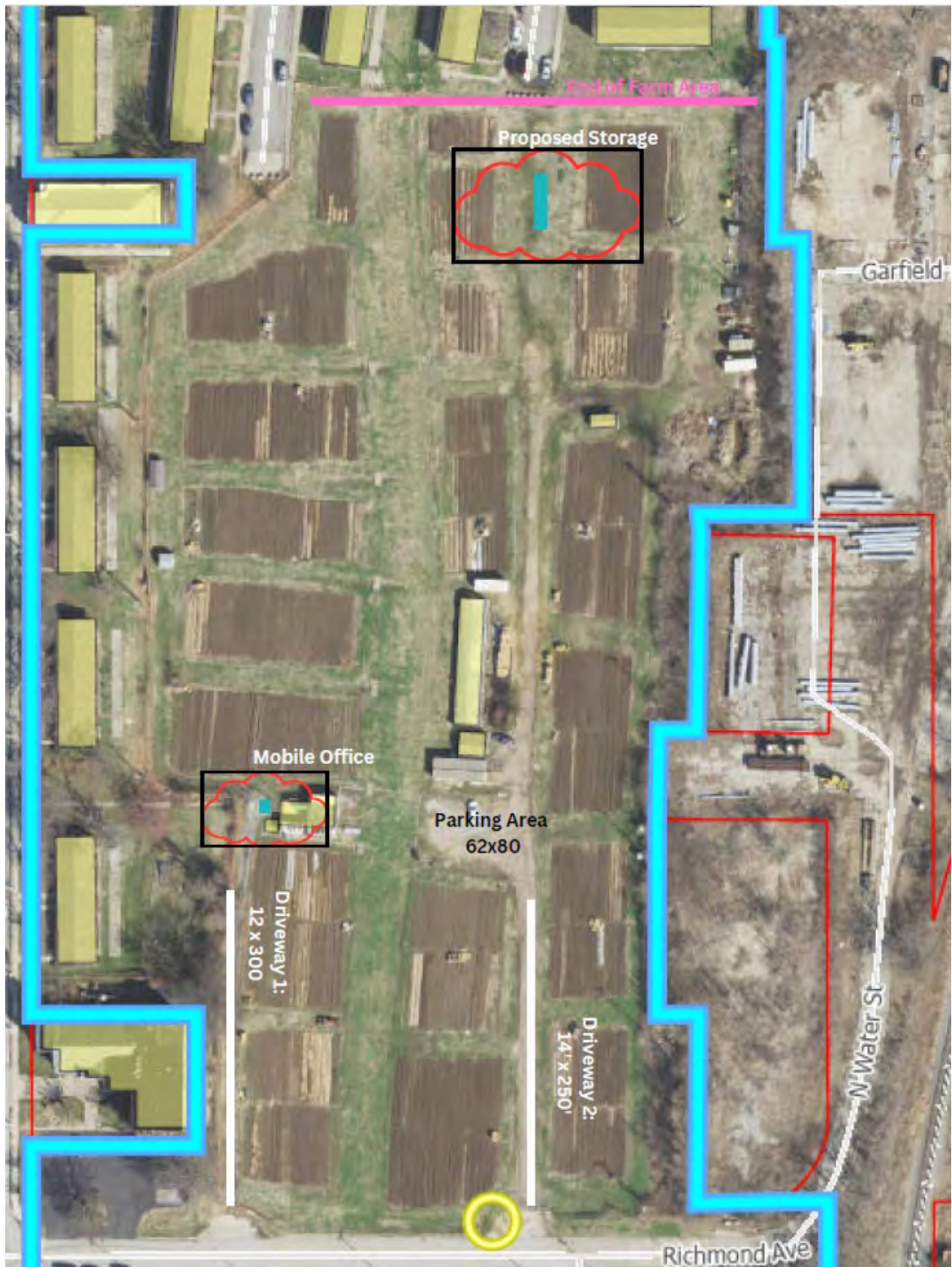
Drawing 4 depicts dimensions for the proposed storage container. The drawing indicates the proposed container would be 8' wide, 40' long, 8' 6" tall. The drawing indicates it would be 67 feet from a fence line within the Black Lark property boundaries separating the farm area from the part of Black Lark's property occupied by residential apartments. However, the container would be 190 feet to the west of the nearest property line. It should be noted, though it is not reflected on these maps, that the proposed container would be painted to match the other structures at Juniper Gardens Training Farm.

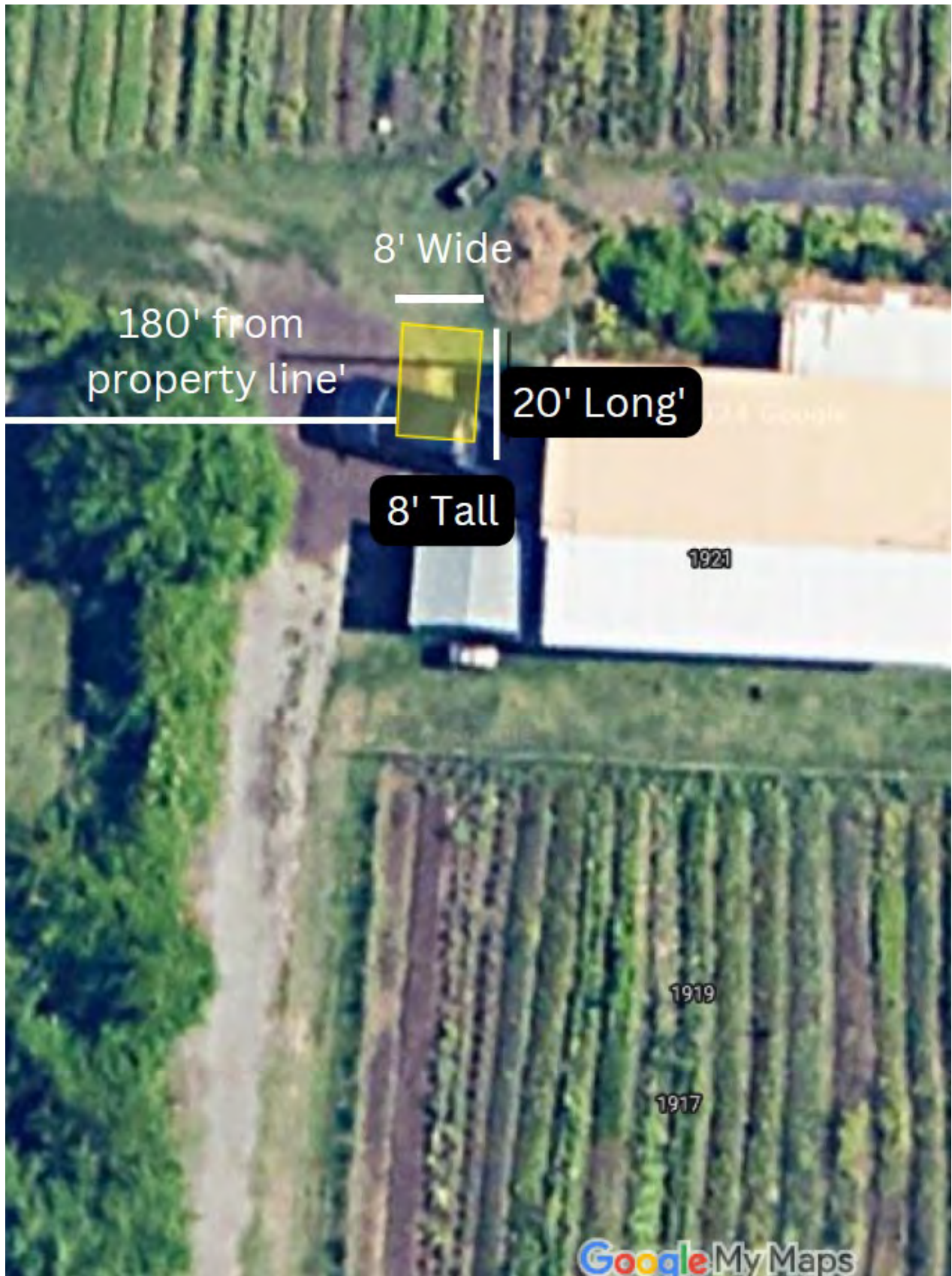
Regarding plans for private sanitary service line for the rented mobile office unit as requested in the Sanitary Sewer review, there are none. The rented mobile office has no service or wastewater connections. Onsite sanitary facilities include portable toilets maintained weekly by Cyclone Portable Toilets throughout the growing season. As such, there is no need or plans for constructing new sanitary sewer connections.

Best,

Ben Carpenter (He/Him)
Juniper Gardens Training Farm Program Manager • Cultivate KC

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.







CONSERVATION PLAN



CONSERVATION PLAN

Map Unit Description (Brief, Generated)—Wyandotte County, Kansas

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7955--Knox silt loam, 7 to 12 percent slopes

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XB003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Welda (5%)

Generated brief soil descriptions are created for major soil components. The Welda soil is a minor component.

Component: Armster, eroded (5%)

Generated brief soil descriptions are created for major soil components. The Armster, eroded soil is a minor component.

Component: Similar soil (5%)

Generated brief soil descriptions are created for major soil components. The Similar soil soil is a minor component.

Component: Ladoga (5%)



Natural Resources
Conservation Services

Web Soil Survey
National Cooperative Soil Survey

9/3/2024
Page 1 of 2

CONSERVATION PLAN

Map Unit Description (Brief, Generated)---Wyandotte County, Kansas

Generated brief soil descriptions are created for major soil components. The Ladoga soil is a minor component.

Data Source Information

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

Soil Inventory Report (Tract/Land Unit)

Soils Inventory Report					
Tract	Land Unit	Map Unit Symbol	Map Unit Name	Acres	Percent
898	1	7955	Knox silt loam, 7 to 12 percent slopes	8.0	100%
Total				8.0	100%
Grand Total				8.0	100%

CONSERVATION PLAN

Date: 9/3/2024

Assisted By: Tim McCoy
USDA-NRCS
PAOLA SERVICE CENTER

Land Units: Tract 898, Fields 1



Prepared with assistance from USDA-Natural Resources Conservation Service



USDA is an equal opportunity provider, employer, and lender

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
COUNTY OF JACKSON) SS;

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

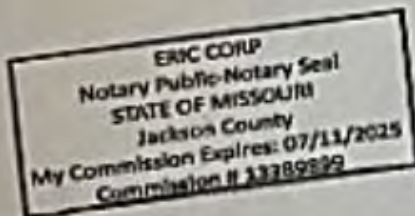
1. That I am the petitioner for Petition # SP2024-055
2. That I conducted a neighborhood meeting on 8/20/2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of AUGUST, 2002

My commission expires 11 of Nov, 2002024



[Signature]
Notary Public

NEIGHBORHOOD MEETING MATERIALS



4049 Pennsylvania Ave,
Ste 206
Kansas City, MO 64111
www.cultivatekc.org

Neighborhood Meeting Minutes:

Application Number: SP2024-055 (Juniper Gardens Training Farm)

Date: August 20, 2024
5:30 p.m.

Location: Zoom -
<https://us02web.zoom.us/j/85817379991?pwd=1mRlaJaWwyihbfarZCVT8uVoLu6JWK.1>
Meeting ID: 858 1737 9991
Passcode: 365979

The meeting was not called to order, as there was no one outside of Cultivate Kansas City employees in attendance.

Names of people in attendance:

- Ben Carpenter, Manager, Juniper Gardens Training Farm
- Brien Darby, Executive Director
- Linda Siemens, Director of Finance & Administration

Ben Carpenter, Brien Darby, and Linda Siemens were available to answer questions until 6:20 p.m. At that time, the meeting was adjourned.

Minutes taken by: Linda Siemens, Director of Finance & Administration

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-059

GENERAL INFORMATION

Applicant Information:

Pete Davis Jr.
Owner
Auto Plug, LLC
1830 Quindaro Boulevard
Kansas City, Kansas 66104

Subject Property:

1830 Quindaro Boulevard
Kansas City, Kansas 66104

Requested Action and Purpose:

Renewal of a Special Use Permit
(expired July 7, 2024) to allow for a
car dealership with automotive repair,
auto detailing, and auto stereo
installation.

Commission Districts:

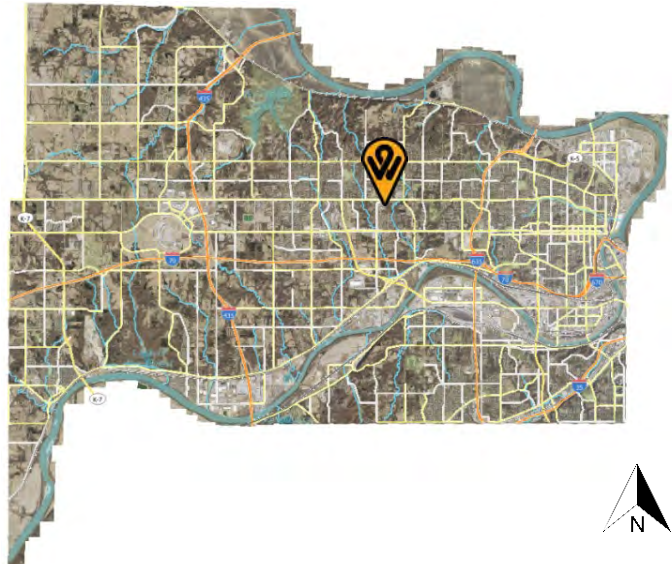
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

C-3 Commercial District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-2 Two Family District	Single-family Residence
South	C-3 Commercial District	Vacant Lot
East	C-3 Commercial District	Gas Station/Convenience Store
West	C-3 Commercial District	Single-family Residence

Total Tract Size: 0.30 Acre

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Neighborhood Mixed-Use, which allows for a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodation for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage.

Major Street Plan: The goDotte Mobility Plan designates Quindaro Boulevard as a Major Collector Street.

Parking Requirement: Sec 27-467 (e) states “Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building”. The building is approximately 1,445 square feet, which would require six (6) parking spaces. The subject property currently provides eight (8) marked parking spaces, none of which are reserved for ADA parking.

Landscaping Requirement: Section 27-467(g) states “trees are required at not less than one (1) per 7,000 square feet of site area”. The subject property has 13,194 square feet, requiring two (2) trees be provided on the site plan. The subject property does not currently fulfill this requirement.

Advertisement: The Wyandotte Echo – August 15, 2024
Letters to Property Owners – August 16, 2024 and September 17, 2024

Public Hearings:	October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Pete Davis Jr., is requesting a renewal of a Special Use Permit (expired July 7, 2024) to operate a car dealership with automotive repair, auto detailing, and auto stereo installation at 1830 Quindaro Boulevard, Kansas City, Kansas 66104.

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. 2020 – 2020-00129998 – Aggravated Robbery
2. 2019 – 2019-00070896 – Suspicious Crowd/Activity

Building, Zoning, or Code Enforcement Complaints:

1. 2021 – ABT21-1255 – Abatement – Tall weeds and grass.

Outstanding or Related Permit and Cases:

1. 2019 – 19300-00931 – DRC – Commercial carport and masonry fence (Incomplete).

Previous Planning Actions:

1. 2019 – 19410-00029 – Variance – Reduced setback for a carport and reduction in the site distance triangle.
2. 2019 – 19402-00078 – SP2019-87 – Special Use Permit – To operate a car dealership with automotive repair.
3. 2019 – 19402-00104 – SP2019-112 – Special Use Permit – To operate a car dealership with automotive repair.
 - a. *Please note, SP-2019-87 and SP-2019-112 were filed by two (2) different and unrelated parties. Both were approved however with different stipulations*

4. 2022 – SP2022-003 – SP2022-003 – Special Use Permit – Renewal to operate a car dealership with automotive repair.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Northeast Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood consists of a diversity of uses, including a commercial strip along Quindaro Boulevard with residences north and south of Quindaro Boulevard. The neighborhood is over 100 years old, featuring traditional street layouts and residential and commercial spaces within close proximity of each other.

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 C-3 Commercial District and the R-2 Two Family District to the North. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed and in accordance with the Special Use Permit standards.

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

The proposed use is suitable for the subject property as this is an existing use along a commercial corridor. The removal of restrictions will not detrimentally affect nearby property if the property is managed properly, and the conditions are adhered to.

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

The property is not vacant. The property has been an active repair shop since 2019, when it was approved for a Special Use Permit (SP-2019-112).

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Neighborhood Mixed-Use, which allows for a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street for form a

consistent street frontage. The proposed use conforms to the Northeast 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, and should not exceed the capacity of Quindaro Boulevard, a Major Collector Street, to accommodate it if managed properly. Customers are specifically seeking out this type of use rather than leisurely stopping by.

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 there are several car dealerships and automotive-related businesses in the area. The proposed use will not affect the use, quality, or marketability of nearby property so long as it is well-maintained and complies with Commercial District Design and Landscape Guidelines, along with maintaining an active Special Use Permit.

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 nearby property.*

Noise, vibration, and dust are expected to occur in durations or intensities as to create issues with nearby properties. These are not expected to create problems for nearby property, however if, all work on serviced automobiles is done inside the building. Illumination is not expected to occur with this type of use as the hours of operation will be from 10:00 a.m. to 6:00 p.m.

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

The proposed use has the potential to pollute the air, land or water as automotive related uses can create environmental concerns such as fluid leakage or the release of gases. However, if properly managed and maintained, the impact should be minimal.

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 property 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 to public health, safety and welfare is minimal as this use could pose potential negative impacts to public health if not properly managed. If denied, the property owner may not use the property for automotive sales, repair, or installation, however, they can still use the property for other business types listed in the C-3 Commercial District zoning regulations.

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 landscaping and screening requirements have not been met, along with the removal of the reflective glass from the windows.

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

The proposed use could potentially result in the overcrowding of land due to the storage of vehicles on the property while they are queued to be worked on. If managed properly, however, the storage of vehicles should not be a major concern. Undue concentrations of population are not expected to be a concern.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 2601 Ridge Avenue, Kansas City, Kansas 66102 on September 18, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with Previous Conditions of Approval

- Landscaping
- Reflective Glass

ADA Parking Spaces

Architectural Screening

Number of Vehicles Stored on the Property

Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Us Permit Application SP2024-059, **for two (2) years**, subject to:

1. Landscaping and screening requirements must be met;
2. The reflective glass covering the windows shall be removed;
3. One (1) ADA parking space must be designated;
4. No more than two (2) cars for sale can be on the property at any time;
5. 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;
6. 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;
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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. 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 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 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 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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-059** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Landscaping
Planning Engineering Comments
Parking Lines
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated August 16, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-059** 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 **SP2024-059**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-059 – PETE DAVIS JR. WITH AUTO PLUG LLC – SYNOPSIS: Renewal of a Special Use Permit (SP2022-003, expired 7/7/2024) for an auto dealership with light repair and detailing at 1830 Quindaro Boulevard. Detailed Outline of Requested Action: The applicant, Pete Davis Jr., is requesting a renewal of a Special Use Permit (expired July 7, 2024) to operate a car dealership with automotive repair, auto detailing, and auto stereo installation at 1830 Quindaro Boulevard, Kansas City, Kansas 66104.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye
Armstrong	Aye

Beth Aye
Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

1. Landscaping and screening requirements must be met;
2. The reflective glass covering the windows shall be removed;
3. One (1) ADA parking space must be designated;
4. No more than two (2) cars for sale can be on the property at any time;
5. 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;
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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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. 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 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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 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 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;
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 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;

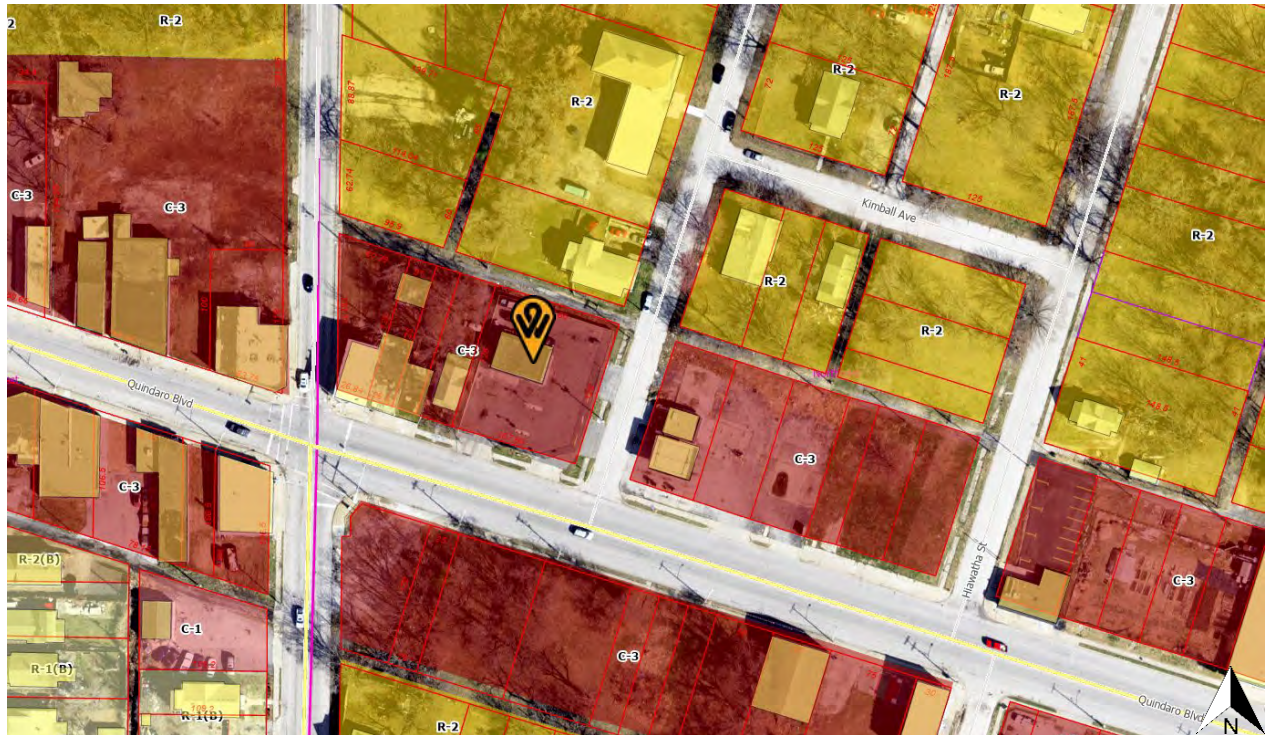
18. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration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

ATTACHMENTS

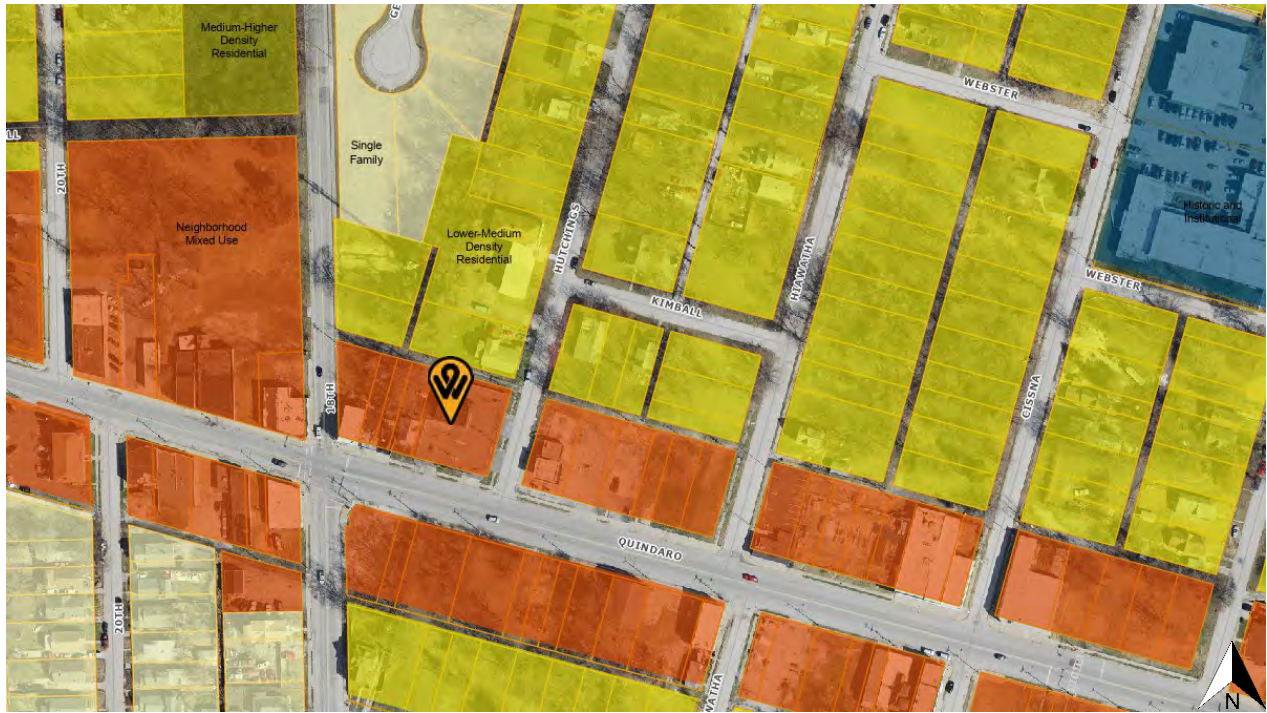
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



LANDSCAPING





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: Travis Trumble
Project Engineer

DATE: August 16, 2024

SUBJECT: Tanisha Henry – (SP2024-059)
1830 Quindaro Boulevard
General Engineering Review No. 1 (of the application received 8/1/2024)

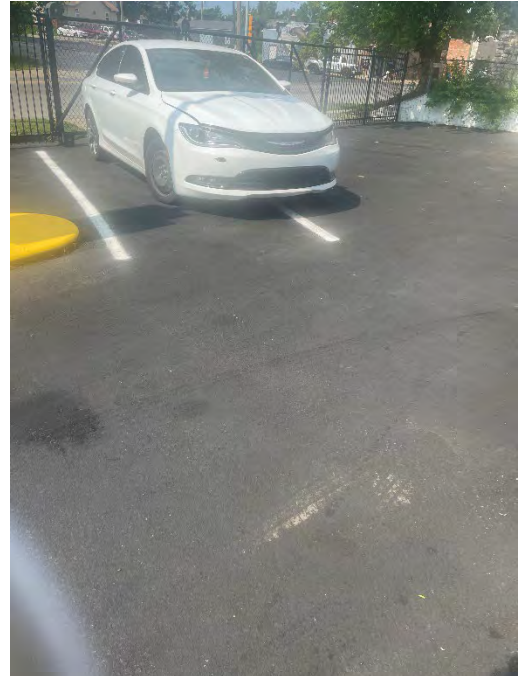
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Is there a proposed site improvement e.g., maintenance of the sidewalk, mill and overlay of the parking area, parking striping, etc.? If repair work is going to be done, erosion control plans may be required. Also, the sidewalk ADA (Americans with Disabilities Act) compliance shall be met.
- 2) Will there be a trash enclosure? If new trash enclosure shall be proposed on the site, provide details i.e., location, dimensions, etc., as applicable. And explain how will dump truck get in and out of site to pick up the trash.
- 3) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and
Land Use, email=trumble@wycokck.org, c=US
Date: 2024.08.16 18:47:37 -0500

PARKING LINES



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Tanisha Henry +, of lawful age, sound mind and upon his/her oath states as follows: Pete Davis

1. That I am the petitioner for Petition # SP-2024-059
2. That I conducted a neighborhood meeting on September 18/2024
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.

Tanisha Henry/Auto Aug LLC
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19 day of September, 2024

My commission expires 14 of July, 2026



Matthew Paxton
Notary Public

Sign-In Sheet

September 18, 2024

@ 6:00 p.m.

1.

2.

3

4

5.

4 people showed up and ended meeting
at 6:31 p.m.

NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting Minutes

Application Number: SP-2024-059

Date and Location: September 18, 2024
2601 Ridge Ave. Kansas City, KS 66102

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

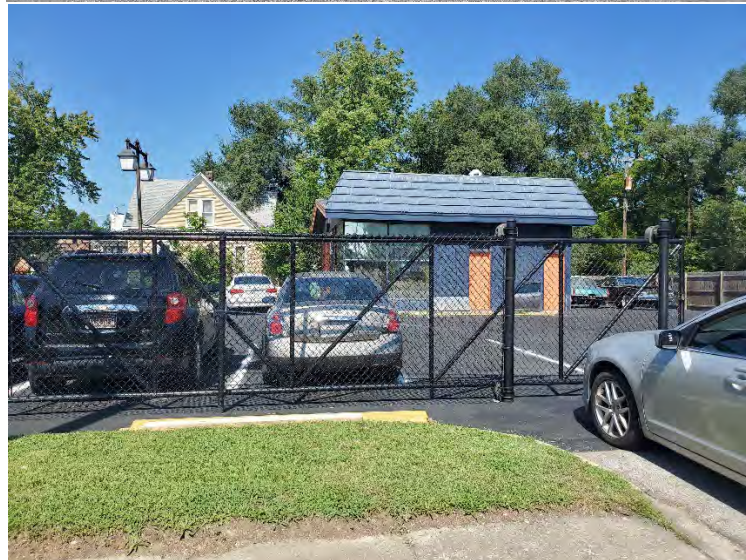
Name of people in attendance:
Pete Davis Jr. (owner)
Tanisha Henry

Introductions: Introductions by Pete Davis and/ Tanisha. Was prepared with a presentation board of the redevelopment of the Auto Plug, LLC and was ready to address any questions or concerns.

Questions and answers: N/A
Nobody Attended

Meeting Adjourned at: 6:31 p.m.

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-062

GENERAL INFORMATION

Applicant Information:

Austin Thompson
Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, Kansas 66007

Subject Property:

10000 Hollingsworth Road
Kansas City, Kansas 66109

Requested Action and Purpose:

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

Commission Districts:

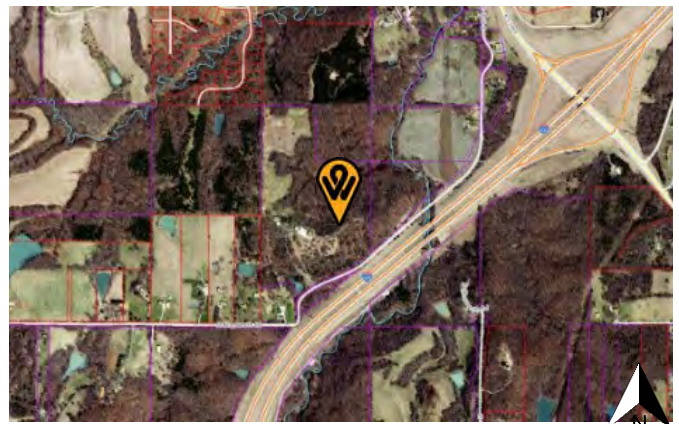
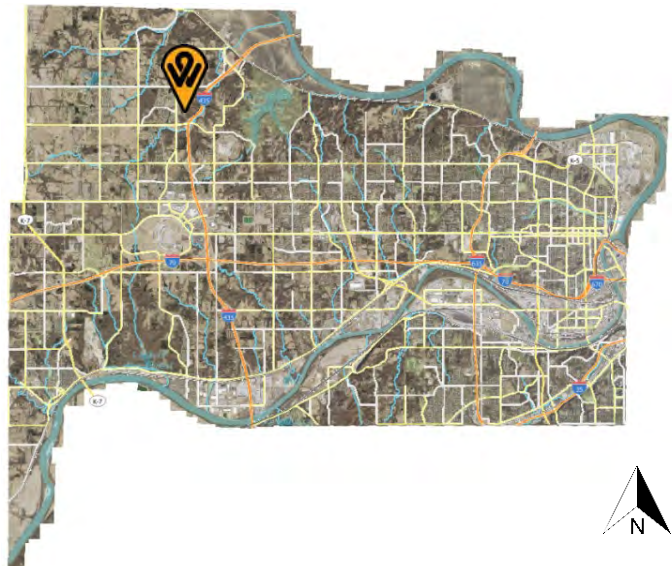
Commissioner At-Large, District #1:
Melissa Bynum
District #5: Mike Kane

Existing Zoning District(s):

A-G Agriculture District

Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Vacant Property
South	A-G Agriculture and R-1 Single Family Districts	Single Family Homestead, Vacant Property, and Interstate 435
East	A-G Agriculture District and Public Right-of-Way	Vacant Property and Interstate 435
West	A-G Agriculture and R-1 Single Family Districts	Single Family Homestead; Vacant property

Total Tract Size: 42.75 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates this property as Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is recommended north of Donahoo Road. These areas are for single-family detached residential units and should appear to be less dense. Development in these areas should include significant areas for open space to maintain the rural character of the area.

Major Street Plan: The goDotte Countywide Mobility Strategy designates Hollingsworth Road as a Minor Collector Street.

Parking Requirement: Section 27-452(e) requires two (2) off-street parking spaces on the premises of each single-family dwelling. County Appraiser records state that there is at least one (1) single-family residence on the subject property. Aerial photos of the subject property demonstrate sufficient paved parking areas for this residence and all other apparent uses within the subject property and the proposed parcels (see “Aerial Map” within the Attachments section of this report).

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 <u>Letters to Property Owners</u> – September 20, 2024
Public Hearings:	October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting a Special Use Permit to operate a short-term rental at 10000 Hollingsworth Road. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 10000 block of Hollingsworth Road.

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

Building or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. The current property owner has been cited for operating a short-term rental without an active Special Use Permit on 07/31/2023 (ZONE2023-082).
2. The current property owner has received the following permits related to development and construction:
 - a. Residential (new single-family build), 04/10/2017 (Permit #17300-00364)
 - b. Residential (accessory structure build – "trophy room"), 04/10/2017 (Permit #17300-00365)
 - c. Residential (accessory structure build – "pole barn"), 04/10/2017 (Permit #17300-00366)
 - d. Driveway (flatwork paving), 04/10/2017 (Permit #17382-00149)
 - e. Residential (plumbing – "trophy room"), 06/13/2017 (Permit #17390-00443)

- f. Residential (electrical), 07/26/2017 (Permit #17380-00907)
- g. Residential (plumbing), 08/04/2017 (Permit #17290-00583)
- h. Residential (mechanical – “trophy room”), 08/09/2017 (Permit #17385-00557)
- i. Residential (electrical – “pole shed”), 10/03/2017 (Permit #17380-01208)
- j. Residential (mechanical), 12/11/2017 (Permit #17385-00838)

Previous Planning Actions:

1. Denial of a Variance (BOZA2024-001) from maximum depth-to-width ratio and minimum street frontage in 2024.
2. Approval of a Preliminary and Final Plat (PLAT2023-038) for two (2) lots in 2024.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood consists of large lot residences and agricultural 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 A-G Agriculture and R-1 Single Family Districts. 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. While use as a short-term rental is commercial in nature, it 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 and has been used as a short-term rental, since it's unpermitted conversion into a dwelling in 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 this property as Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is recommended north of Donahoo Road. These areas are for single-family detached residential units and should appear to be less dense. The proposed use conforms to the area plan.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Hollingsworth Road, a minor collector, to accommodate it if managed properly while it functions as a short-term rental.

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, aside from the unpermitted conversion of the trophy room. 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 structure, soon to be 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 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 will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, and all other applicable requirements set by the Code of Ordinances.

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. Staff cannot determine the appropriate maximum number of guests at one time or the maximum number of vehicles off-street. A floor plan shall be provided to staff. 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 on September 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking
Operating without a Special Use Permit
Building Permits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-062 **for one (1) year**, subject to:

1. The following conditions from PLAT2023-038 remain in effect:
 - o A cross-access agreement between Lot 1 and Lot 2 must be properly signed, notarized, and filed with the Wyandotte County Register of Deeds in order to legally establish access to both parcels via the existing driveway that accesses the Hollingsworth Road right-of-way via Lot 1;
 - o Any building, existing or proposed, in which persons will be residing overnight, even as a short-term rental, must receive a Certificate of Occupancy for habitable space;
 - o Two (2) new addresses will have to be assigned to the newly created parcels. Work with the Department of Planning & Urban Design to create these addresses. Contact Byron Toy at btoy@wycokck.org to begin this process;
2. The applicant shall provide proof of a certificate of occupancy for the converted trophy room prior to publication of this petition;
3. Maximum number of guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

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

21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-062** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-062** 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 **SP2024-062**, 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.

October 14, 2024 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-062 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS: Special Use Permit for a Short-Term Rental at 10000 Hollingsworth Road. Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting a Special Use Permit to operate a short-term rental at 10000 Hollingsworth Road. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 10000 block of Hollingsworth 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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:40:54: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There is a Notice of Violation for a Short-Term Rental without a Special Use Permit, which is why this application is before the Commission. The Commission approved a plat earlier this year that divided this dwelling unit from the primary dwelling unit. Staff recommends approval for one (1) year subject to the conditions in the staff report including a maximum of seven (7) people on site and three (3) cars off-street.

Motion starts at 1:41:43:

On motion by Mrs. Jones, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-062 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

- 1. The following conditions from PLAT2023-038 remain in effect:**
 - o **A cross-access agreement between Lot 1 and Lot 2 must be properly signed, notarized, and filed with the Wyandotte County Register of Deeds in order to legally establish access to both parcels via the existing driveway that accesses the Hollingsworth Road right-of-way via Lot 1;**

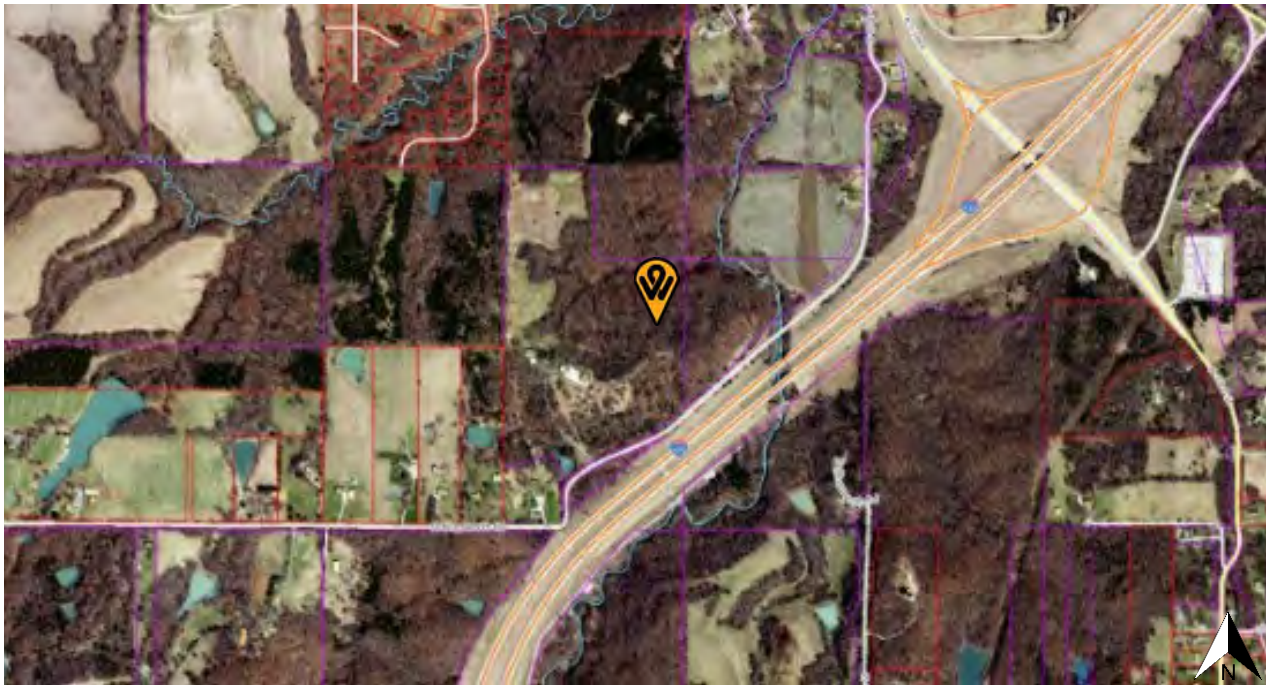
- Any building, existing or proposed, in which persons will be residing overnight, even as a short-term rental, must receive a Certificate of Occupancy for habitable space;
 - Two (2) new addresses will have to be assigned to the newly created parcels. Work with the Department of Planning & Urban Design to create these addresses. Contact Byron Toy at btoy@wycokck.org to begin this process;
- 2. The applicant shall provide proof of a certificate of occupancy for the converted trophy room prior to publication of this petition;
- 3. Maximum number of guests shall be 7;
- 4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7. Applicant is to maintain liability insurance;
- 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
- 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
- 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 12. If approved, occupying businesses must file and maintain a current business occupation tax application with 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

- 21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



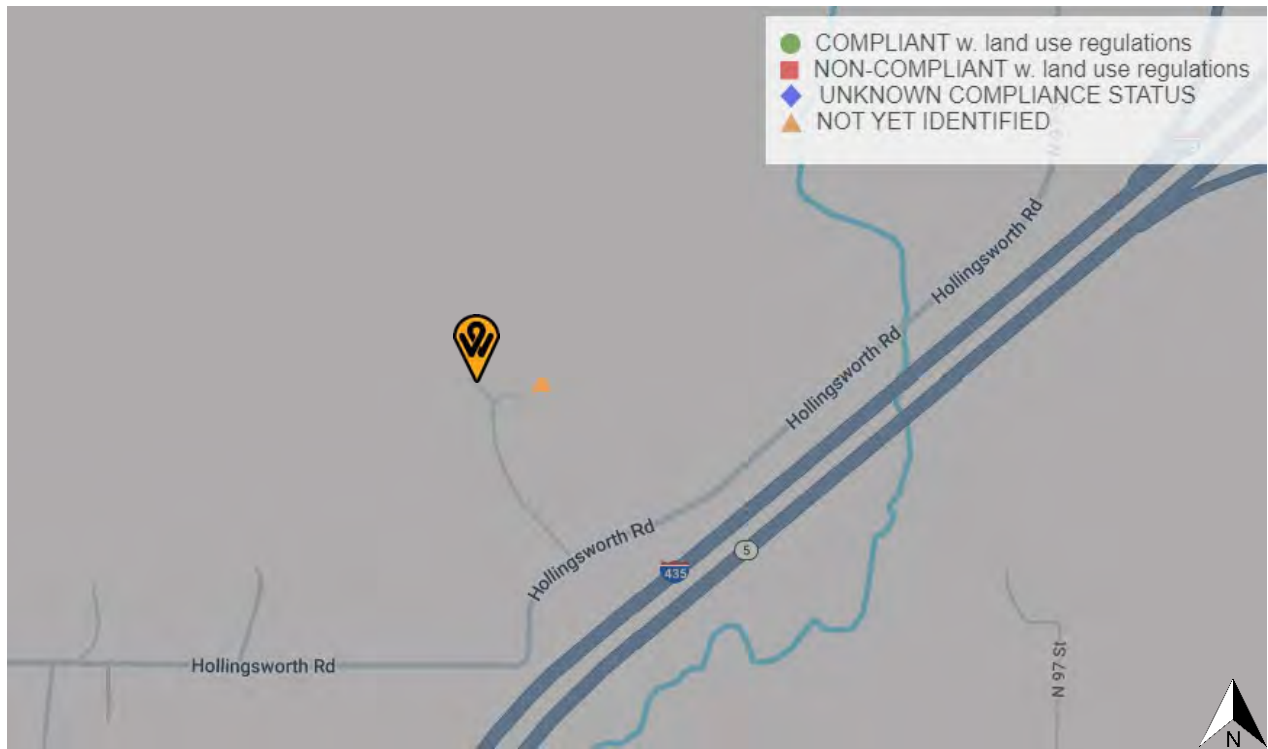
LAND USE MAP



Prairie-Delaware-Piper Area Plan Land Uses

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

SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting
SP2024-062

Meeting called to order at: 5pm on September 26, 2024

Names of people in attendance:

No attendance.

Meeting adjourned at: 5:30pm on September 26, 2024

Minutes taken by – Austin Thompson with ALC

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

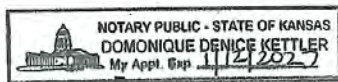
1. That I am the petitioner for Petition # SP2024-062.
2. That I conducted a neighborhood meeting on SEPTEMBER 26, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

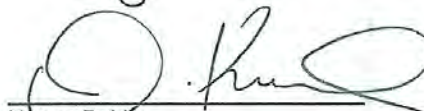
Further affiant saith not.


Affiant

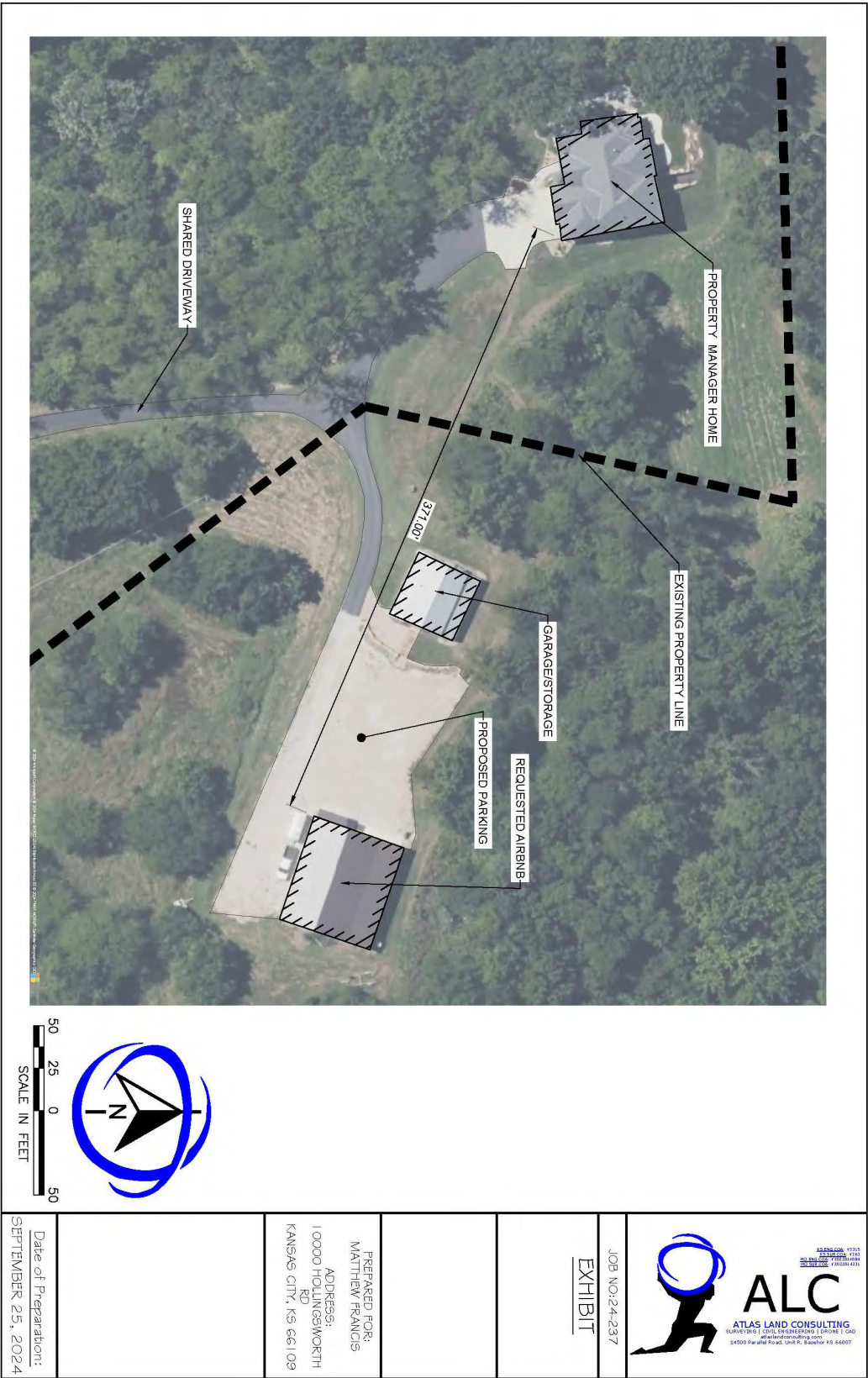
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024.

My commission expires 12th of January, 2027.




Notary Public

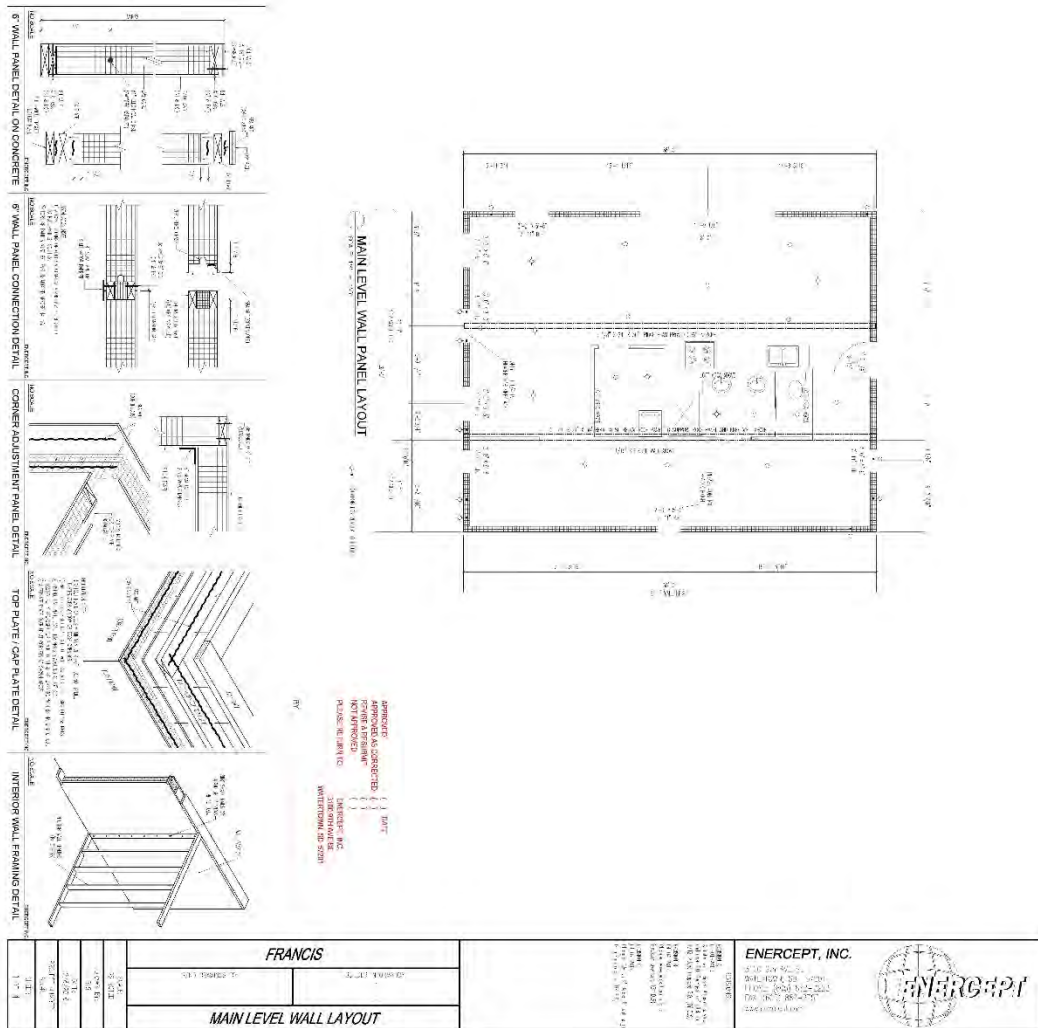
SITE PLAN



SP2024-062

November 7, 2024

21



HOME INSPECTION REPORT



INSPECTION REPORT

.Client: Matt Francis **Address:** 10000 Hollingsworth Rd. KC, KS 66109 **Performed:** 8-15-24@ 12:30pm
Weather/Temperature: Sunny/80 **Delivered:** 8-16-24@8:00am **Billed:** Venmo
Inspector: Doug Geyer – All N One Home Inspections **Inspector Phone:** 913-915-7103

.Summary of Concerns – Item(s) that were noted as concerns inside and/ or outside the house.

1. Exterior Patio Cover- There are no joist hangers on the supports under the cover against house. It is recommend to install joist hangers.
2. Fireplace Flue- There is evidence of overheating from the fireplace flue by marks on the siding. It is recommend to move the flue away from the house.
3. Kitchen- The garbage disposer is locked up. It is recommend to repair the disposer.

RATINGS

S	Satisfactory
U	Unsatisfactory, See Comments
M	Minor Deficiency, See Comments
A	As Is
B	Buyers Information, No Repair Required
N	Not Available/Not Applicable

.HVAC

B	Heating Systems Type: Mini Split Manufacturer: Mitsubishi Fuel Type: electric Approximate Age: 2017 unit Comment: The unit needs to be cleaned and serviced every fall.
N	Heating Vent Type: Comment:
S	Control (Thermostat) Type: Heating and cooling thermostat
B	Air Conditioning System Type: Mini Split Manufacturer: Mitsubishi Approximate Age: 2017 unit Comment: The unit needs to be cleaned every year.
S	Change In Temperature (Evap Coil) Comment:
N	Exposed Duct System Material: mini split Distribution: Comment:
.N	Humidifier Comment:
N	Attic Fan (s)

N Back Flow Preventer
 N Water Hammer Arresting Device
 N Other Plumbing Systems
 Comment
.ELECTRICAL
 S Main Panels
 Type: breakers
 AMP: 200 amps
 Comment
 S Over Current Protection Device(s)
 Type: Breaker
 Double Taps: zero
 Mismatches: All wires are not compatibly sized
 Comment
 N Surge Protector
 S Grounding System
 N Sub Panel
 S Service Entrance underground
 Comment
 S Outlets
 Type: 3 Prong grounded
 S Ground Fault Protection
 Type: circuit breaker in outlets
 S Interior Wiring
 Comment
 S Exterior Lighting Fixtures
 S Interior Lighting Fixtures
 N Doorbell
 N Intercom
 N Central Vac System
 N Other Electrical Systems
.APPLIANCE
 S Range Oven
 Type: propane
 Manufacturer: GE
 Comment
 N Wall Oven
 N Cook Top
 Type:
 Manufacturer:
 S Dishwasher
 Manufacturer: May Tag
 Comment
 M Garbage Disposal
 Manufacturer: Evergrind
 Comment: the disposer is locked up
 S Venting Device
 Type: above the oven in the microwave
 Manufacturer: GE
 S Microwave
 Manufacturer: GE
 Comment
 N Trash Compactor
 N Instant Hot Water Dispenser
 N Gas Grill
 N Garage Door Opener
 Manufacturer:
 Comment
 N Garage Door Automatic Reverse Feature
 N Other Appliances
.ROOF
 Style gable
 Observation Method ladder
 # of Layers 1
 Shingle/Covering Type metal

S Bath Vent Fan (s)
 Comment
 B Clothes Dryer Vent
 Gas Hookup: not present in laundry
 Electrical Outlet: 220V electrical outlet present in laundry area. Not tested for operation
 Comment: it is recommend to clean out the dryer vent periodically
 B Washing Machine Drain
 Comment: present but not tested for proper drainage
 S Washing Machine Faucets
 Comment:

.PLUMBING

.Exposed Gas Line
 Material (s) black iron pipe and soft copper
 Comment
 N Gas Log
 N Gas Log Lighter
 Comment
 M Fireplaces
 Comment: the flue needs to be moved away from the house
 S Gas Shut Off(s)
 S Exposed Drain(s) and Vent Stacks
 Material(s): plastic
 Sewer: public
 Comment
 S Tub Drain, Waste, and Overflow Trip Lever(s)
 S Lav Drain Pop Up Assemblies
 N Tub(s)
 Material:
 S Shower Pan(s)
 Material: stone
 S Shower Wall(s)
 Material: tile
 N Shower Door(s)
 Material:
 S Main Water Shutoff Valve: in the furnace room
 S Exposed Entrance Water Supply Line(s) copper
 S Exposed Water Distribution Line(s) copper and pex
 Comment
 N Cross Connection(s)
 Static Water Pressure
 PSI: 80psi
 N Pressure Reduction Valve
 S Hot Water Tank
 Type: gas
 Manufacturer: Noritz
 Approximate Age: 2017 unit
 Capacity: on demand
 Comment
 Hot Water Tank Flue: plastic
 Comment
 S Pressure & Temperature Relief Valve
 N Water Softener
 .N Water Filtration System
 S Faucets
 S Kitchen Sink
 Material: stainless
 S Bathroom Lav Sink(s)
 S Toilet(s)
 S Showerhead(s)
 N Sump Pump
 Comment
 N Whirlpool Tub
 N Hot Tub
 Comment:

Comment:

.ATTIC

Observation Method
Hatch Location
Approx Insulation Depth
Insulation Type

Comment: There is no attic in the house

BASEMENT AREA

Floor Joists
Comment:

Sub Floor
Comment:

Main Beam
Comment:

Foundation Walls
Comment:

Foundation Floor
Comment:

Crawl Space
Comment:

Structure of House
Comment: The house appears to be structurally sound. The house is built on a slab.



No joist hangers.



Dark marks on the siding from the fireplace flue.

Content of the inspection.

The Company shall perform a visual inspection of the subject property and provide the Client with a written inspection report identifying the major deficiencies. This inspection will be of readily accessible areas of the property and is limited to visual observations of apparent condition existing at the time of the inspection only. The inspection covers only the items listed in the report for function and safety, not for code compliance. The Client is encouraged to check the opinions included in the report with a specialist prior to closing. Problems or areas of concern may be more extensive upon investigation by a specialist. The inspection includes items and systems expressly and specifically identified as follows:

Appliances (built-in)	Crawlspace	Fireplace	Interior
Attic	Drainage	Foundation	Materials of Const
Basement	Electrical	Heating	Plumbing
Central A/C	Exterior	Insulation	Roof

Some items are checked by a sample as expressly and specifically identified in the inspection report. Pressure gauges are not used to test air conditioners. Garbage disposals are checked for operation only. Only the dishwasher's ability to fill and drain properly is checked.

The inspection and report will be performed in a manner consistent with the standards of the American Society of Home Inspectors. No destructive testing of any kind will be performed. The inspection and report





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: November 7, 2024

Re: Special Use Permit Petition SP2024-063

GENERAL INFORMATION

Applicant Information:

Blake Lostal
Representative
Colonial Club, LLC
444 Orville Avenue
Kansas City, Kansas 66101

Subject Property:

322 North 6th Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 2024) for live
entertainment at a drinking
establishment.

Commission Districts:

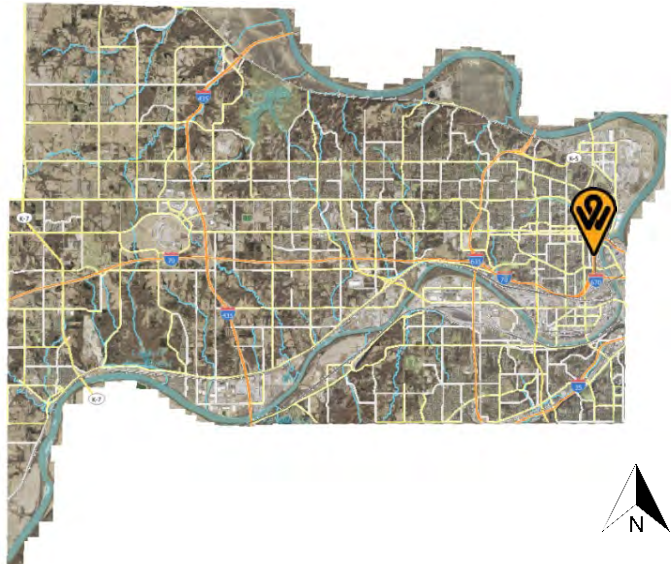
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

TND Traditional Neighborhood
Design District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	TND Traditional Neighborhood Design District	Funeral Home
South	R-1(B) Single Family District	Single-family residence
East	TND Traditional Neighborhood Design District	Wholesale Lighting Sales Office
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.06 Acre

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Urban Density, which allows for single family homes, attached residences including townhomes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.

Major Street Plan: The goDotte Mobility Plan designates North 6th Street as Minor Collector Street.

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 has approximately 1,260 square feet of commercial space. Although the Zoning Code requires three (3) parking spaces to serve the commercial space, the subject property is a legally non-conforming building that was constructed in 1961 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 less than 60 feet in length: Zero landscape plantings required”. The subject property currently fulfills this standard.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support:

None to date.

Public Opposition:

One (1) letter in opposition has been received.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blake Lostal, is requesting a renewal of a Special Use Permit (expires December 2024) for live entertainment at a drinking establishment at 322 North 6th Street, Kansas City, Kansas.

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 has been one (1) noise or disturbance complaint between 2019 and 2024, for a call involving suspicious crowd activity.

Building, Zoning, or Code Enforcement Complaints:

1. 2018 – 18395-00068 – Stop Work Order – Construction behind building without a permit (closed).
2. 2019 – 19200-01520 – Environment – Trash Bags behind property (closed).
3. 2020 – 20213-00032 – Zoning – Fence over six (6) feet in height (closed).

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2022 – SP2022-046 – Special Use Permit for live entertainment and drinking establishment.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood Group, the Strawberry Hill Neighborhood Group, and the Central Area Betterment Association (CABA) Business Group. The neighborhood consists of a mix of single-family residences, some multi-family residences, and small-scale commercial uses.

- 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 TND Traditional Neighborhood Design District and the R-1(B) Single Family District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed.

- 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 operated as a drinking establishment since 2017.

- 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 single family homes, attached residences including townhomes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use conforms to the Central Area Plan designation with the continuation of a Special Use Permit.

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

The proposed use does not have the potential to increase vehicular traffic and 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.***

The proposed use is not reasonably necessary for the convenience and welfare of the public. Although it could be seen as desirable to have as a neighborhood feature, issues such as noise, illumination, or undue concentrations of people

could be potential issues. The proposed use will not substantially affect the use, quality, or marketability of nearby property if managed properly.

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

Noise, vibration and illumination are expected to occur in durations as to create issues with nearby properties. These issues are not expected to create problems for nearby property, however, 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 drinking establishment.

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 drinking establishment and live entertainment venue.

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

The relative gain or loss to the public health, safety, and welfare is minimal as it only provides the convenience of entertainment and gathering with some economic benefit. If denied, the property owner may not use the property as a drinking establishment with live entertainment, however, they can still use the property 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 has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use 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 322 North 6th Street, Kansas City, Kansas 66101 on September 26, 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
Noise and Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-063, **for five (5) years**, subject to:

1. All entertainment must cease by at least 1:00AM;
2. Doors and windows must stay closed during any entertainment performance;
3. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - 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;
4. No amplified speakers or entertainment is allowed in outdoor spaces;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
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. 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, Kansas 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for 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;

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

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 **SP2024-063** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024
Letter in Opposition

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-063** 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 **SP2024-063**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-063 – BLAKE LOSTAL WITH COLONIAL CLUB LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2022-046 – expired 10/3/2024) for live entertainment at a drinking establishment at 322 North 6th Street. Detailed Outline of Requested Action: The applicant, Blake Lostal, is requesting a renewal of a Special Use Permit (expires December 2024) for live entertainment at a drinking establishment at 322 North 6th Street, Kansas City, Kansas.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

- 1. All entertainment must cease by at least 1:00AM;**
- 2. Doors and windows must stay closed during any entertainment performance;**
- 3. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - 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;**
- 4. No amplified speakers or entertainment is allowed in outdoor spaces;**
- 5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 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. 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, Kansas 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion

thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

ATTACHMENTS

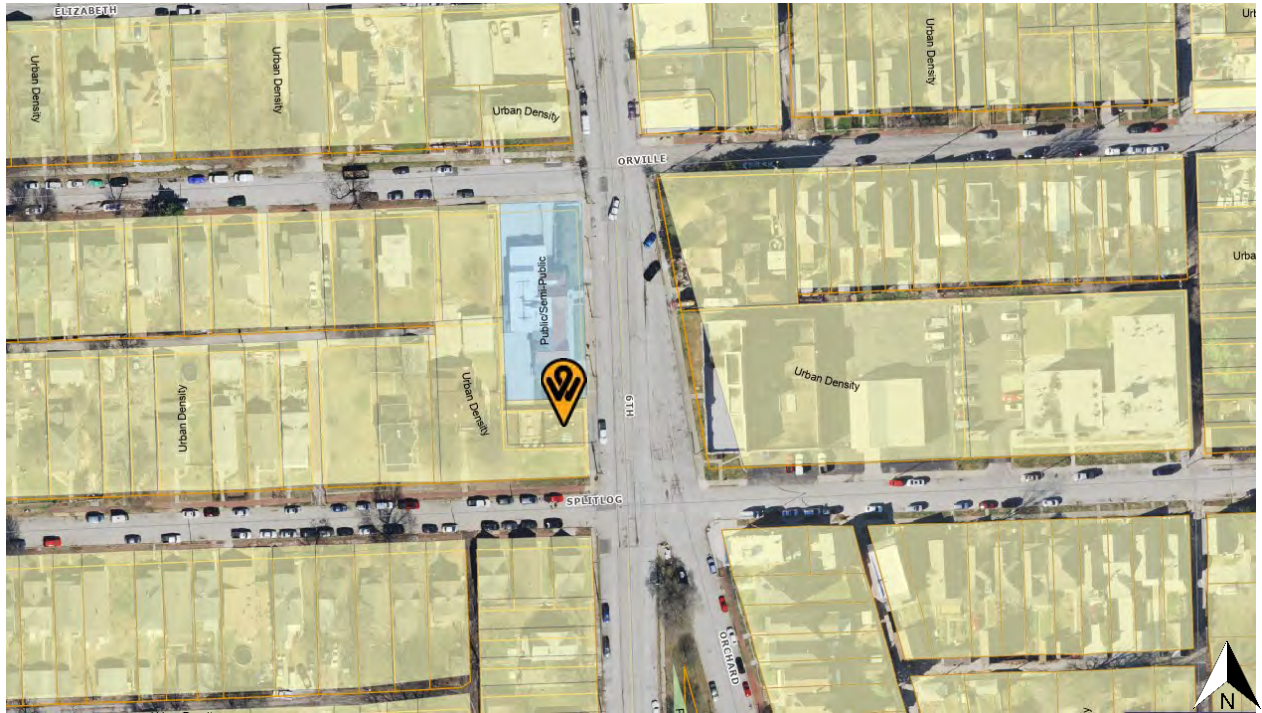
AERIAL IMAGERY



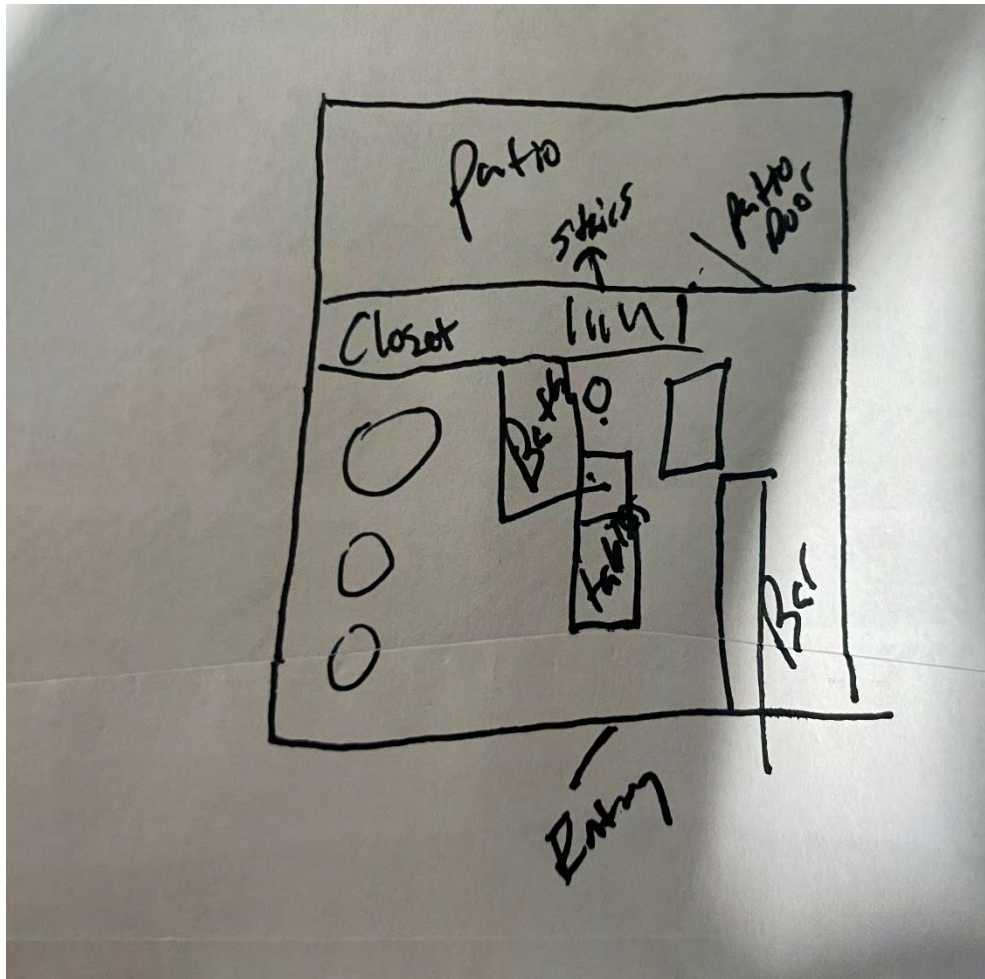
ZONING MAP



LAND USE MAP



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

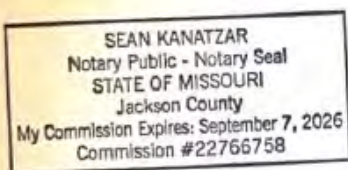
1. That I am the petitioner for Petition # SP2024, 063
2. That I conducted a neighborhood meeting on 9-26-24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

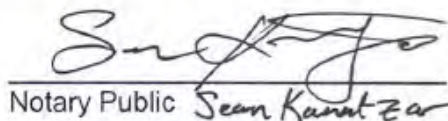
Further affiant saith not.


Affiant

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

My commission expires 7th of September, 2026




Notary Public Sean Kanatzar

NEIGHBORHOOD MEETING MATERIALS

Application Number-SP2024-063 - 322 North 6th Street

Date and Location: _9-26-2024_____

Meeting called to order at: __4:00PM_____

Names of people in attendance:0

Introductions:N/A

Presentation by applicant and/or team: N/A

Questions and answers (include the following):
No Questions asked.

Meeting adjourned at:4:30pm

Minutes taken by:Blake Lostal__

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 2024



BM

BL

Oct 27, 2024

SP 2024-063

To: Planning & Zoning ✓
Code Enforcement

Re: Colonial Club - Easy Inn
6th & Splitlog, K.C.Ks. 66101

The loud music from the above club on Saturday evening, Oct 26, 2024 lasted well past midnight.

At just before midnight about 11:55pm my wife called the City to complain. The person at the Non-emergency number, said they would send a car to address the complaint.

I have hearing aids so I was able to retire at 12:30 AM. My wife stayed awake until after 1:15 AM, still bothered by the music.

Isn't this an intentional violation of the contract the club signed, agreeing not to allow or to produce the entertainment in violation of the appropriate ordinances or laws?

The Club abuts our property. I was able to see the back door of the Club open, to allow access to the club and the back yard.

Our concern is that if official attention is not taken now, the problem will continue. The houses here are family owned. The homeowners respect the government.

Is this a mistake or an intentional
violation of the ordinance?

Yours truly,

Nick A. Tomasi Nick A. Tomasi
Karolyn A. Tomasi Karolyn A. Tomasi
608 Splitlog Ave.
K.C. Mo. 66101



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: November 7, 2024

Re: Special Use Permit Petition SP2024-067

GENERAL INFORMATION

Applicant Information:

Daniel Rios
Magic Landscaping LLC
1323 South 51st Terrace
Kansas City, Kansas 66106

Subject Property:

1323 South 51st Terrace
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of a Temporary Use of Land
to keep landscaping equipment and
trailers on the subject property.

Commission Districts:

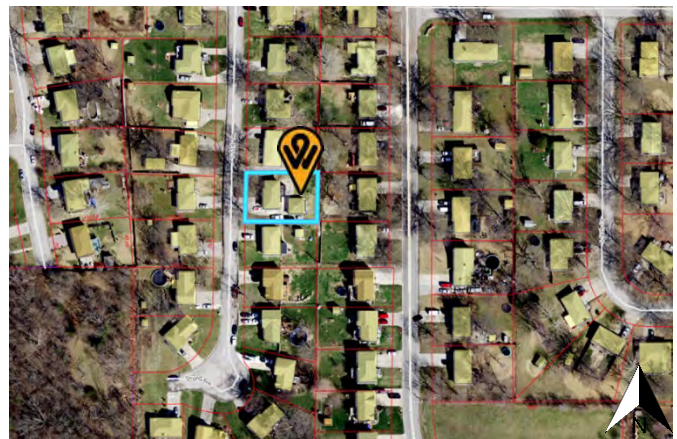
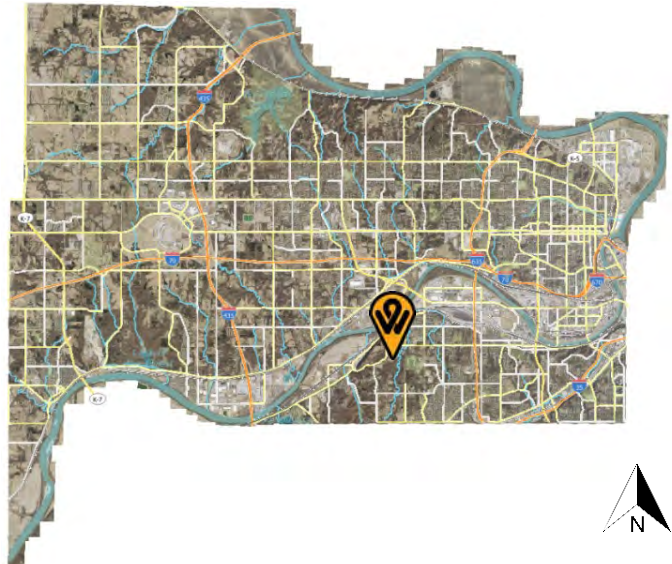
Commissioner At-Large, District #2:
Tom Burroughs
District #6: Phillip Lopez

Existing Zoning District(s):

R-1 Single Family District

Plan Area

PlanKCK Comprehensive Plan



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

Total Tract Size: 0.20 Acre

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single family homes.

Major Street Plan: The goDotte Mobility Plan designates South 51st Terrace as a Local/Neighborhood Street.

Parking Requirement: Section 27-454(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. There are four (4) parking spaces provided, including two (2) in a garage.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: There were three (3) persons present at the October 14, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Daniel Rios, is requesting a Temporary Use of Land Special Use Permit to keep trailers and equipment for a landscape business at 1323 South 51st Terrace.

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 has been two (2) Notices of Violation on the subject property:
 - a. 2022 – ENV21-1675 – Environmental – Cars parked on unimproved surface
 - b. 2021 – ENV21-5438 – Environmental – Cars parked on unimproved surface

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 Turner Statistical Neighborhood, the Turner Community Connection (TCC) group, and the SAFE Neighborhood Group. The neighborhood consists almost entirely of single-family residences on small lots, with two (2) groups of duplexes to the north and east.

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

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

The proposed use is not suitable for the subject property, as the property is a purpose-built residence, rather than a parking lot/garage for a commercial business. The removal of restrictions will detrimentally affect nearby property, as the presence of a commercial business poses issues such as noise, dust,

vibration, as well as impacts on the visual quality and marketability of nearby property.

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

The property has been used as a residence since 2019, when the property was removed from the unfit properties list.

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

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

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

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

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

The proposed use is not reasonably necessary for the convenience or welfare of the public as it only serves the convenience of the property owner. The proposed use may impact the visual quality, use and marketability of adjoining properties, as this is a commercial use being placed within an established, exclusively single-family neighborhood. Additionally, the parking for this use is in the open, rather than a closed garage.

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 common issues with this type of use, as trailers and landscaping equipment are loud, produce exhaust fumes and at times can create a "rumbling" sensation to nearby structures. This may create conflicts with nearby property owners.

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

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

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

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

12. *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 may result in the overcrowding of land, as it proposed to park commercial vehicles and equipment in a driveway designed for passenger vehicles. Undue concentrations of population are not expected to be an issue with the proposed use.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 28, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Alternative Parking Solutions
Amount and Types of Equipment
Site Plan
Temporary Use of Land
Unimproved Parking Spaces
Unpermitted Accessory Structures

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2024-067** as the property is not in compliance with the code and does not fit the character of the neighborhood.

STAFF COMMENTS AND SUGGESTIONS

Staff **concurs** with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

1. Why has the applicant chosen to park equipment at their residence, rather than a commercial location?
2. The applicant understands that if approved, they can only keep this equipment at their residence for two (2) years. After which, they must still find a commercial property to park their equipment.
3. Provide a site plan of the property, showing where trucks and equipment will be parked.
4. How much equipment does the applicant anticipate having on their residential property?
5. The applicant must pave or remove the gravel portions of the driveway.
6. The applicant shall remove the small garage on property, as it is not permitted.

Staff Response: The applicant did not respond to staff questions.

Planning Engineering Comments:

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

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 SP2024-067 **subject to all comments and suggestions outlined in this staff report and the reasons listed by the City Planning Commission.**

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Denial	October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-067**, 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 **SP2024-067** 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. _____.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:21:48:

SPECIAL USE PERMIT APPLICATION SP2024-067 – DANIEL RIOS – SYNOPSIS:

Special Use Permit to keep landscaping equipment at a residence at 1323 South 51st Terrace. *Detailed Outline of Requested Action:* The applicant, Daniel Rios, is requesting a Temporary Use of Land Special Use Permit to keep trailers and equipment for a landscape business at 1323 South 51st Terrace.

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 October 14, 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.

Planner Molloy 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:

- Donna Abelian, 1426 South 51st Street, Kansas City, Kansas
- Matt Reynolds, 1333 South 51st Terrace, Kansas City, Kansas
- Dominic Soto, 1345 South 51st Terrace, Kansas City, Kansas

Staff Recommendation starts at 2:22:56: Planning Director Hand explained the application since the Applicant was not present prior to those in opposition speaking. This request is for the Temporary Use of Land to keep landscaping equipment and trailers on the property. The property is in the PlanKCK area in the Turner neighborhood. Staff received no letters in support and received letters in opposition. There is a Notice of Violation on the property for parking on an unimproved surface, which is what triggered this Special Use Permit request. Staff recommends denial, but has conditions of approval in the staff report if the Commission moves forward with a recommendation of approval.

Motion starts at 2:31:53:

On motion by Mr. Beth, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2024-067 as the property is not in compliance with the code and does not fit the character of the neighborhood:**

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

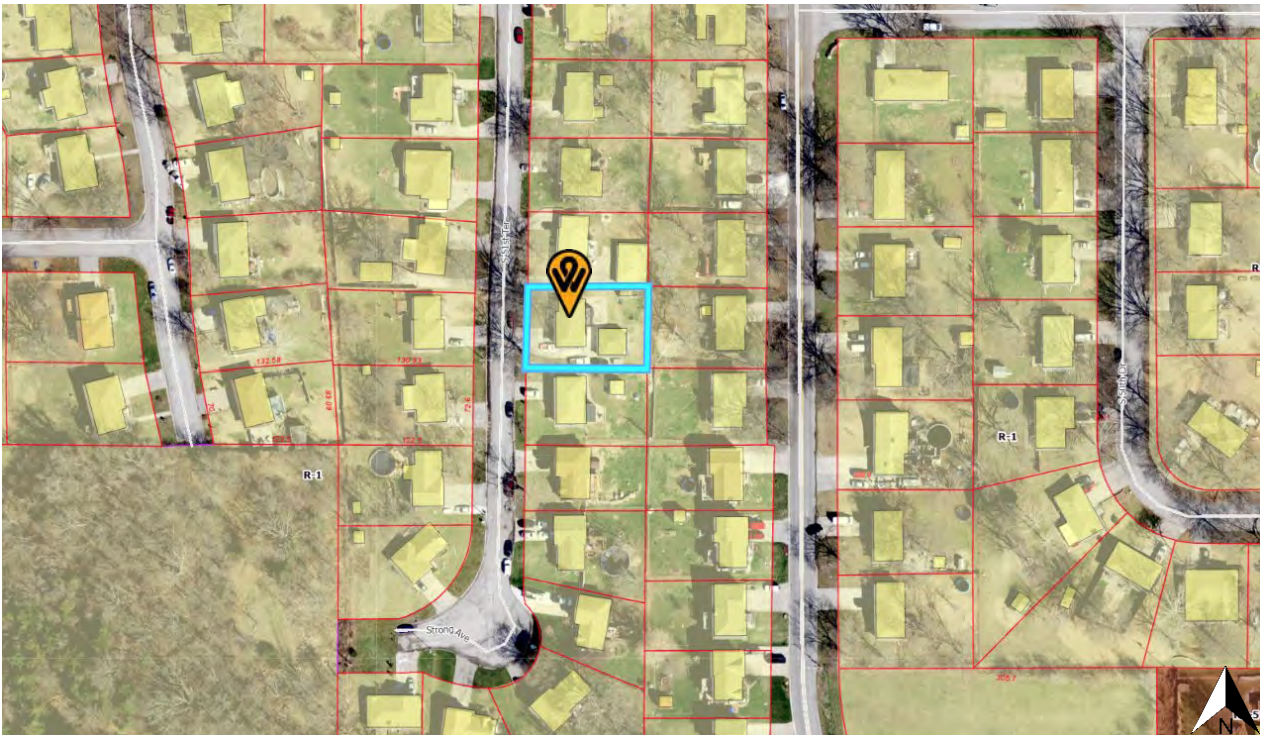
Motion to recommend DENIAL Passed: 9 to 0

ATTACHMENTS

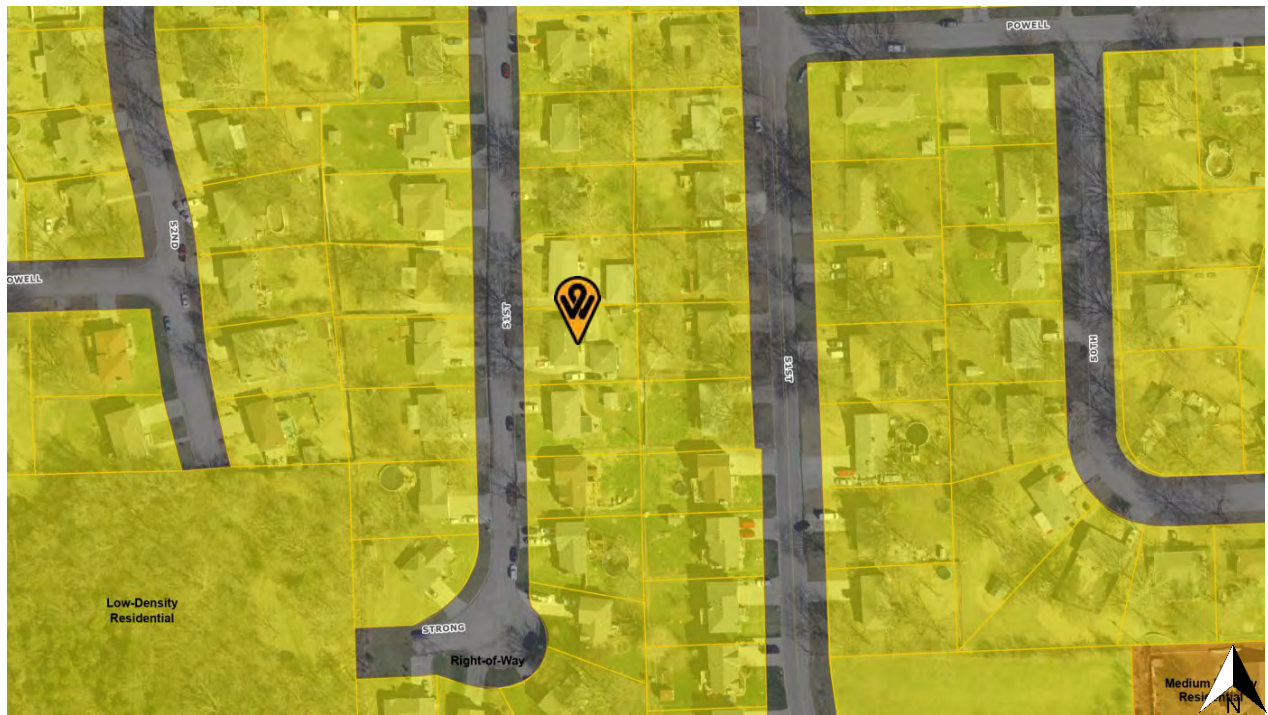
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



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

- Further affiant saith not.

SUBSCRIBED IN MY PRESENCE AND SWORN to before
me this 28 day of September, 2024.

My commission expires _____ of _____, 200 .

DATE: Sep 28, 2024

EVENT: Parking Meeting

LOCATION: 1323 S 51th terrace
Kansas city ks 66106

No	NAME	ADRESS	
1	Enrique Bonilla	Gibson Conny	1316
2	Enrique Bonilla	1329 S 51 terrace	1329
3	Enrique Bonilla	1319 S 51st terrace	
4	Heba Uaeq	5127 Strong Ave	
5	Graciela Duarte	1322 S 51 terrace	
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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.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: November 7, 2024

Re: Special Use Permit Petitions SP2024-068 and SP2024-069

GENERAL INFORMATION

Applicant Information:

Darcy Swan
Representative
YMCA of Greater Kansas City
6901 Shawnee Mission Parkway
Overland Park, Kansas 66202

Subject Property:

4410- 4420 North 107th Street
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of Special Use Permit to
operate before and after school
childcare for school attendees.

Commission Districts:

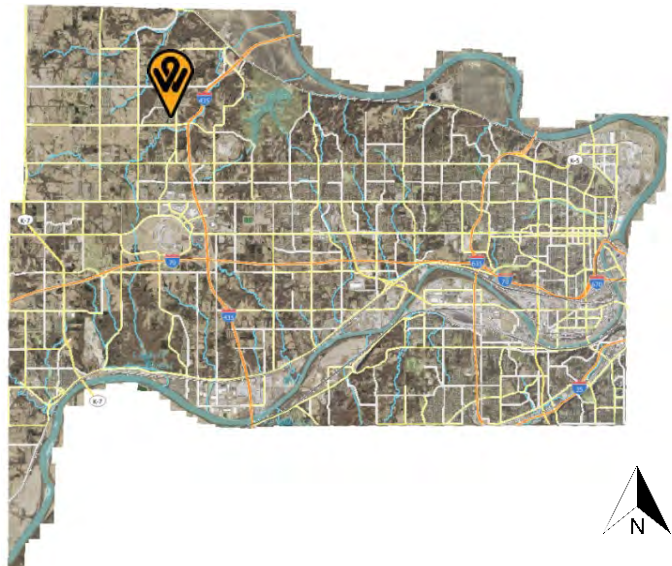
Commissioner At-Large District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):

AG Agriculture District

Plan Area

Prairie-Delaware-Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-1 Planned Single Family District	Single-family residences
South	R-1 Single Family District	Single-family residences
East	RP-3 Planned Townhouse District	Townhouses
West	RP-1 Planned Single Family District	Single-family residences

Total Tract Size: 50.2 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre.

Major Street Plan: The goDotte Mobility Plan designates North 107th Street as Major Collector Street.

Parking Requirement: Section 27-668 (b) states “Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the planning commission”.

Landscaping Requirement: Section 27-700 (a) states “One (1) tree per 7,000 square feet of site area for uses other than residences”. The subject property has 2,186,712 square feet of site area which requires a total of 312 trees.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

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 have been ten (10) noise or disturbance complaints between 2017 and 2024 for calls involving noise complaints or suspicious activity.

Building, Zoning, or Code Enforcement Complaints:

1. 4410 North 107th Street
 - a. There are no notices of violation on the subject property
2. 4420 North 107th Street
 - a. 2019 – 19202-00033 – Fire – Fire Damage

Outstanding or Related Permit and Cases:

1. 4410 North 107th Street
 - a. 2023 – DRC23-0084 – Interior and exterior remodel of Piper Early Childhood Center – Incomplete
 - b. 2024 – ELE24-0652 – Electrical Permit – Remodel for specific classrooms per plans in DRC23-0084 – Incomplete
 - c. 2024 – MEC24-0314 – Mechanical Permit – Demolition of ductwork and installation of new exhaust plans – Incomplete
 - d. 2024 – PLM24-0431 – Plumbing Permit – Plumbing work per plans in DRC23-0084 – Incomplete
2. 4420 North 107th Street
 - a. 2024 – SPK24-0016 – Fire Suppression – Relocation of sprinkler heads for new wall and ceilings. – Incomplete

Previous Planning Actions:

1. 4410 North 107th Street
 - a. There are no previous planning entitlements on the subject property.
2. 4420 North 107th Street

- a. 2011 – 11405-00009 – Plan Review – Addition on to Piper Middle School.
- b. 2011 – 11403-00002 – Vacation – Vacation of utility easements in conjunction with PR2011-11.
- c. 2016 – 16402-00008 – Special Use Permit – Use of modular classrooms at Piper Middle School.
- d. 2018 – 18402-00009 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- e. 2020 – 20402-00012 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- f. 2022 – SP2022-034 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 Statistical Neighborhood Group. The neighborhood consists of established single-family residences to the north, south, and west. To the east of the subject property is a neighborhood of townhomes. Beyond the established residences, the area consists of large agricultural or residential lots. The subject properties are located between Hollingsworth Road and Donahoo Road with Interstate 435 to the east.

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

The zoning and uses are set out above. The subject property is surrounded by the RP-1 Planned Single Family District, the RP-3 Planned Townhouse District, and the R-1 Single Family District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed.

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

The proposed use is suitable for the subject property as the primary function of the building is an elementary school and early childhood center. The removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant. The property has operated as an elementary school and early childhood center since 2024 and previously operated as a middle school for over twenty years.

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 District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre. The proposed use conforms to the Prairie-Delaware-Piper Area Plan designation with the approval of a Special Use Permit.

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

The proposed use is for students that are already coming to the Piper Early Childhood Center and the Piper Creek Elementary School. Additionally, those utilizing this program will be dropping off or picking up their student outside of the hours drop off or pick up hours of the elementary school and childcare center. Therefore, the proposed use does not have the potential to increase vehicular traffic, and should not exceed the capacity of North 107th Street, a Major Collector Street, to accommodate it if managed properly.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as it provides a service for before and after school childcare, which is beneficial to many people. The proposed use will not affect the use, quality, or marketability of nearby property as it will occur on an existing and fully operational public-school campus.

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

Noise and illumination could potentially be expected to occur in durations or intensities as to create issues with nearby properties. However, these are not expected to create problems for nearby property as they will occur during daytime hours on properties that have operated as a school for over 20 years if managed properly.

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 Elementary School and Early Childhood Center.

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 Elementary School and Early Childhood Center in an existing, built-out suburban neighborhood.

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

The relative gain to public health, safety and welfare is substantial as it provides a necessary service for those attending the early childhood center and elementary school. If denied, the property owner may not use the property for before and after school care, however, they can still use the property for an early childhood center and elementary school.

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 as the subject properties operate as an early childhood center and elementary school. The participants in the before and after school childcare will already be on the subject properties.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4420 North 107th Street, Kansas City, Kansas 66109 on September 30, 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
Outstanding Building Permits
Traffic Flow

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-068 and SP2024-069 **for two (2) years**, subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

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 Petitions **SP2024-068** and **SP2024-069** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Planning Engineering Comments
Traffic Circulation Pattern
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated September 21, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **SP2024-068 and SP2024-069** 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** Petitions **SP2024-068 and SP2024-069**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-068 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Creek Elementary School at 4420 North 107th Street.

SPECIAL USE PERMIT APPLICATION SP2024-069 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Early Childhood Center at 4410 North 107th Street.

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Darcy Swan, applicant, Senior Vice President for the Greater Kansas City YMCA, 11700 West 102nd Street, Overland Park, Kansas 66214

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:56: Planning Director Hand stated that these Special Use Permits are for the before and after care provided by the YMCA within the Piper School District. The use previously operated at a different location. This property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notice of Violation on the property. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report. He stated this is technically a retroactive approval as they have been in operation since the beginning of the school year. The reason there are two (2) Special Use Permits

on one (1) parcel is because it is two (2) different buildings with separate addresses and two (2) programs.

Motion starts at 2:36:45:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-068 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

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

15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

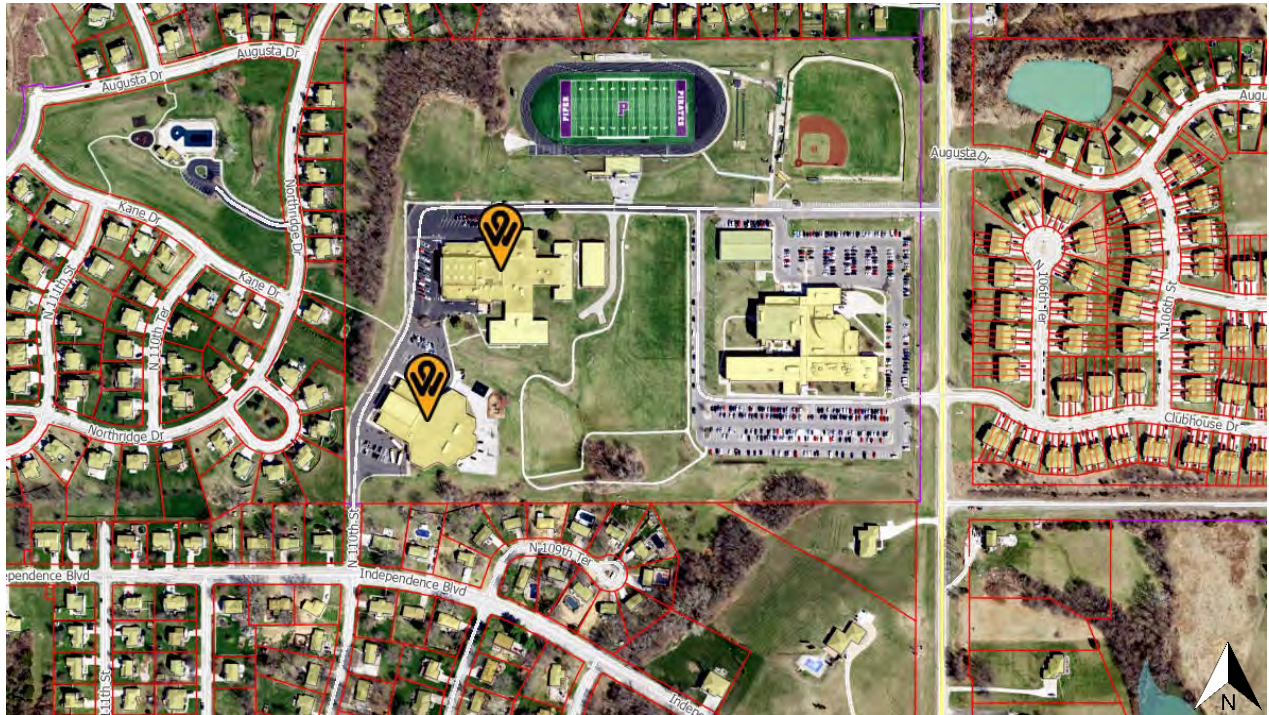
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP024-069 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions

ATTACHMENTS

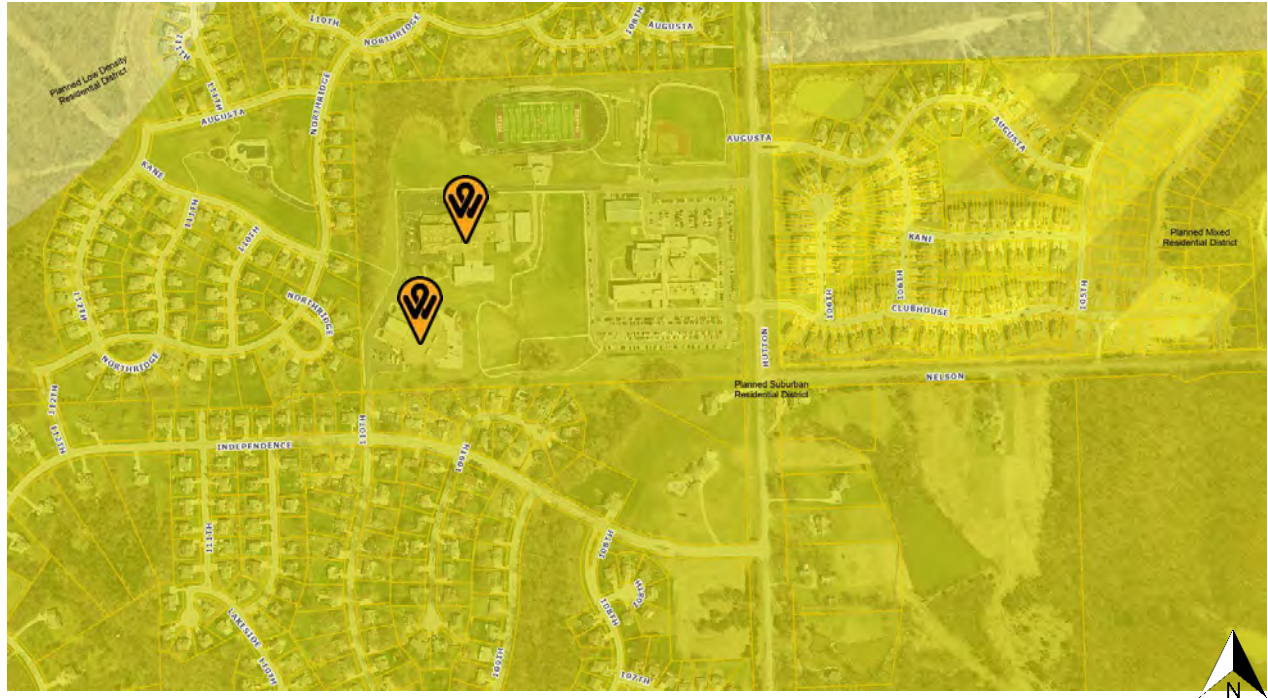
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: September 23, 2024

SUBJECT: Darcy Swan – YMCA of Greater Kansas City – (SP2024-068)
4420 N. 107th Street
General Engineering Review No. 1 (of the plans sealed 3/7/2024, received 8/2/2024)

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. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Provide a brief traffic memorandum that shall include all relevant information but not limited to traffic circulation, access management, traffic volumes, AM/PM peak hours traffic, impact of traffic generated on neighboring street network, etc. for the before and after school childcare. Provide a bus and/ or car pick up/ drop off circulation.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2024.09.23 13:56:46 -0500



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2024-068 + SP2024-069
2. That I conducted a neighborhood meeting on 9-28-2024 @ 6 p.m.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Jordan Patrick
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 01 of January, 2025

Letia Dehn
Notary Public

NEIGHBORHOOD MEETING MATERIALS

No.	Name	Phone Number	Email	Sign In (Time)	Sign Out (Time)
1	Alicia Wells	913-272-6397	aliciawells@gmail.com	6:00	6:18
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

NEIGHBORHOOD MEETING MATERIALS

Application Number Sp2024-068 & Sp2024-069

Date and Location: to 9-30-24 ,

Meeting called to order at: 6:05 p.m

Names of people in attendance:

Jordan Elo Ymca
Alicen Wells

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):

1. Who asked question or gave comment

Alicen wells: just want to make sure program will be here. let her know following this process we will have a licenced program.

2. What was the question or comment

3. Who answered the question/comment

4. What was the answer given

Meeting adjourned at: 6:15 p.m.

Minutes taken by: Jordan Elo

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED SEPTEMBER 21, 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: November 7, 2024

Re: Special Use Permit Petitions SP2024-068 and SP2024-069

GENERAL INFORMATION

Applicant Information:

Darcy Swan
Representative
YMCA of Greater Kansas City
6901 Shawnee Mission Parkway
Overland Park, Kansas 66202

Subject Property:

4410- 4420 North 107th Street
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of Special Use Permit to
operate before and after school
childcare for school attendees.

Commission Districts:

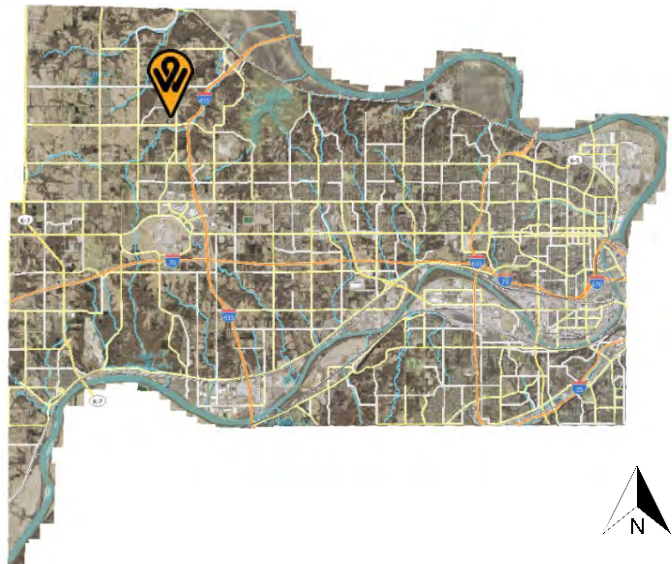
Commissioner At-Large District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):

AG Agriculture District

Plan Area

Prairie-Delaware-Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-1 Planned Single Family District	Single-family residences
South	R-1 Single Family District	Single-family residences
East	RP-3 Planned Townhouse District	Townhouses
West	RP-1 Planned Single Family District	Single-family residences

Total Tract Size: 50.2 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre.

Major Street Plan: The goDotte Mobility Plan designates North 107th Street as Major Collector Street.

Parking Requirement: Section 27-668 (b) states “Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the planning commission”.

Landscaping Requirement: Section 27-700 (a) states “One (1) tree per 7,000 square feet of site area for uses other than residences”. The subject property has 2,186,712 square feet of site area which requires a total of 312 trees.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

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 have been ten (10) noise or disturbance complaints between 2017 and 2024 for calls involving noise complaints or suspicious activity.

Building, Zoning, or Code Enforcement Complaints:

1. 4410 North 107th Street
 - a. There are no notices of violation on the subject property
2. 4420 North 107th Street
 - a. 2019 – 19202-00033 – Fire – Fire Damage

Outstanding or Related Permit and Cases:

1. 4410 North 107th Street
 - a. 2023 – DRC23-0084 – Interior and exterior remodel of Piper Early Childhood Center – Incomplete
 - b. 2024 – ELE24-0652 – Electrical Permit – Remodel for specific classrooms per plans in DRC23-0084 – Incomplete
 - c. 2024 – MEC24-0314 – Mechanical Permit – Demolition of ductwork and installation of new exhaust plans – Incomplete
 - d. 2024 – PLM24-0431 – Plumbing Permit – Plumbing work per plans in DRC23-0084 – Incomplete
2. 4420 North 107th Street
 - a. 2024 – SPK24-0016 – Fire Suppression – Relocation of sprinkler heads for new wall and ceilings. – Incomplete

Previous Planning Actions:

1. 4410 North 107th Street
 - a. There are no previous planning entitlements on the subject property.
2. 4420 North 107th Street

- a. 2011 – 11405-00009 – Plan Review – Addition on to Piper Middle School.
- b. 2011 – 11403-00002 – Vacation – Vacation of utility easements in conjunction with PR2011-11.
- c. 2016 – 16402-00008 – Special Use Permit – Use of modular classrooms at Piper Middle School.
- d. 2018 – 18402-00009 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- e. 2020 – 20402-00012 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- f. 2022 – SP2022-034 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 Statistical Neighborhood Group. The neighborhood consists of established single-family residences to the north, south, and west. To the east of the subject property is a neighborhood of townhomes. Beyond the established residences, the area consists of large agricultural or residential lots. The subject properties are located between Hollingsworth Road and Donahoo Road with Interstate 435 to the east.

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

The zoning and uses are set out above. The subject property is surrounded by the RP-1 Planned Single Family District, the RP-3 Planned Townhouse District, and the R-1 Single Family District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed.

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

The proposed use is suitable for the subject property as the primary function of the building is an elementary school and early childhood center. The removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant. The property has operated as an elementary school and early childhood center since 2024 and previously operated as a middle school for over twenty years.

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 District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre. The proposed use conforms to the Prairie-Delaware-Piper Area Plan designation with the approval of a Special Use Permit.

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

The proposed use is for students that are already coming to the Piper Early Childhood Center and the Piper Creek Elementary School. Additionally, those utilizing this program will be dropping off or picking up their student outside of the hours drop off or pick up hours of the elementary school and childcare center. Therefore, the proposed use does not have the potential to increase vehicular traffic, and should not exceed the capacity of North 107th Street, a Major Collector Street, to accommodate it if managed properly.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as it provides a service for before and after school childcare, which is beneficial to many people. The proposed use will not affect the use, quality, or marketability of nearby property as it will occur on an existing and fully operational public-school campus.

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

Noise and illumination could potentially be expected to occur in durations or intensities as to create issues with nearby properties. However, these are not expected to create problems for nearby property as they will occur during daytime hours on properties that have operated as a school for over 20 years if managed properly.

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 Elementary School and Early Childhood Center.

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 Elementary School and Early Childhood Center in an existing, built-out suburban neighborhood.

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

The relative gain to public health, safety and welfare is substantial as it provides a necessary service for those attending the early childhood center and elementary school. If denied, the property owner may not use the property for before and after school care, however, they can still use the property for an early childhood center and elementary school.

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 as the subject properties operate as an early childhood center and elementary school. The participants in the before and after school childcare will already be on the subject properties.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4420 North 107th Street, Kansas City, Kansas 66109 on September 30, 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
Outstanding Building Permits
Traffic Flow

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-068 and SP2024-069 **for two (2) years**, subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
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;
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5. 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

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 Petitions **SP2024-068** and **SP2024-069** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Planning Engineering Comments
Traffic Circulation Pattern
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated September 21, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **SP2024-068 and SP2024-069** 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** Petitions **SP2024-068 and SP2024-069**, 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.

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SPECIAL USE PERMIT APPLICATION SP2024-068 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Creek Elementary School at 4420 North 107th Street.

SPECIAL USE PERMIT APPLICATION SP2024-069 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Early Childhood Center at 4410 North 107th Street.

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Darcy Swan, applicant, Senior Vice President for the Greater Kansas City YMCA, 11700 West 102nd Street, Overland Park, Kansas 66214

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:56: Planning Director Hand stated that these Special Use Permits are for the before and after care provided by the YMCA within the Piper School District. The use previously operated at a different location. This property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notice of Violation on the property. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report. He stated this is technically a retroactive approval as they have been in operation since the beginning of the school year. The reason there are two (2) Special Use Permits

on one (1) parcel is because it is two (2) different buildings with separate addresses and two (2) programs.

Motion starts at 2:36:45:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-068 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, 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, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

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

15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

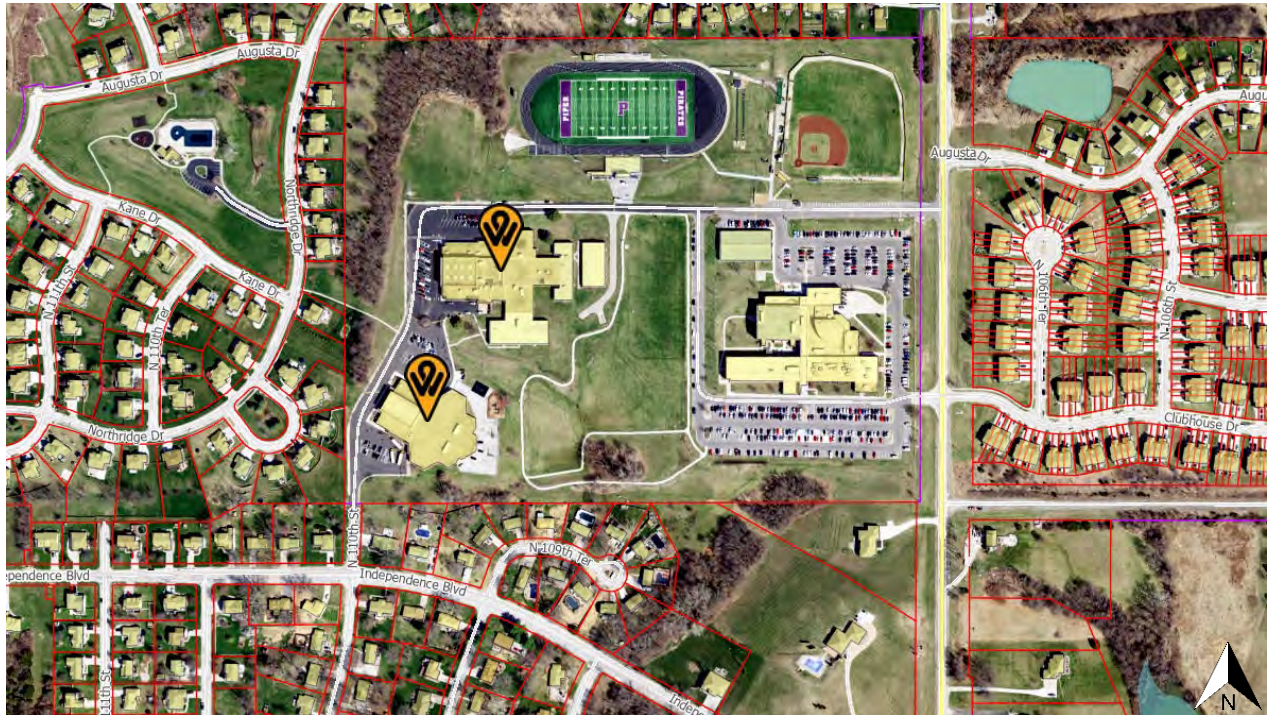
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP024-069 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions

ATTACHMENTS

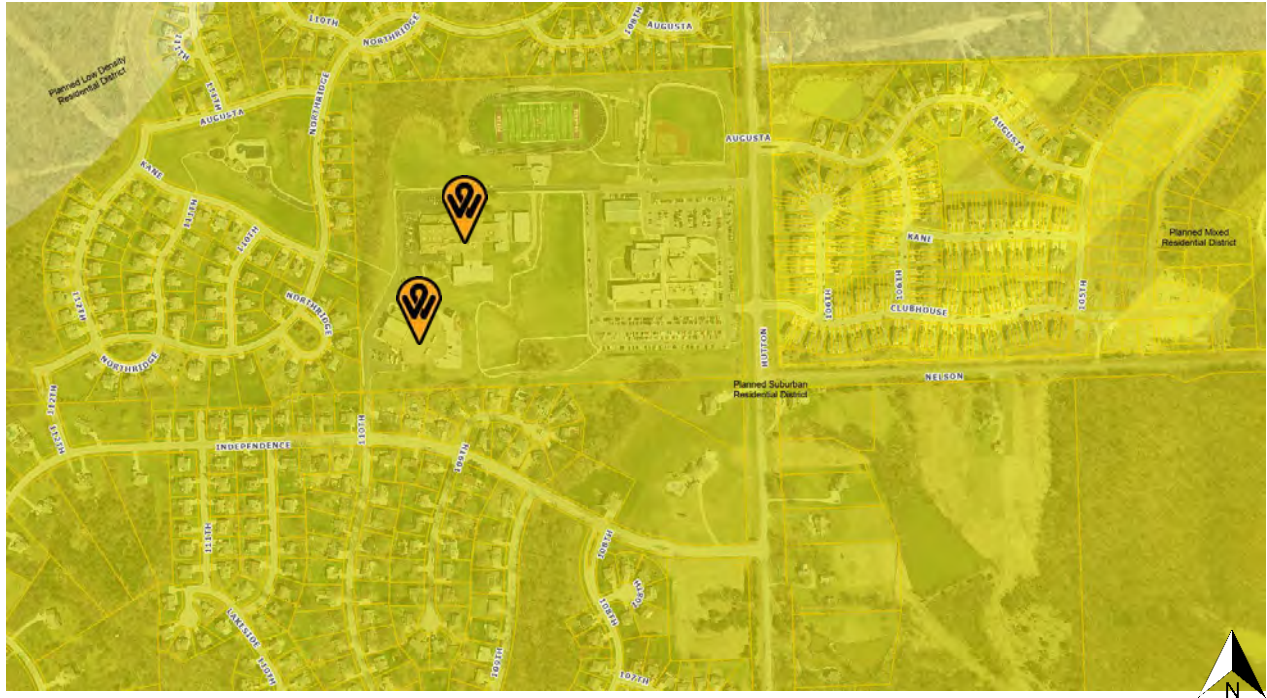
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: September 23, 2024

SUBJECT: Darcy Swan – YMCA of Greater Kansas City – (SP2024-068)
4420 N. 107th Street
General Engineering Review No. 1 (of the plans sealed 3/7/2024, received 8/2/2024)

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. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Provide a brief traffic memorandum that shall include all relevant information but not limited to traffic circulation, access management, traffic volumes, AM/PM peak hours traffic, impact of traffic generated on neighboring street network, etc. for the before and after school childcare. Provide a bus and/ or car pick up/ drop off circulation.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2024.09.23 13:56:46 -0500

TRAFFIC CIRCULATION PATTERN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2024-068 + SP2024-069
2. That I conducted a neighborhood meeting on 9-28-2024 @ 6 p.m.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Jordan Patrick
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 01 of January, 2025

Letia Dehn
Notary Public

NEIGHBORHOOD MEETING MATERIALS

No.	Name	Phone Number	Email	Sign In (Time)	Sign Out (Time)
1	Alicen Wells	913-272-6397	alicenwells@gmail.com	6:00	6:18
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

NEIGHBORHOOD MEETING MATERIALS

Application Number Sp2024-068 & Sp2024-069

Date and Location: to 9-30-24 ,

Meeting called to order at: 6:05 p.m

Names of people in attendance:

Jordan Elo Ymca
Alicen Wells

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):

1. Who asked question or gave comment

Alicen wells: just want to make sure program will be here. let her know following this process we will have a licenced program.

2. What was the question or comment

3. Who answered the question/comment

4. What was the answer given

Meeting adjourned at: 6:15 p.m.

Minutes taken by: Jordan Elo

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED SEPTEMBER 21, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-070

GENERAL INFORMATION

Applicant Information:

Megan Duma
Representative
MD Homes, LLC
2526 Holmes Street
Kansas City, Missouri 64108

Subject Property:

408 Sandusky Avenue
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires March 14, 2025) to operate
a Short-Term Rental.

Commission Districts:

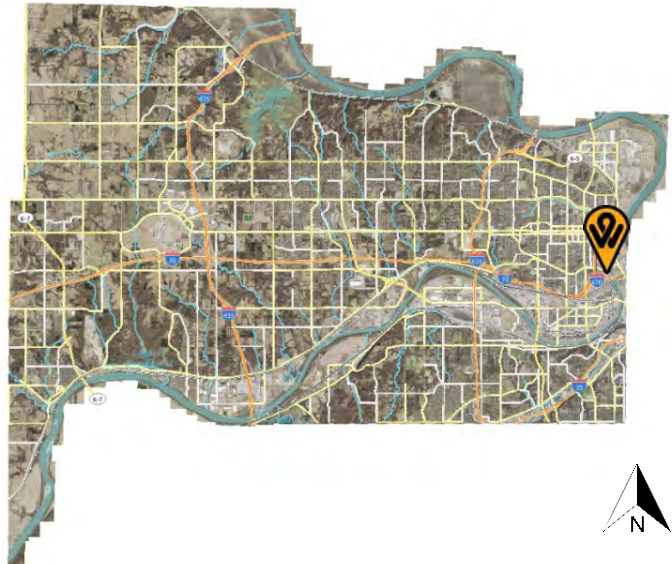
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family Residence
South	R-1(B) Single Family District	Single-family Residence
East	CP-1 Planned Limited Business District	Vacant lot/Commercial Building
West	R-1(B) Single Family District	Single-family Residence

Total Tract Size: 0.08 Acre

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

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Sandusky Avenue as Local/Neighborhood Street.

Parking Requirement: Section 27-455(d) states that two (2) off-street parking spaces shall be provided. The subject property appears to only provide one (1) space off-street. A variance is required if the property is not brought into compliance.

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 does not fulfill this requirement

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires March 14, 2025) to operate a short-term rental at 408 Sandusky Avenue, Kansas City, Kansas 66101. This is not the owner’s primary residence. This would be the only permitted short-term rental on the 400 block of Sandusky Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – ENV23-2063 – Environmental – Weeds in the alley (closed).
2. 2024 – CMP24- Enforcement Complaint – Concern over new driveway (closed).

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2019 – 19402-00098 – Special Use Permit – Short-term Rental
2. 2023 – SP2023-066 – Special Use Permit – Short-term Rental

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Association, and the Central Area Betterment Association (CABA) groups. The neighborhood consists of primarily single-family residences or duplexes. There are small mixed-use commercial spaces mixed throughout the neighborhood as well.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and the CP-1 Planned Limited Business District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to the mixed-use corridor along North 5th Street. 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 the 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 since 2018.

- 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. The proposed use conforms to the Central Area Plan designation with the use of Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Sandusky Avenue, 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 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 adopted parking agreement may no longer be in effect.

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 in-person at Breit's Stein and Deli at 412 North 5th Street, Kansas City, KS 66101 on September 26, 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
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-070, **for two (2) years**, subject to:

1. The applicant must plant one (1) shade tree in the front or side yard to comply with Section 27-700 (a);
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

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

20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-070** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City 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 October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-070** 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 **SP2024-070**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-070 – MEGAN DUMA WITH MD HOMES LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-066 – expires 3/14/2025) for a Short-Term Rental at 408 Sandusky Avenue. Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires March 14, 2025) to operate a short-term rental at 408 Sandusky Avenue, Kansas City, Kansas 66101. This is not the owner's primary residence. This would be the only permitted short-term rental on the 400 block of Sandusky Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. The applicant must plant one (1) shade tree in the front or side yard to comply with Section 27-700 (a);
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and

- www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

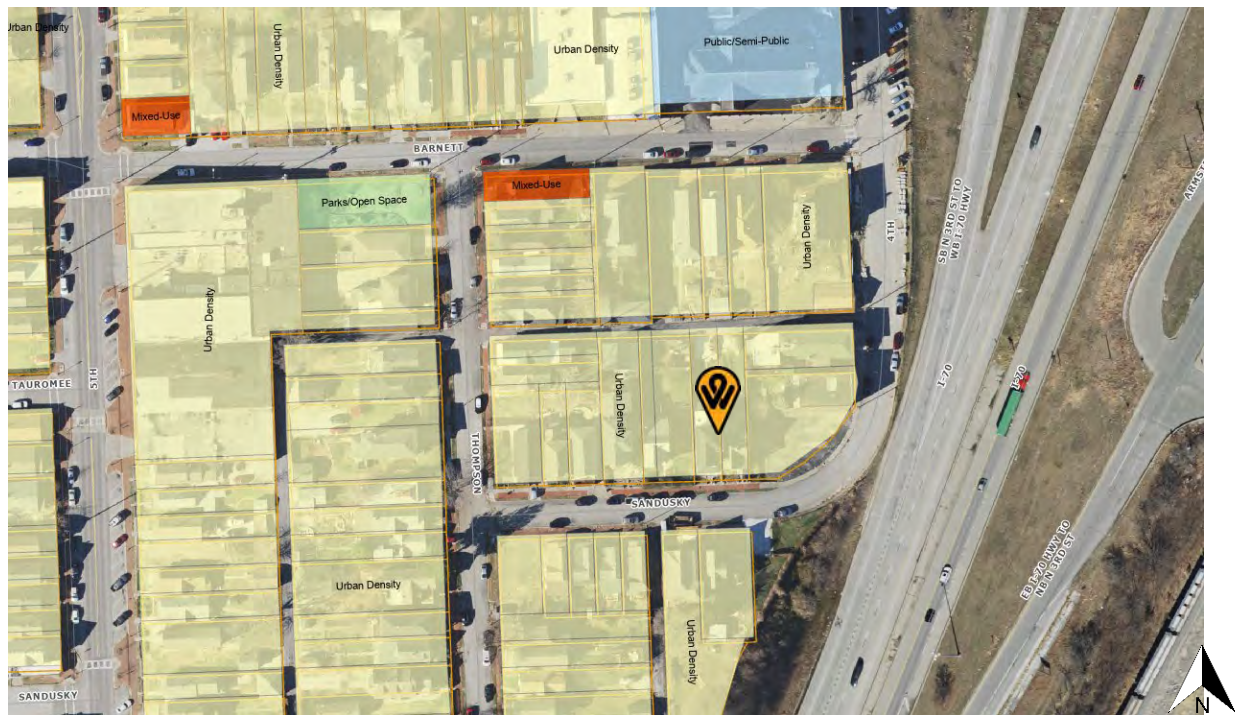
AERIAL IMAGERY



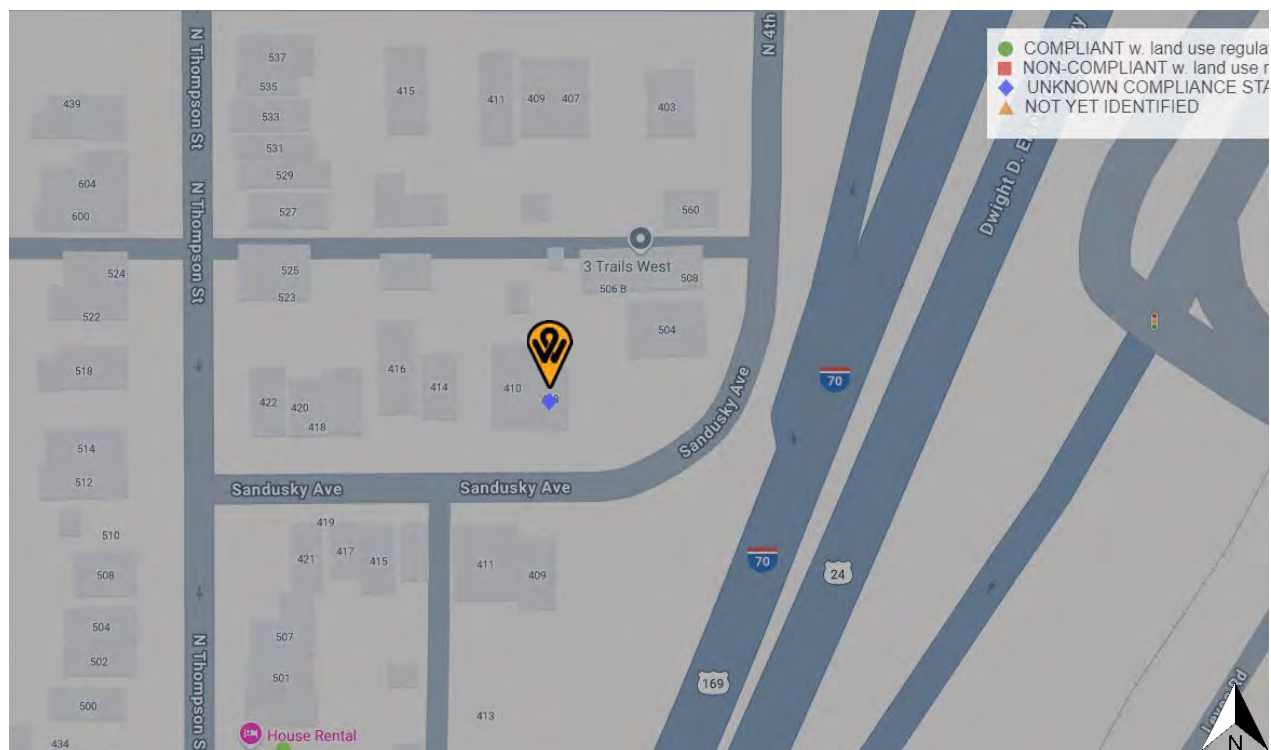
ZONING MAP



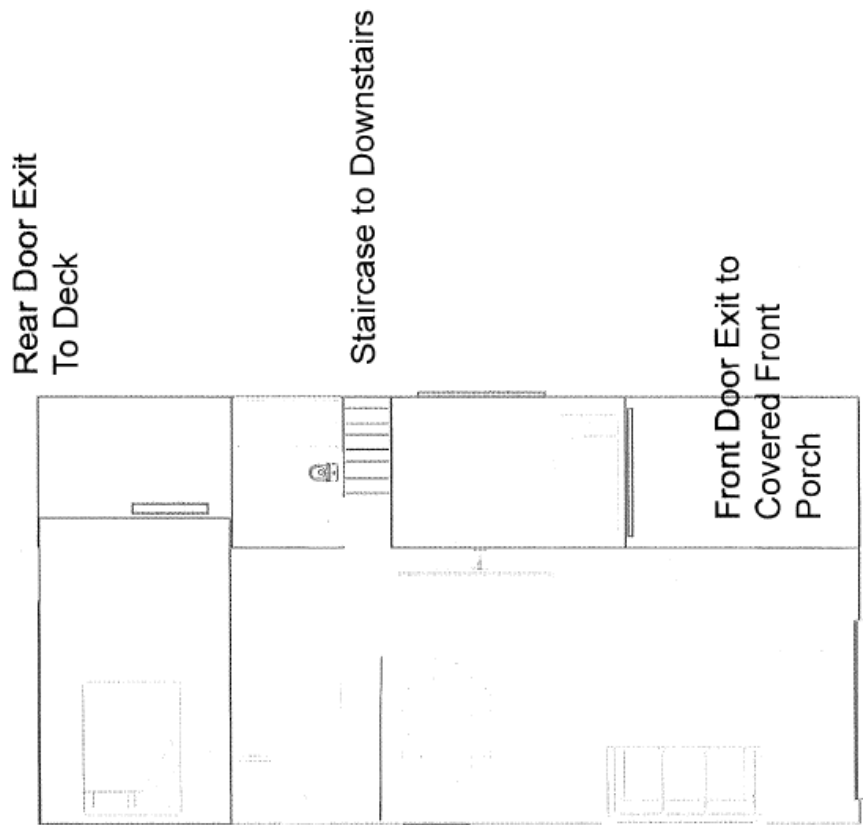
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN

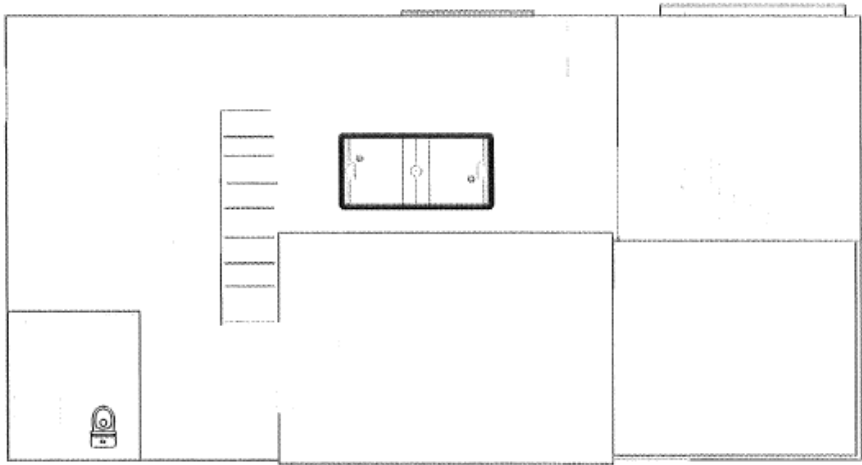


408 Sandusky Ave. Plan With Exits

Upper Floor

FLOOR PLAN

Rear Door Exit
To Deck



Basement / Utility
Room

408 Sandusky Ave. Plan With Exits

Lower Floor

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)

) SS:

COUNTY OF Platte)

Comes now Megan Duma, of lawful age, sound mind and upon her oath states as follows:

1. That I am the petitioner for Petition #SP2024-070.
2. That I conducted a neighborhood meeting on September 26, 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.

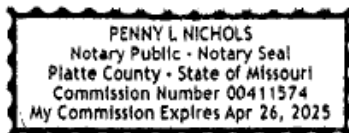
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of October, 2024.

My commission expires 26th of April, 2025





Notary Public

NEIGHBORHOOD MEETING MATERIALS

NEIGHBORHOOD MEETING MINUTES FOR SP2024-070 - 408 Sandusky Ave.

Application Number: SP2024-070

Date and Location: THURSDAY, SEPTEMBER 26, 2024 AT 4:00 P.M. AND BRIETS STEIN AND DELI.

Meeting called to order at: 4:00 p.m.

Names of people in attendance:

Steven Sudekum

Introductions: Informed Mr. Sudekum that I was just renewing my SUP for my STR at 408 Sandusky.

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

There was no formal presentation. Mr. Sudekum and I had a friendly conversation over a beer. The only real mention of the STR was a laugh about a racoon getting into the trash, which he had called me about, and I took care of that day. Mr. Sudekum remains in support of my STR at 408 Sandusky.

Questions and answers (include the following):

Who asked question or gave comment

What was the question or comment

Who answered the question/comment

What was the answer given

Meeting adjourned at: 5:00 p.m.

Minutes taken by: Megan Duma







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: November 7, 2024

Re: **Special Use Permit Petition SP2024-071**

GENERAL INFORMATION

Applicant Information:

Megan Duma
Representative
MD Homes, LLC
2526 Holmes Street
Kansas City, Missouri 64108

Subject Property:

2706 Espenlaub Lane
Kansas City, Kansas 66106

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 14, 2024) to
operate a Short-Term Rental.

Commission Districts:

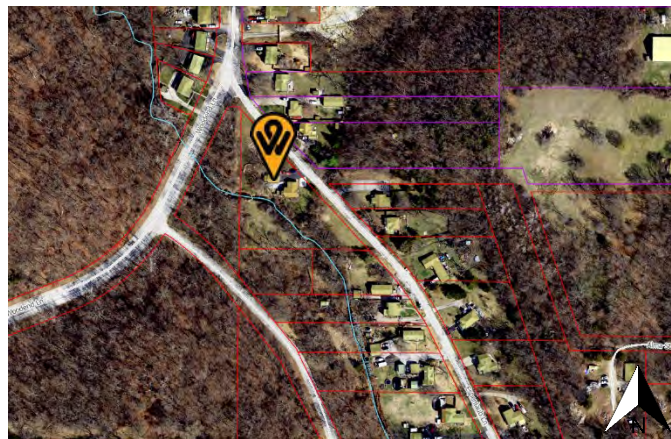
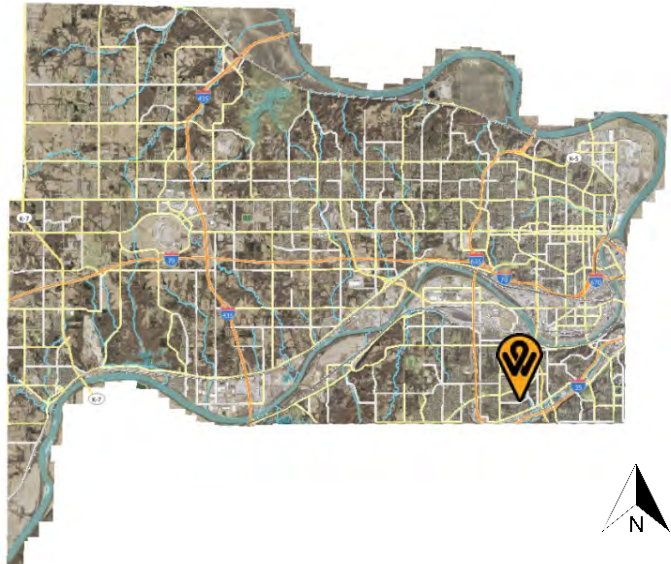
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family Residence
South	R-1 Single Family District	Single-family Residence
East	R-1 Single Family District	Single-family Residence
West	RP-5 Planned Apartment District	Single-family Residences and Vacant Land

Total Tract Size: 1.36 Acres

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 Countywide Strategic Mobility Plan designates Espenlaub Lane as a Local/Neighborhood Street.

Parking Requirement: Section 27-454 (e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport”. The subject property provides four (4) 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”.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2700 block of Espenlaub Lane.

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 with the current property owner.

Building, Zoning, or Code Enforcement Complaints:

1. 2022 – PMZ22-0023 – Zoning PMC – Suspected landscaping business operating at the subject property, there was no evidence found of a business operating on the property and the case was closed.
2. 2021 – ZONE2021-087 – Zoning – Report of equipment parking (closed).
3. 2023 – ZONE2023-096 – Zoning – Operation of short-term rental without a permit.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2019 – 19402-00097 – Special Use Permit – Operation of a short-term rental.
2. 2021 – SP2021-028 – Special Use Permit – Operation of a short-term rental.
3. 2023 – SP2023-067 – Special Use Permit – Operation of a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Argentine Statistical Neighborhood. The neighborhood consists of primarily single-family residences on large-lots as well as a campground directly west. The neighborhood is located one (1) block north of the Merriam Lane mixed-use corridor.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and 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. 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 the aforementioned issues are properly managed.

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

The property is not vacant. The property is an existing single-family home that has been used as a short-term rental since 2019.

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

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

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Espenlaub Lane, 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 substantiated 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 neighborhood.

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

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

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

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

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

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

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at Briet's Stein and Deli at 412 N 5th St, Kansas City, KS 66101 on September 26, 2024. Additionally, the applicant held a neighborhood meeting via Zoom on September 30, 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 (Add "Dust" if unimproved driveway)
Home Inspection Report

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-071, **for two (2) years**, subject to:

1. **The applicant must maintain liability insurance;**
2. **Maximum number of guests shall be 7;**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host**

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

- 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 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 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-071** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 30, 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 October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-071** 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 **SP2024-071**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-071 – MEGAN DUMA WITH MD

HOMES LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-067 – expires 12/14/2024) for a Short-Term Rental at 2706 Espenlaub Lane. Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2700 block of Espenlaub Lane.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye

Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

1. The applicant must maintain liability insurance;
2. Maximum number of guests shall be 7;
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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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 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;
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

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

ATTACHMENTS

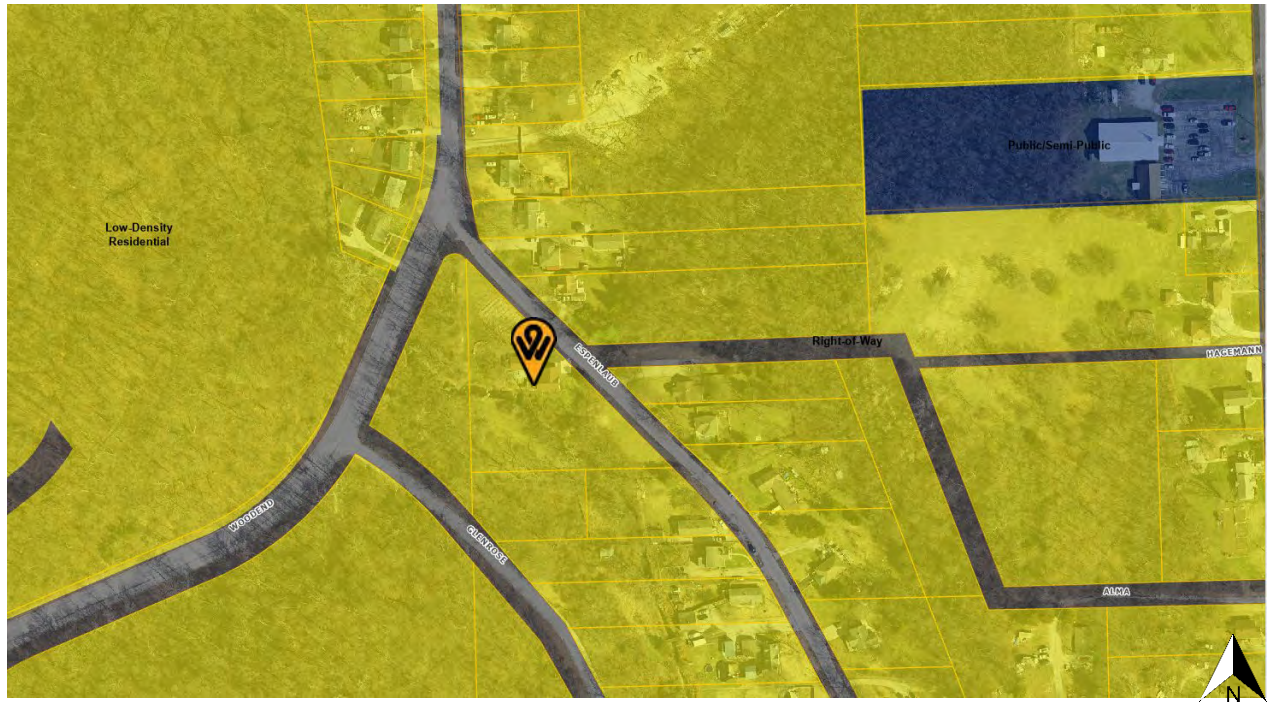
AERIAL IMAGERY



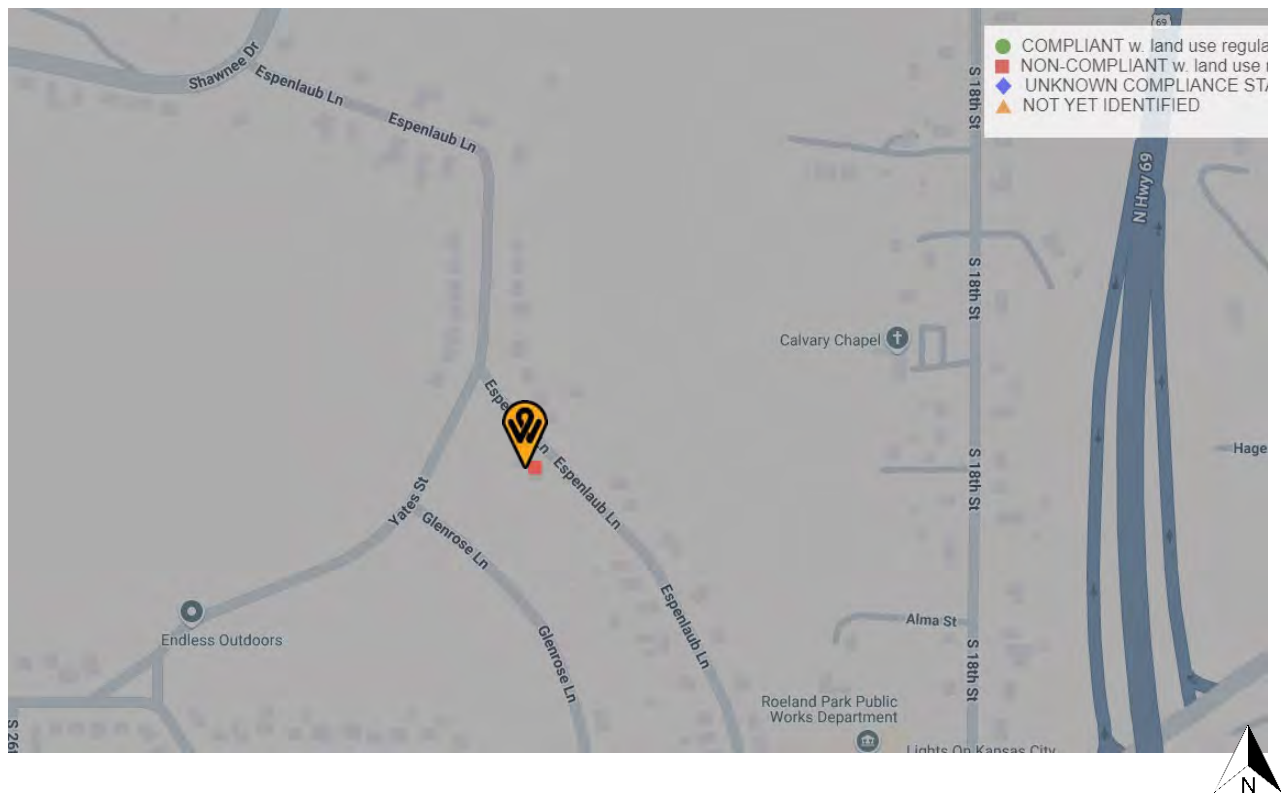
ZONING MAP



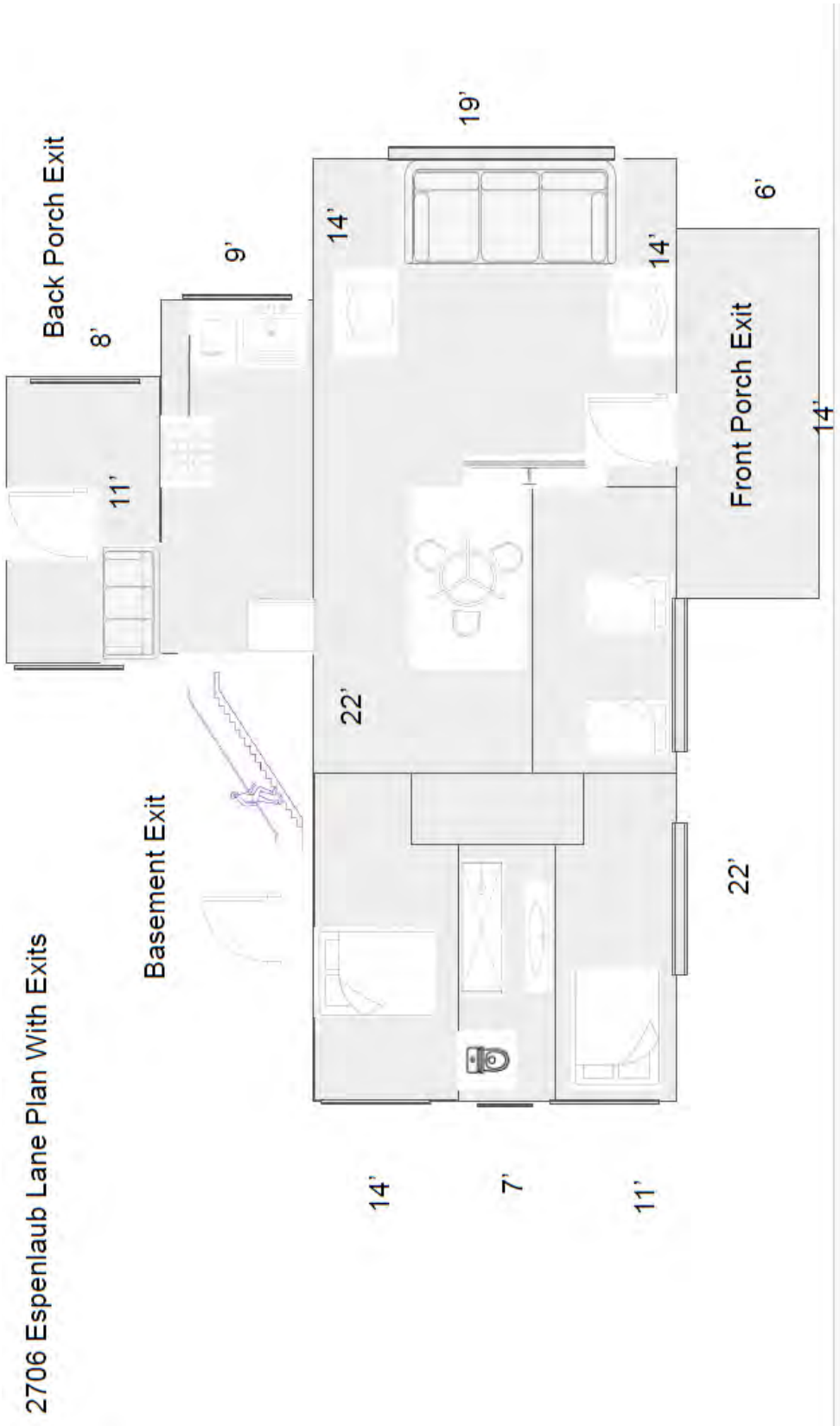
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)

) SS:

COUNTY OF Platte)

Comes now Megan Duma, of lawful age, sound mind and upon her oath states as follows:

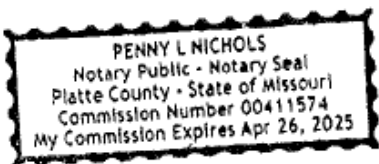
1. That I am the petitioner for Petition #SP2024-071.
2. That I conducted a neighborhood meeting on September 26, 2024 and again on September 30, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

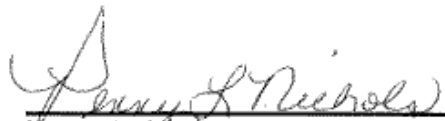
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of October, 2024.

My commission expires 26th of April, 2025




Notary Public

NEIGHBORHOOD MEETING MATERIALS

NEIGHBORHOOD MEETING MINUTES FOR SP2024-071 - 2706 Espenlaub Lane

Application Number: SP2024-071 - 2706 Espenlaub Lane

Date and Location: THURSDAY, SEPTEMBER 26, 2024 AT 4:00 P.M. AND BRIETS STEIN AND DELI.

AND

SEPTEMBER 30th at 5:00 p.m., 2024 VIA THIS LINK:

<https://us02web.zoom.us/j/82191133339>

Meeting ID: 821 9113 3339

Meeting called to order at: 4:00 p.m. and 5:00 p.m. respectively.

Names of people in attendance: None.

Introductions:N/A

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

Questions and answers (include the following): N/A

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: 5:00 and 5:30 respectively

Minutes taken by: Megan Duma

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-072

GENERAL INFORMATION

Applicant Information:

Aaron Lilly
Representative
The Blue Door Property Rentals, LLC
4138 Lloyd Street
Kansas City, Kansas 66103

Subject Property:

4138 Lloyd Street
Kansas City, Kansas 66103

Requested Action and Purpose:

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

Commission Districts:

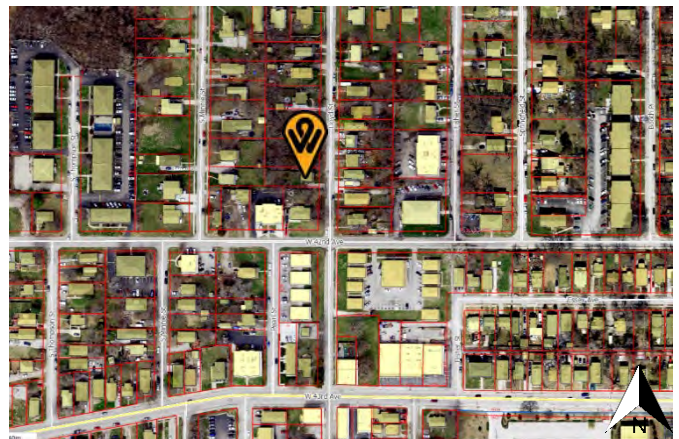
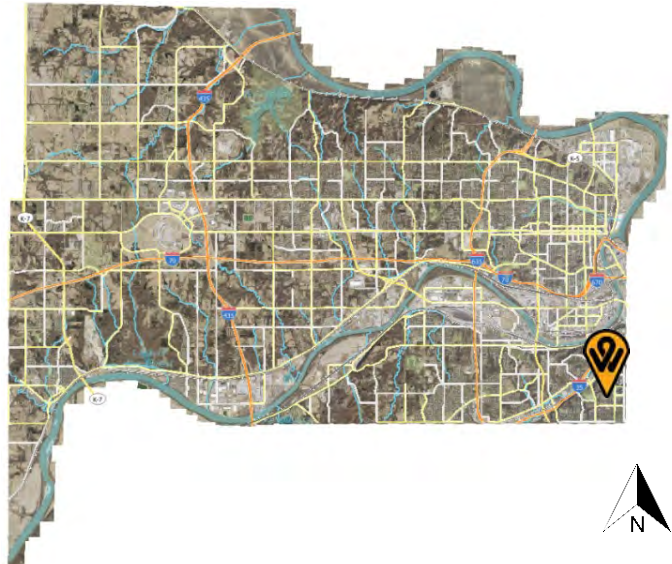
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District and RP-5 Planned Apartment District	Single-family residence and Apartment building
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as General Urban, which allows for predominantly residential in character with rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.

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

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

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 – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron Lilly, is requesting a renewal of a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other long-term rental on this block.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2021 – CMP21-1969 – Enforcement Complaint – Operating a short-term rental without a permit.
2. 2023 – ZONE2023-052 – Zoning – Operating a short-term rental without a permit.
3. 2023 – ZONE2023-064 – Zoning – Operating a short-term rental without a permit.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2021 – SP2021-065 – Special Use Permit to operate a short-term rental.
2. 2023 – SP2023-046 – 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, the Frank Rushton Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of primarily single-family residences, with duplexes, fourplexes, and garden style apartments, as well as public uses such as Rosedale Park.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and 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 as this is in close proximity to a mixed-use corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

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

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the 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 since 2021.

- 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 predominantly residential in character with rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the Rosedale Area Plan designation if a Special Use Permit is maintained.

- 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 Lloyd 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 neighborhood.

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

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

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

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

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

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is 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 in-person at 4138 Lloyd Street, Kansas City, Kansas 66103 on September 26, 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 (Add "Dust" if unimproved driveway)
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-072, **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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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 **SP2024-072** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 30, 2024, City 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 October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-072** 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 **SP2024-072**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-072 – AARON LILLY – SYNOPSIS:

Renewal of a Special Use Permit (SP-2023-046 – expired 10/5/2024) for a Short-Term Rental at 4138 Lloyd Street. Detailed Outline of Requested Action: The applicant, Aaron Lilly, is requesting a renewal of a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other long-term rental on this block.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

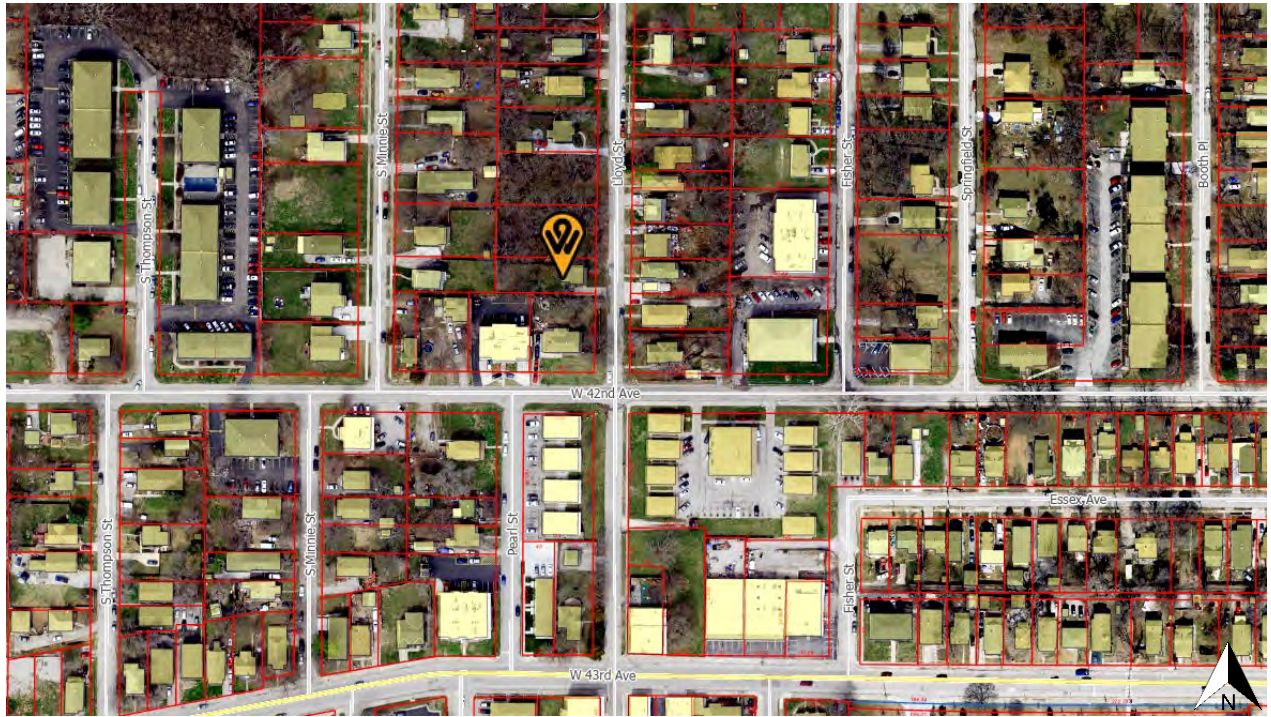
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5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
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);
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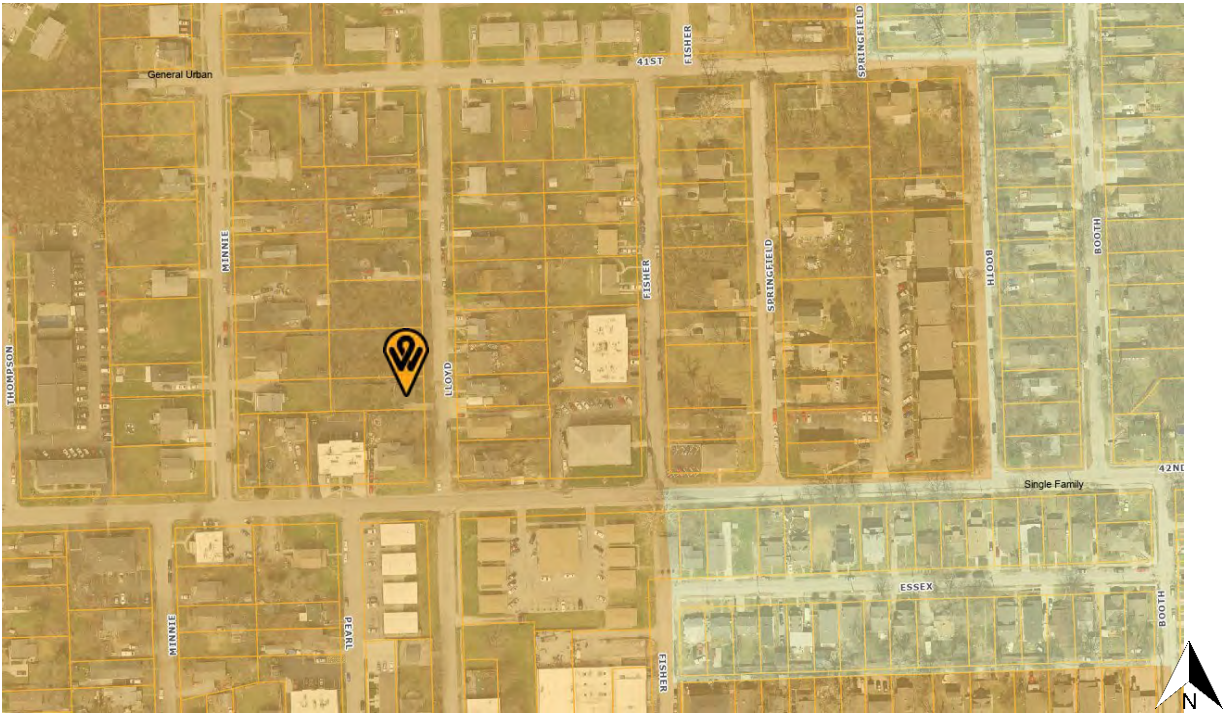
AERIAL IMAGERY



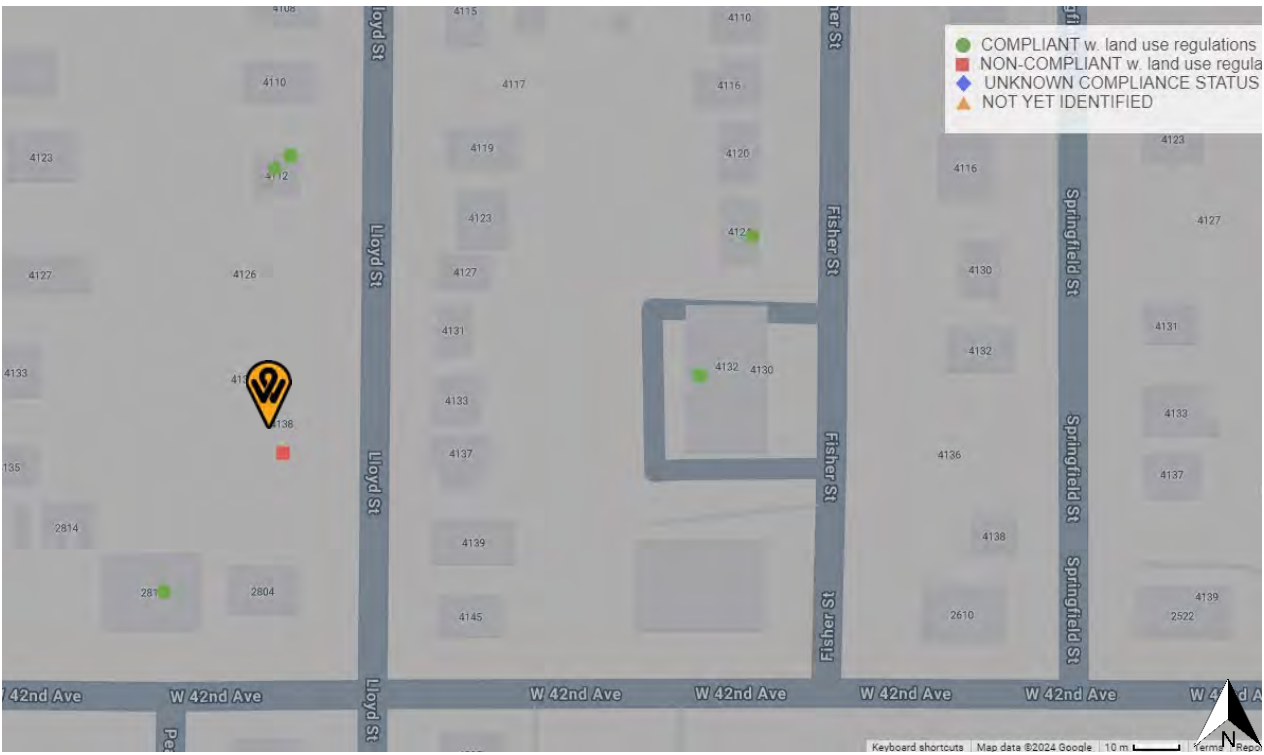
ZONING MAP



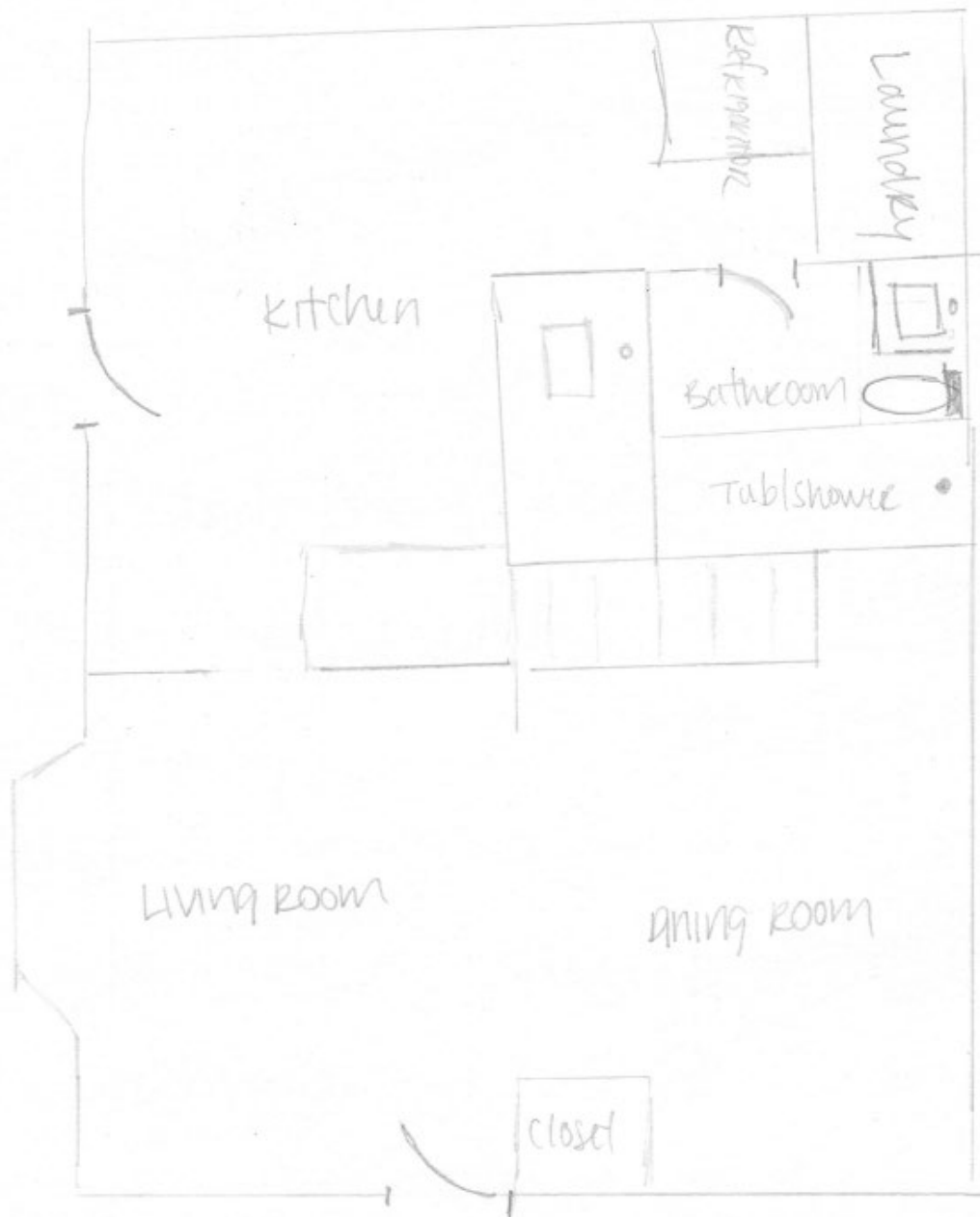
LAND USE MAP



SHORT-TERM RENTAL MAP

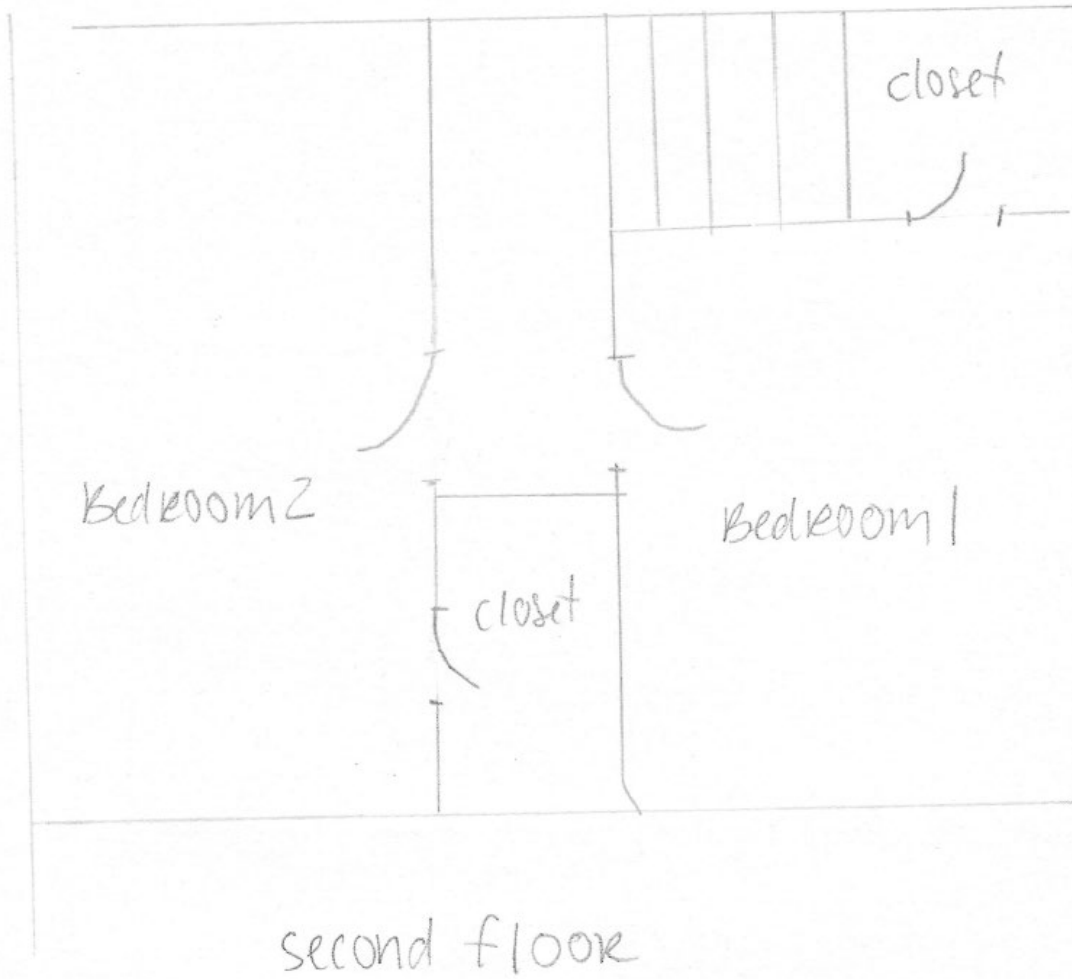


FLOOR PLAN



First Floor

FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

Contact Info:

Name: Aaron Lilly

Number: 913-220-7754

MEETING MINUTES:

Application Number: #SP2024-072

Date and Location: 9/26/2024 at 4138 Lloyd St. Kansas City, KS 66103

Meeting called to order at: 5:00pm

Names of people in attendance: 0 people

Introductions:

Presentation by applicant: To discuss the special use permit for the property and that I'm requesting for a renewal to use the property as an AirBnb short term rental.

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 6:00pm

Minutes taken by: Aaron Lilly

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF JOHNSON) SS:

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

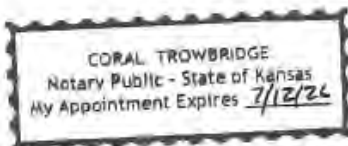
1. That I am the petitioner for Petition # SP2024-072
2. That I conducted a neighborhood meeting on 9/26/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of SEPT, 2024

My commission expires 12 of JULY, 2026




Notary Public

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-073

GENERAL INFORMATION

Applicant Information:

Alison Schwartz
Tenant
625 Northrup Avenue
Kansas City, Kansas 66101

Subject Property:

625 Northrup Avenue
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires January 25, 2025) to operate
a short-term rental.

Commission Districts:

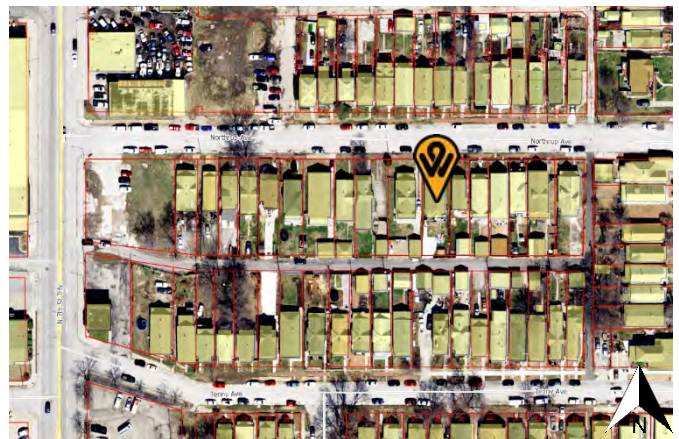
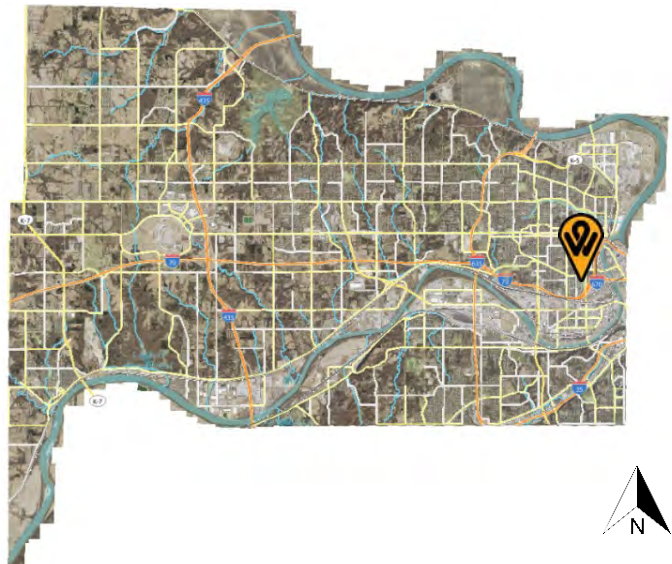
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.10 Acre

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

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

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

Landscaping Requirement: 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property does not fulfill this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alison Schwartz, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 625 Northrup Avenue, Kansas City, Kansas 66101. This is not the property owner’s primary residence. This would be the only permitted short-term rental on the 600 block of Northrup Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2018 – 18402-00014 – Special Use Permit to operate a short-term rental
2. 2019 – 19402-00025 – Special Use Permit to operate a short-term rental
3. 2023 – SP2023-093 – 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 Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Group, and the Central Area Betterment Association (CABA) Business Group. The neighborhood consists of a mix of single-family residences, as well as duplexes, fourplexes and small-scale commercial uses.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to the mixed-use corridor along North 7th Street Trafficway. 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 the 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 operated as a short-term rental since 2016 and as a long-term rental since at least 2007.

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 residences. The proposed use conforms to the Central Area Plan designation with the continuation of a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Northrup Avenue, 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 neighborhood.

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

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

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

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

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

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is three (3). The maximum number of vehicles off-street is one (1). There shall be no on-street parking for short-term rental 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 Flagship Books at 510 North 6th Street, Kansas City, Kansas 66101 on October 1, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Brick Sidewalk Maintenance
Landscaping Requirements
Noise, Illumination, and Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-073, **for two (2) years**, subject to:

1. The brick sidewalk must be maintained, including the replacement of damaged or missing bricks;
2. Maximum number of guests shall be three (3);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

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

20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-073** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Site Plan
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-073** 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 **SP2024-073**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-073 – ALLISON SCHWARTZ –

SYNOPSIS: Renewal of a Special Use Permit (SP-2023-093 – expires 1/25/2025) for a Short-Term Rental at 625 Northrup Avenue. Detailed Outline of Requested Action: The applicant, Alison Schwartz, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 625 Northrup Avenue, Kansas City, Kansas 66101. This is not the property owner's primary residence. This would be the only permitted short-term rental on the 600 block of Northrup Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. The brick sidewalk must be maintained, including the replacement of damaged or missing bricks;
2. Maximum number of guests shall be three (3);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

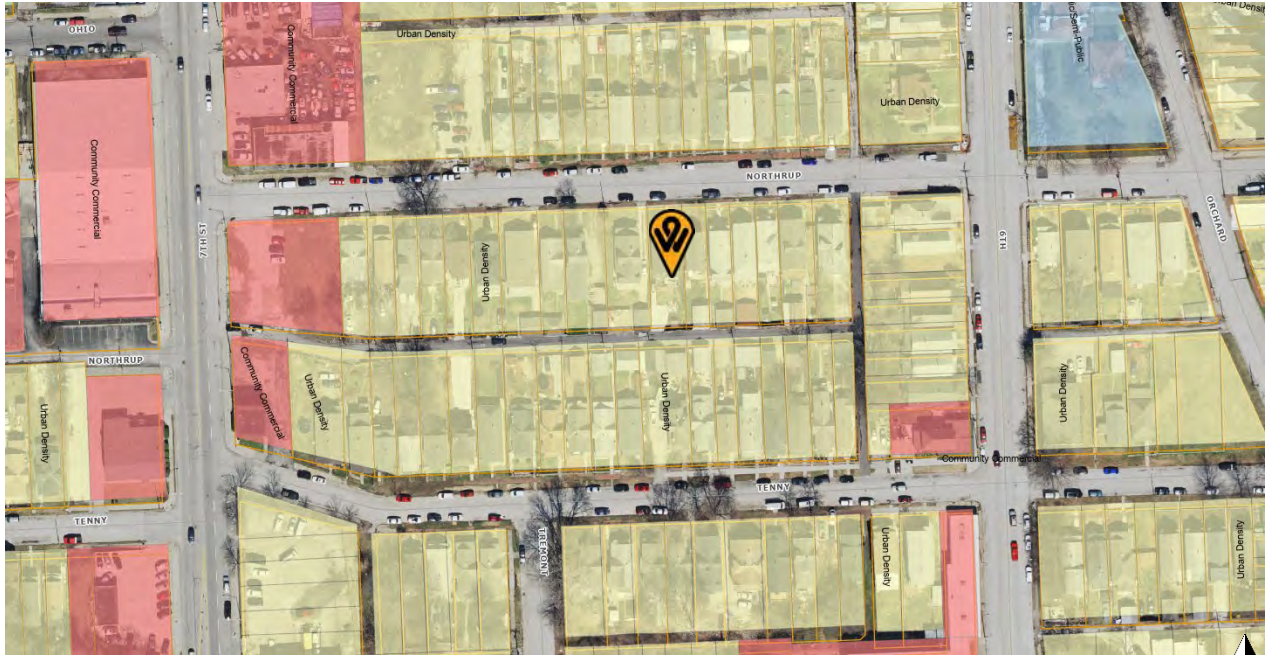
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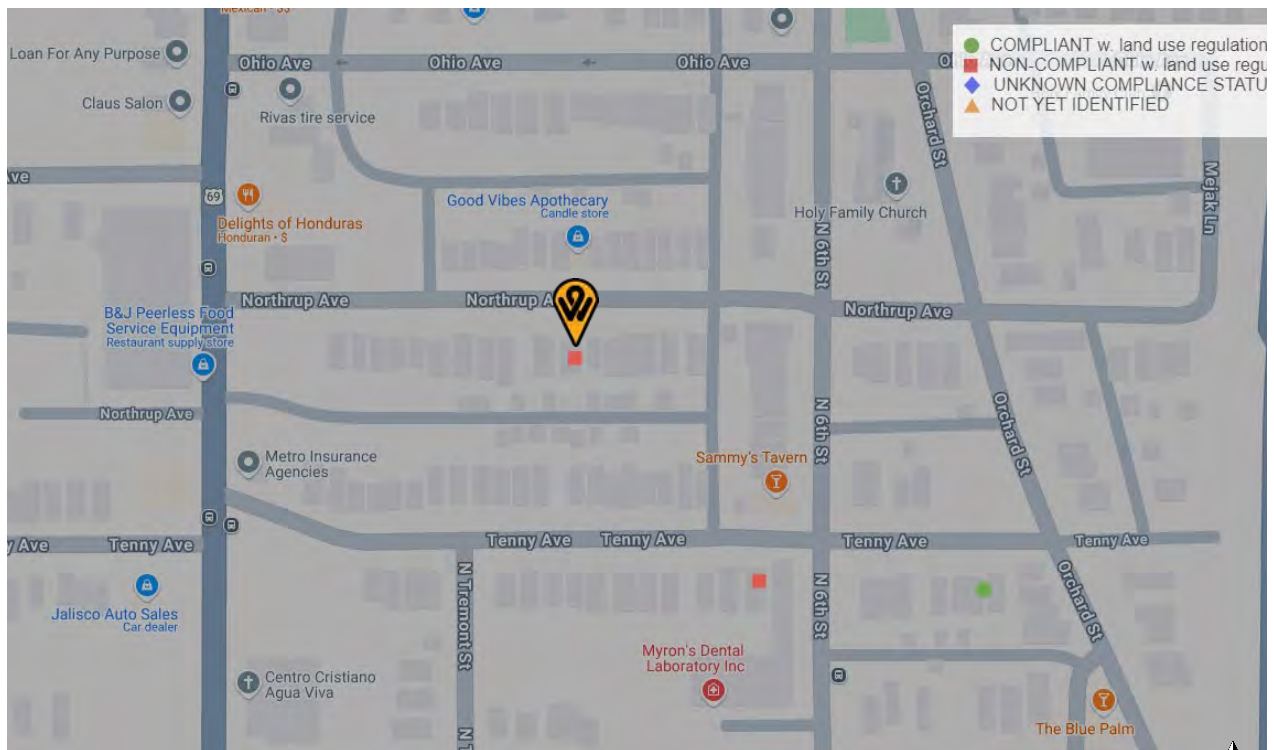
ZONING MAP



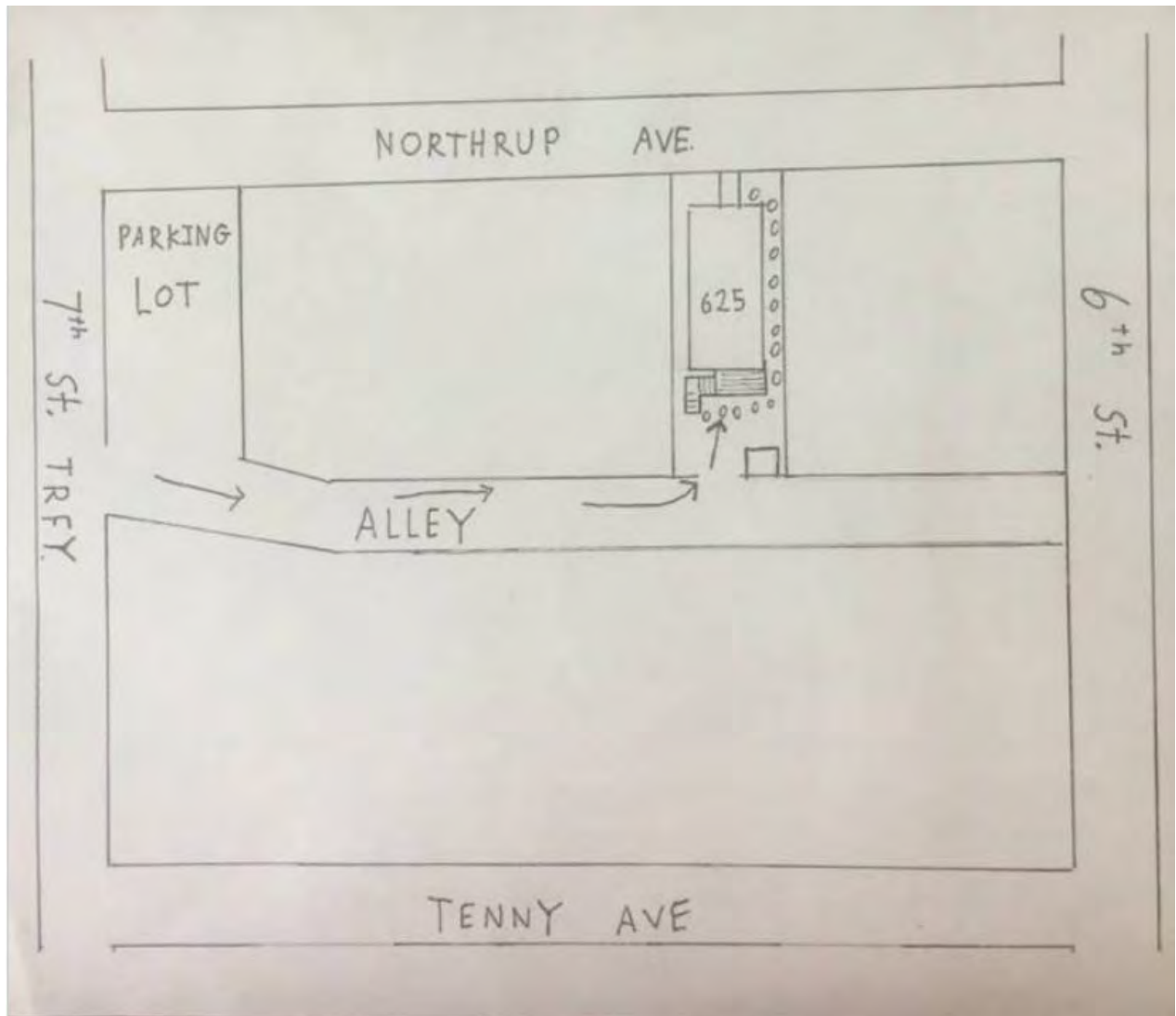
LAND USE MAP



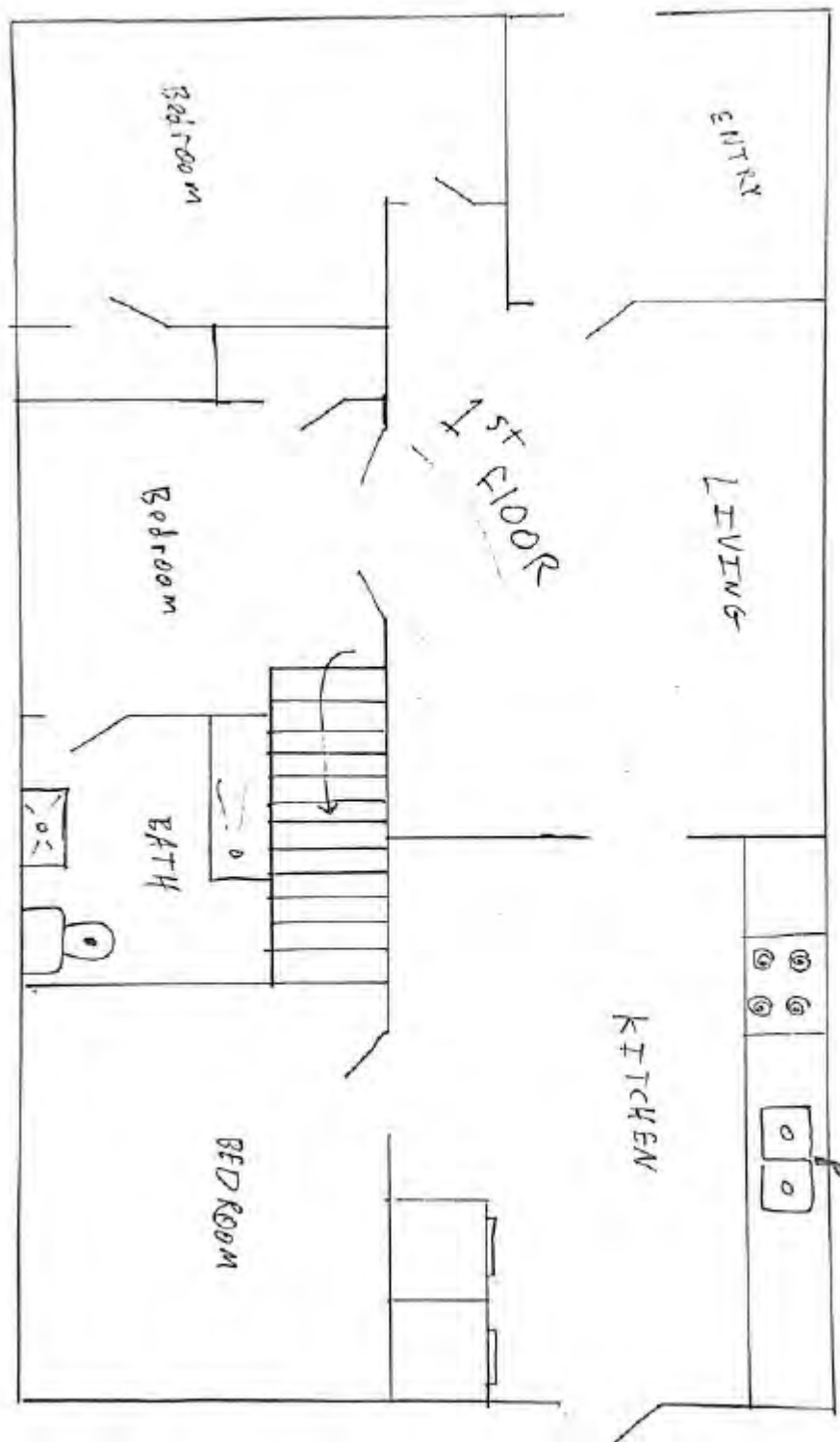
SHORT-TERM RENTAL MAP



SITE PLAN

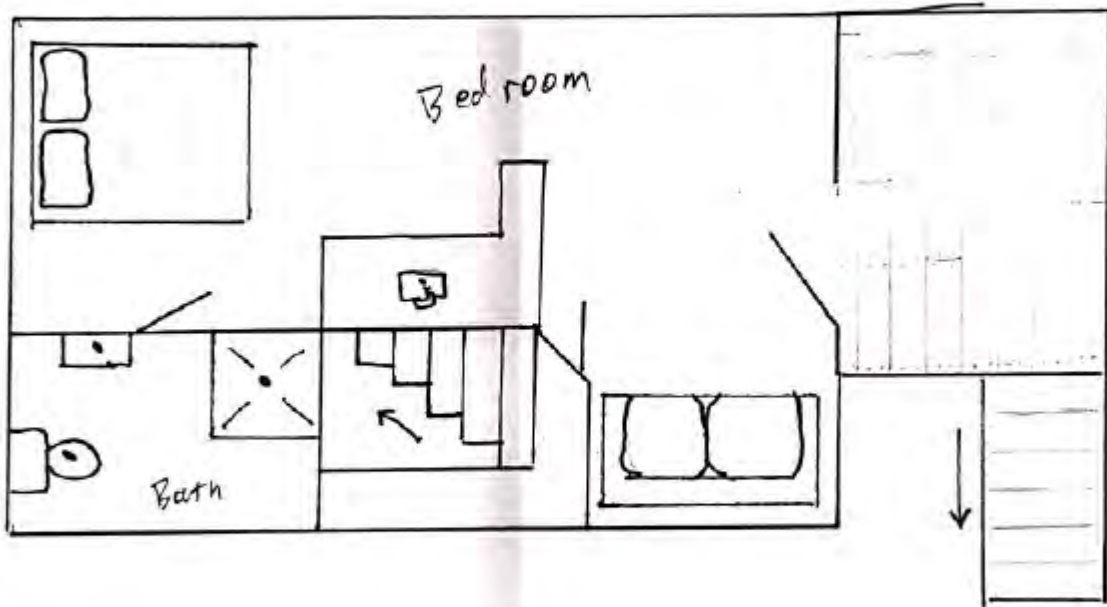


FLOOR PLAN



FLOOR PLAN

2nd floor



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Clay) SS:

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

1. That I am the petitioner for Petition # SP2024-073
2. That I conducted a neighborhood meeting on 10/1/2024.
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.

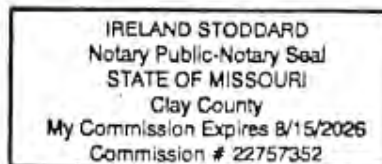
Further affiant saith not.

Alison Schwartz
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of October, 200~~20~~¹⁸ 2024

My commission expires 15th of August, 200~~20~~¹⁸ 2026

Ireland Stoddard
Notary Public



Application #SP2024-073

Tuesday, Oct. 1, 2024

Meeting called to order at Flagship Books
510 N. 6th St. KCK 66101
at 2:00 pm

People in attendance: Alison Schwartz
Fritz Hutchison
Jessica Zieg
Sean B. (635 Northrup)
Joel (owner at Flagship)

Introductions: Presentation by Alison that they are
applying for a special use permit to
function as an Airbnb.

Questions/Answers: Sean asked Jessica to continue
to be an excellent landlord
by keeping responsible tenants
and continue yard upkeep.
Sean asked how many folks stay
at Airbnb.
Response: Approx. 8 guests/month
Sean asked for Airbnb listing link/photos.
Sean asked how many rooms.
Response: 1 studio + bathroom +
kitchenette
Everyone discussed neighborhood cats/dogs
and increase in property taxes this year.

Meeting adjourned at 2:55 pm.

Minutes taken by Alison Schwartz

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: November 7, 2024

Re: **Special Use Permit Petition SP2024-075**

GENERAL INFORMATION

Applicant Information:

Betsy and Ryan Maxfield
Owner
Hermosa 711, LLC
1001 West 70th Street
Kansas City, Missouri 64113

Subject Property:

4436 Cambridge Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 14, 2024) to
operate a short-term rental.

Commission Districts:

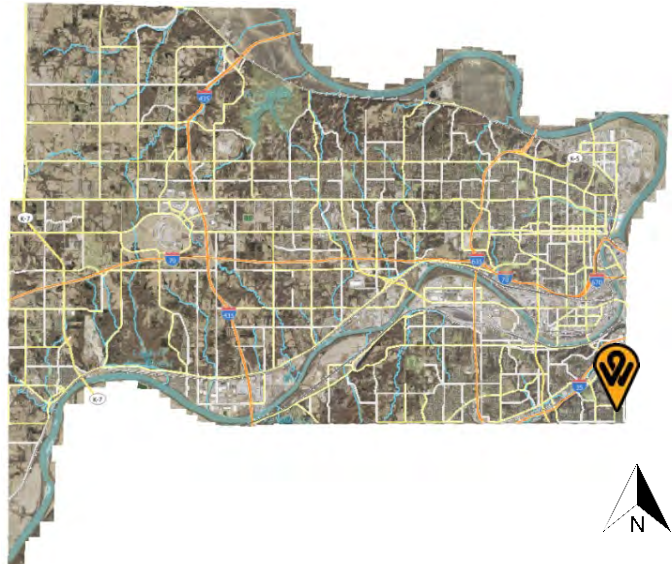
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.

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

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

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Betsy and Ryan Maxfield, are requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 4436 Cambridge Street, Kansas City, Kansas 66103. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other non-permitted short-term

rental on this block that must cease operation if this petition is approved.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2023 – SP2023-057 – 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, the Spring Valley Neighborhood Group and the Rosedale Development Association Neighborhood Group. The neighborhood consists of a mix of single-family residences with a mix of duplexes, triplexes, and some fourplexes.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to a mix of uses including multi-family and commercial properties. 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 the 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 operated as a 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 Rosedale Area Plan. The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed use conforms to the Rosedale Area Plan designation with the continuation of a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Cambridge 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 excessive noise, illumination, 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 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 neighborhood.

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

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

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

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

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

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is 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 September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-075, **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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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 **SP2024-075** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Proof of Repair
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-075** 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 **SP2024-075**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-075 – BETSY AND RYAN MAXFIELD – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-057 – expires 12/14/2024) for a Short-Term Rental at 4436 Cambridge Street. Detailed Outline of Requested Action: The applicants, Betsy and Ryan Maxfield, are requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 4436 Cambridge Street, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other non-permitted short-term rental on this block that must cease operation if this petition is approved.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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.

ATTACHMENTS

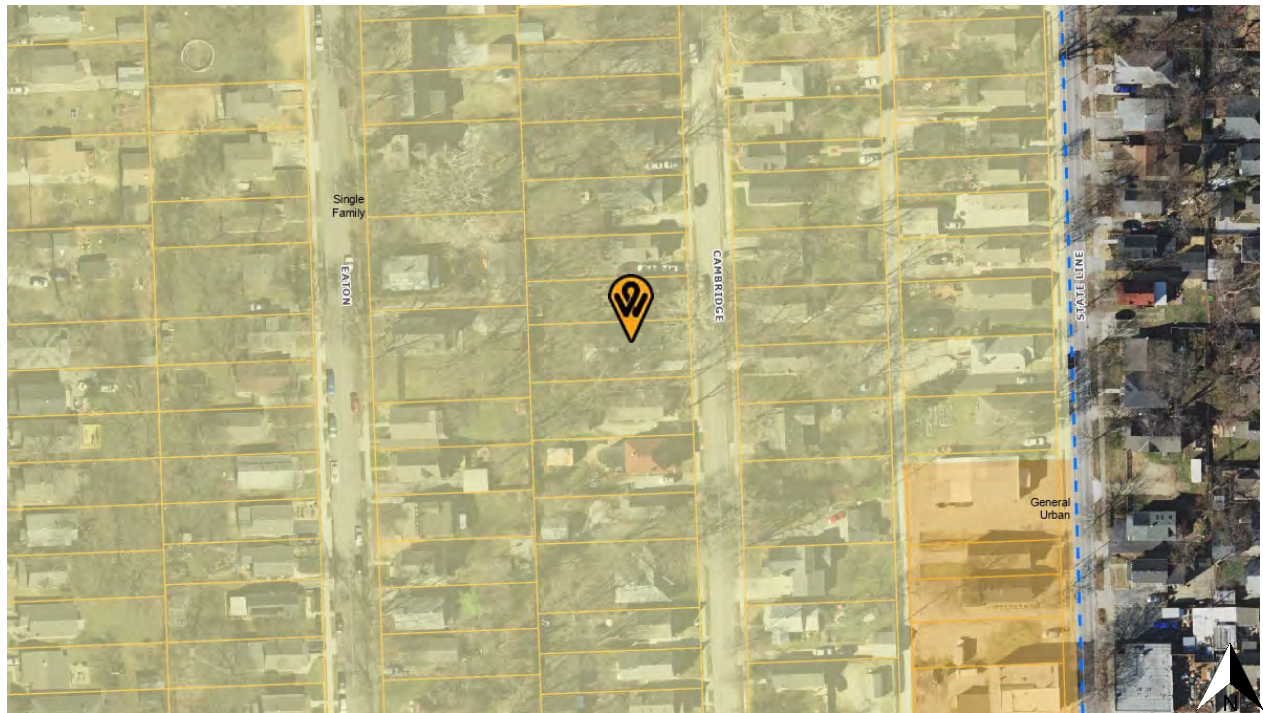
AERIAL IMAGERY



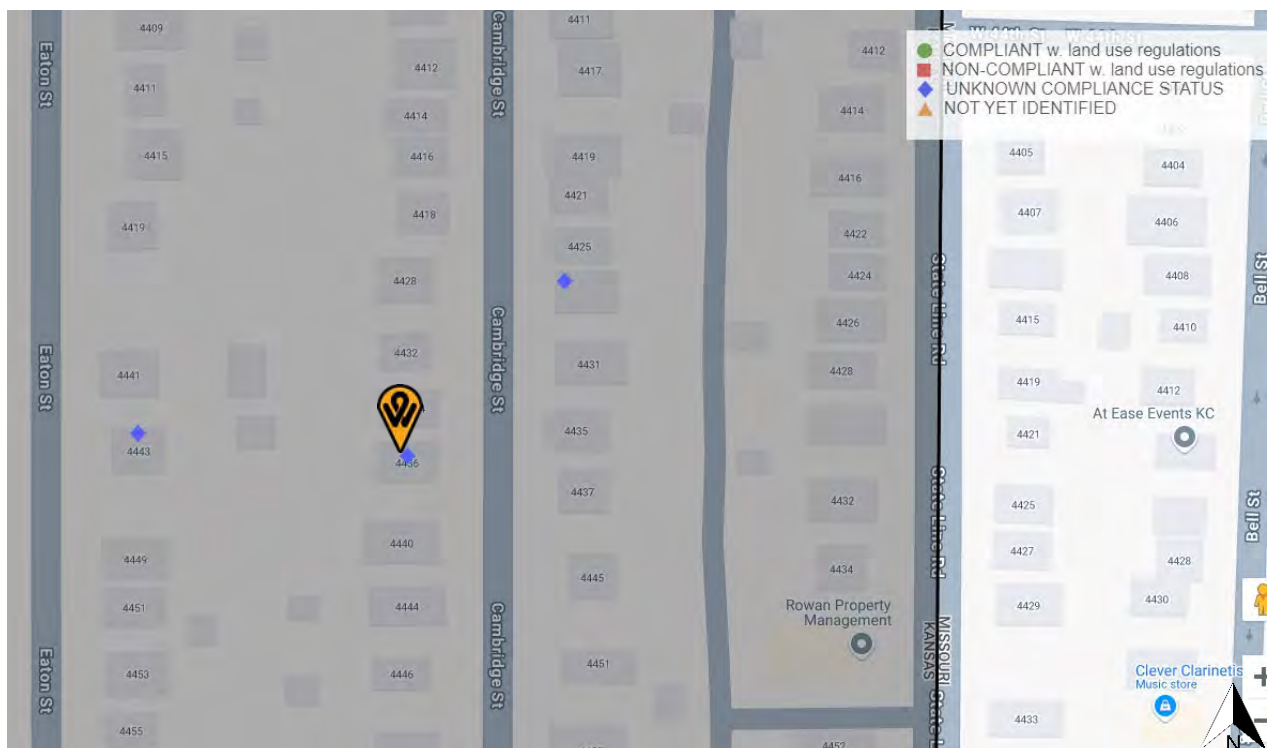
ZONING MAP



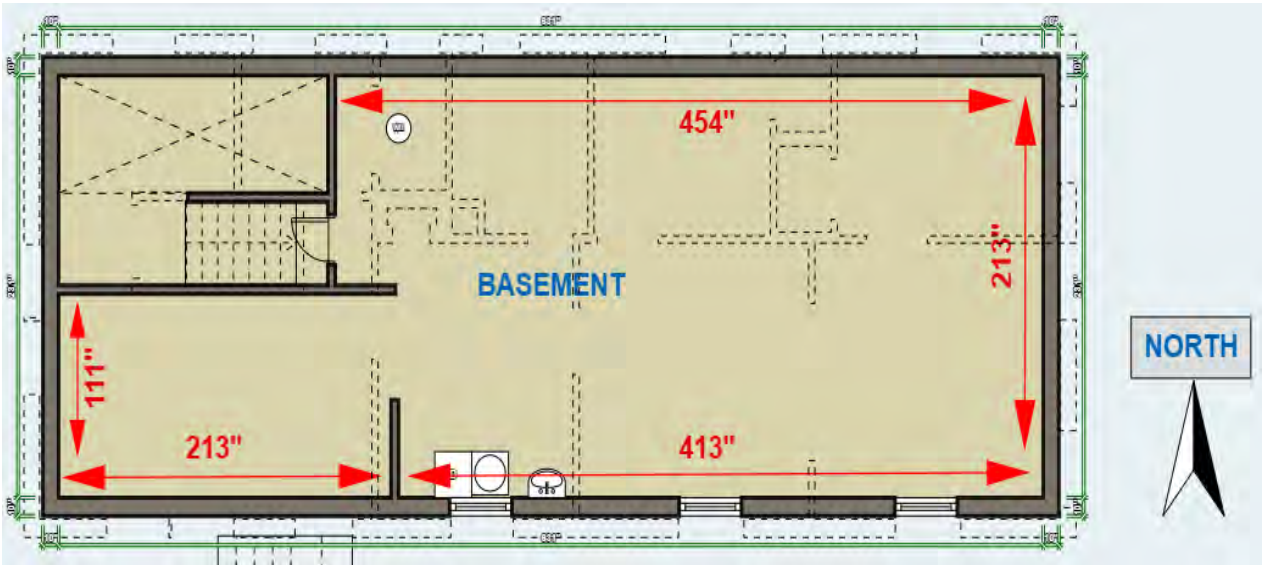
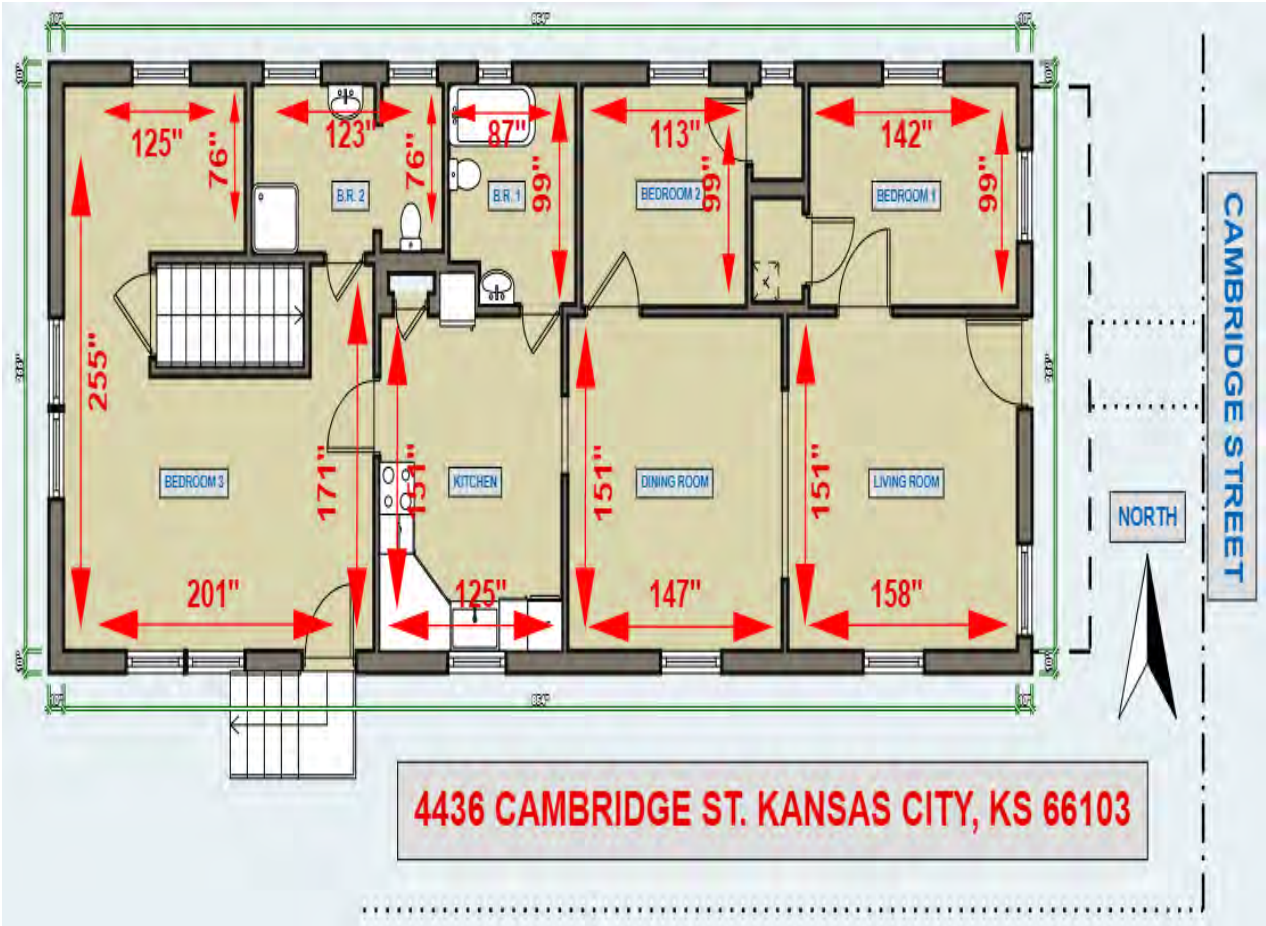
LAND USE MAP



SHORT-TERM RENTAL MAP



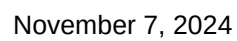
FLOOR PLAN



SITE PLAN



SP2024-075

17

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP-2024-075
2. That I conducted a neighborhood meeting on 9/30/24 @ 5:30 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.

Betsy Maxfield
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 26th of November 2025

Liza L. LaFollette
Notary Public



NEIGHBORHOOD MEETING MATERIALS

Application Number: Special Use Permit SP2024-075

9/30/2024 – Virtual via Zoom

Meeting called to order at: 5:30pm

Names of people in attendance:

Betsy Maxfield

Ryan Maxfield

Valerie Wells Fenton

Jake Hodson

Darren Gotham

Becky Paulsen

Introductions:

5:40pm-Valerie Wells Fenton arrived

Betsy Maxfield and Ryan Maxfield welcomed Valerie Wells Fenton

- Introductions were made
- Presentation of why the meeting was being held:
 - o Betsy Maxfield and Ryan Maxfield are presenting to renew the short-term rental at the property of 4436 Cambridge St. Kansas City, KS with Wyandotte County

5:45pm-Jake Hodson reached out directly to Betsy Maxfield for Zoom meeting link

-Betsy provided link via text

5:50pm-Betsy Maxfield followed up with a call & email to Jake Hodson to provide Zoom meeting link

6:02pm-Jake Hodson arrived

- Introductions were made
- Presentation of why the meeting was being held:
 - o Betsy Maxfield and Ryan Maxfield are presenting to renew the short-term rental at the property of 4436 Cambridge St. Kansas City, KS with Wyandotte County

6:08pm-Darren Gotham arrived

- Introductions were made

6:29pm-Becky Paulsen arrived

- Introductions were made

Questions and answers (include the following):

5:40pm

Where do we reside as our home?-Valerie Wells Fenton

- 70th St and Valley in Kansas City, MO just 8 minutes away from the rental property-Ryan Maxfield

Do we have children?-Valerie Wells Fenton

- 2 young daughters that you may see from time to time helping us in the yard at the rental property.

6:03pm-

Why is it that you have such difficulty following the rules for the process to apply for a license for short-term rental process this year and last?-Jake Hodson

- We have taken all the correct steps according to Wyandotte County steps and procedures both for the initial registration and now for the renewal. All letters were sent out according to the list provided by Wyandotte County announcing the meeting with a Zoom link to access. The sign was properly placed in the yard as directed by Wyandotte County and we will follow up with meeting notes from this meeting.-Betsy Maxfield

6:09pm-Betsy Maxfield announce the Zoom call may time out, however we would be logging back into the same Zoom meeting link

6:10pm-Zoom Meeting link timed out

6:10pm-Zoom Meeting restarted

6:11pm-Valerie Wells Fenton, Jake Hodson, Darren Gotham arrived back on Zoom Meeting.

What is the shortest amount of time your rental property will be rented for?-Jake Hodson

- The property allows for no less than 2 night stay currently.-Betsy Maxfield

Rosedale Home Association asks that properties be rented no less than 31 days and the association does not like investors coming in taking property that would otherwise allow families to move in.-Jake Hodson

- We are local family that personally manages and works on the property. In addition, we are at the property multiple times a week personally doing yardwork

or checking on the home. We know the immediate neighbors and have exchanged contact information to keep in touch. In the 1 year we have been a licensed short-term rental property we have had 0 complaints or issues reported.-Betsy Maxfield

We in the community do not like short-term rentals under 31 days as it does not hold the integrity of the neighborhood or grow the community; or properties that rent to nurses or medical students. We don't even prefer to have rentals and they should be family owned homes in the neighborhood.-Jake Hodson

- We are a family owned property and have rented to nurses or medical workers for longer than 31 days. The property is listed on Furnished Finders in an effort to provide that opportunity to medical workers or mid-term rentals.-Betsy Maxfield
- In addition, we have found that many of our renters are staying due to a personal procedure or family procedure being done at the nearby KU Medical Center. The property offers all amenities on a single floor and is wheelchair accessible. – Betsy Maxfield

6:19pm

I live right around the corner from the 4436 Cambridge St. and seen the improvements that the Maxfield's have made to the home from when they first bought it as well as how they keep it up. If you look at other homes in the neighborhood that are permanent residents or rentals. I would much prefer home owners like the Maxfields.-Valerie Wells Fenton

- There are other rental properties nearby that most likely should be closed or cracked down on for operating as short-term rentals.-Jake Hodson

To Jake Hodson-What would you recommend be done to better our renewal process?-Ryan Maxfield

- I believe the fees should be increased for you to apply and therefore it would deter people from applying as well as provide additional funds to apply the closure policies in the community.-Jake Hudson

To Jake Hodson-We are taking the correct steps to renew and make sure we follow the rules set forth by the community-Betsy Maxfield

- I understand you are taking the correct steps and the process as people hire me to fill out their applications and make sure they have all the correct forms in place. You could have hired myself to take care of the process for you.-Jake Hudson

6:29pm

To Becky Paulsen-Becky, Do you have any questions?-Jake Hodson

Do you own any other short-term rental properties?-Becky Paulsen

- No, this is the only short-term rental property we own.-Betsy Maxfield

That was the only question I had-Becky Paulsen

6:30pm

Who is your planning coordinator? And when you submit your notes please copy me on the email.-Jake Hodson

- Kiley Meierarend-Betsy Maxfield

When is your CPC date?-Jake Hodson

- Oct 14th

To all-Does anyone else have any questions? Has everyone asked anything of us they would like?-Betsy Maxfield

- All-No

Thank you all for your time and attendance. We appreciate your questions and information.-Betsy Maxfield

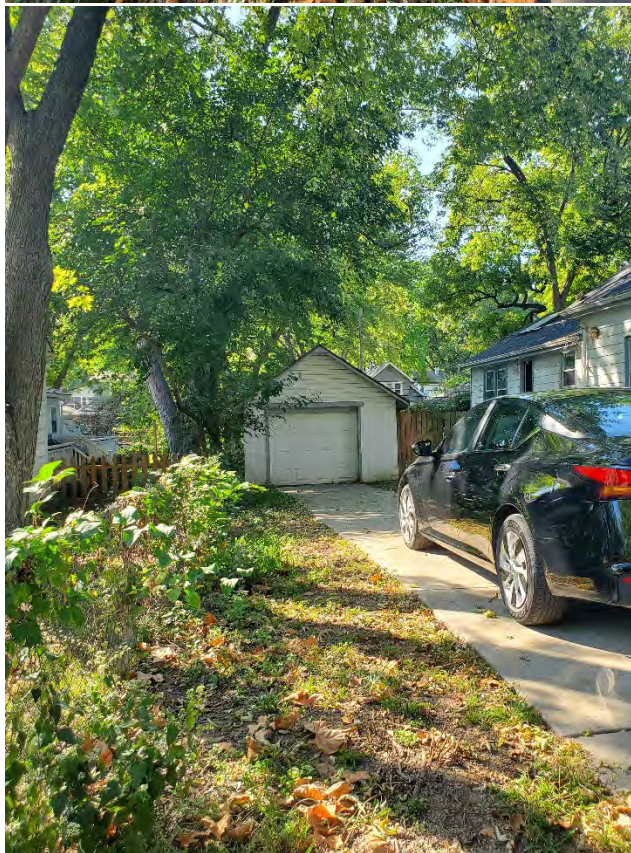
Meeting adjourned at:

6:36PM

Minutes taken by: Ryan Maxfield

7:15PM

Email notification from ZOOM saying that Chris Steineger was in the waiting room; however the meeting had started 2 hours ago and was now over. I will try and reach out to Chris directly and see if there are any questions I can answer -Betsy Maxfield





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: November 7, 2024

Re: **Special Use Permit Petition SP2024-076**

GENERAL INFORMATION

Applicant Information:

Elizabeth Harding
Owner
ERKC, LLC
8910 Delmar Street
Prairie Village, Kansas 66207

Subject Property:

2822 West 43rd Avenue, Unit B
Kansas City, Kansas 66103

Requested Action and Purpose:

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

Commission Districts:

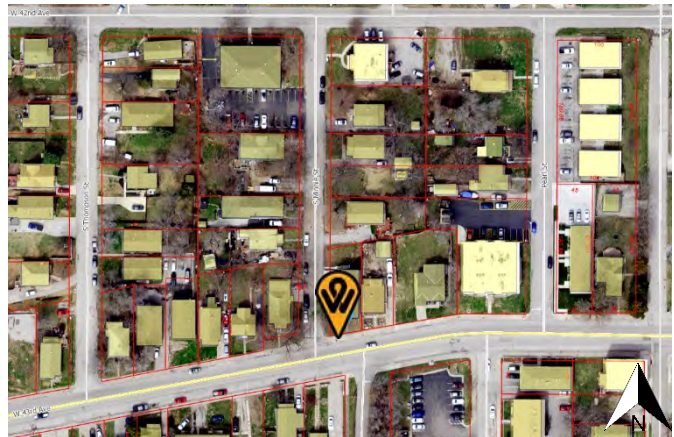
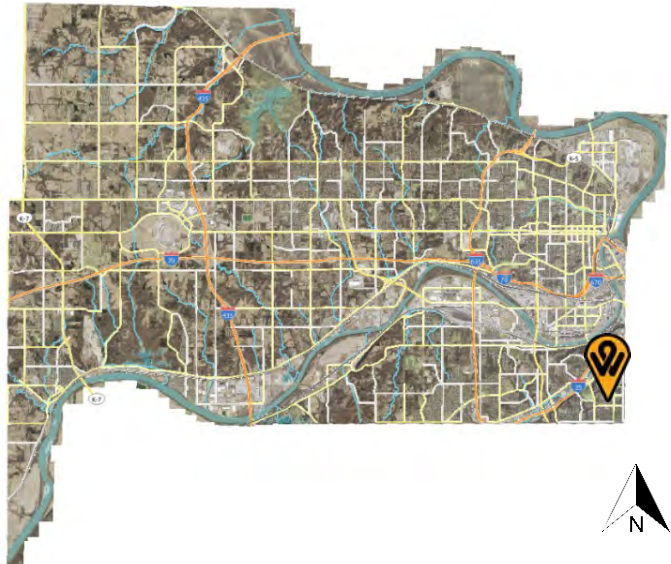
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-2(B) Two Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.10 Acre

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 43rd Avenue as a Minor Collector Street.

Parking Requirement: Section 27-457 (d) states “One (1) parking space for each dwelling unit shall be provided on the premises”. The subject property is required to have at least two (2) parking spaces. The property provides two (2) parking spaces, provided that the driveway meets standard dimensions.

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 – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Elizabeth Harding, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 2822 West 43rd Avenue, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2800 block of West 43rd Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2022 – BOZA2022-005 – Variance for existing front yard setback and minimum parking standards.
2. 2022 – COZ2022-002 – Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District.
3. 2023 – SP2023-053 – 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, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. It is located between Mission Road and Rainbow Boulevard, two mixed-use corridors. Some mixed-use is also located on 43rd Avenue.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to two (2) mixed-use corridors. 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 the aforementioned issues are properly managed.

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

The property is not vacant. The property is a duplex, and one (1) unit has operated as a 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 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 with the continuation of a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of West 43rd Avenue, a Minor Collector Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

Noise, vibration and illumination are all potential issues that are related to short-term rentals if 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 neighborhood.

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

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

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

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

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

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is three (3). The maximum number of vehicles off-street is one (1). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on September 27, 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
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-076, **for two (2) years**, subject to:

1. **Only one (1) unit of the duplex may be used as a short-term rental;**
2. **Maximum number of guests shall be three (3);**
3. **All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-076** subject to all comments and suggestions outlined in this staff report and conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Parking Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-076** 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 **SP2024-076**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-076 – ELIZABETH HARDING – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-053 – expired 10/5/2024) for a Short-Term Rental at 2822 West 43rd Avenue. Detailed Outline of Requested Action: The applicant, Elizabeth Harding, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 2822 West 43rd Avenue, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2800 block of West 43rd Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning

Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

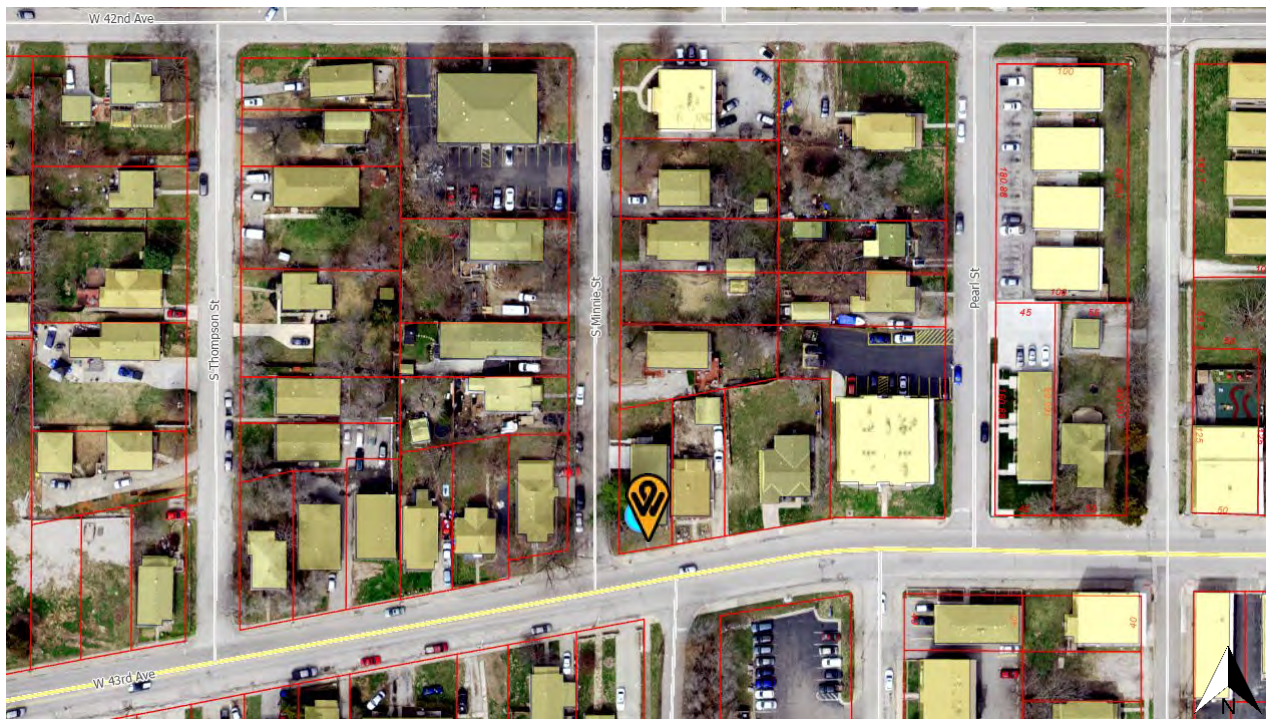
1. **Only one (1) unit of the duplex may be used as a short-term rental;**
2. **Maximum number of guests shall be three (3);**
3. **All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy**

- of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
 7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 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;
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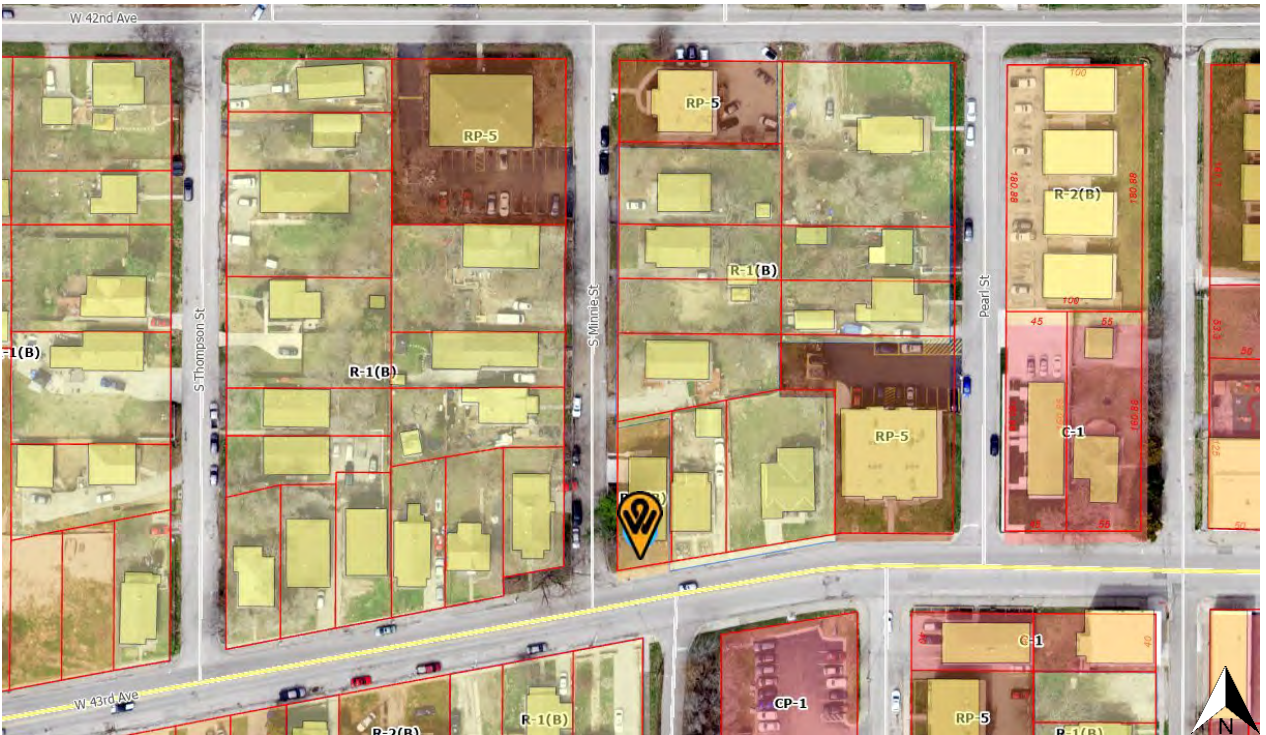
- through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government 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 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;
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

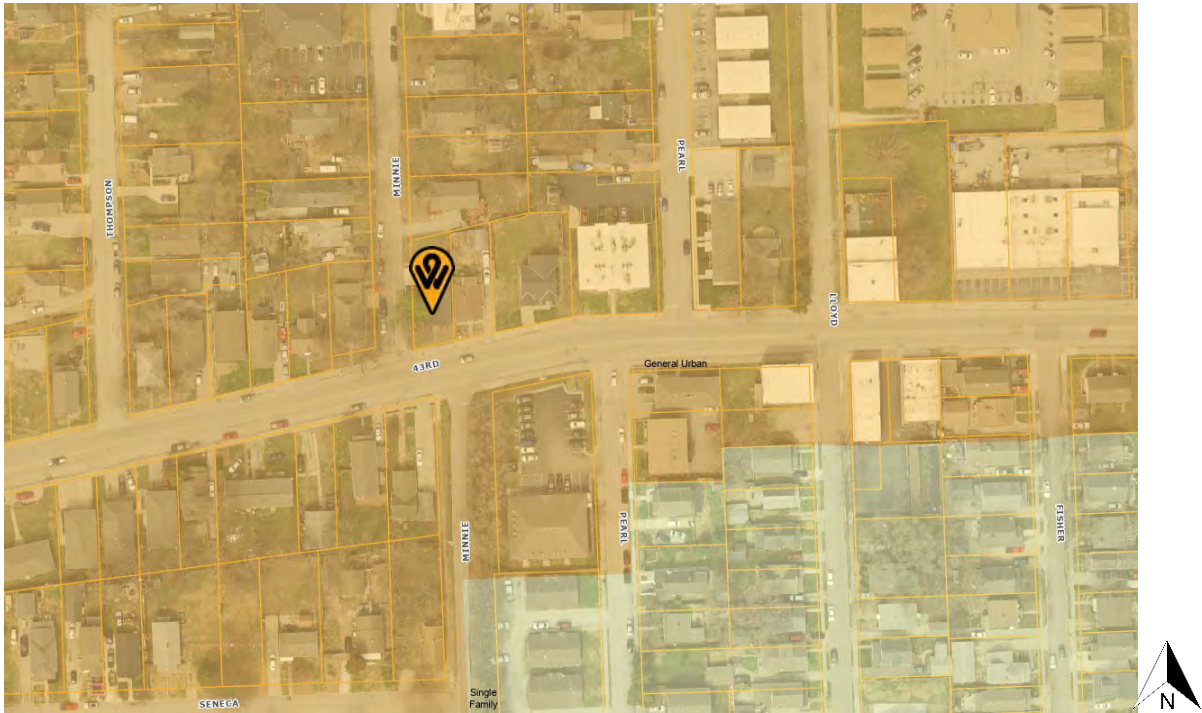
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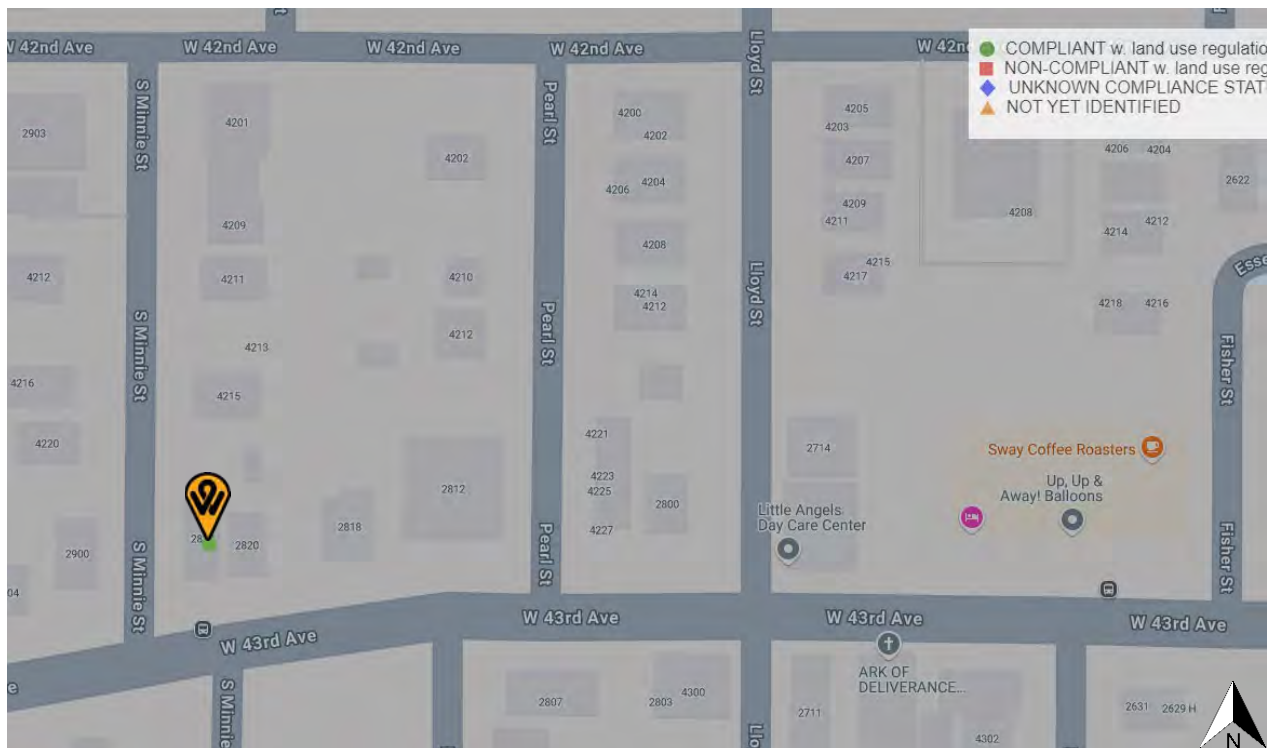
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



Floor Plan & Measurements
2822 W 43rd Ave. Unit B
Kansas City, KS 64103

NOTES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY

PARKING PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

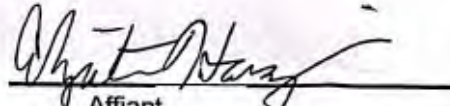
) SS:

COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #SP2024-076
2. That I conducted a neighborhood meeting on 9/27/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of September 2024

My commission expires 26 of April, 2026



Notary Public


Notary Public

NEIGHBORHOOD MEETING MATERIALS

Application Number: SP2024-076

Date and Location: 9/27/024 Zoom

Meeting called to order at: 2:30 PM

Names of people in attendance: Elizabeth Harding

There were no participants other than myself in attendance. I have received no questions or communication via phone, email, or postal mail.

Meeting adjourned at: 3:00 PM

Minutes taken by: Elizabeth Harding

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: November 7, 2024

Re: **Special Use Permit Petition SP2024-078**

GENERAL INFORMATION

Applicant Information:

Maddison Berciunas
Representative
9809 Winslow Place
Kansas City, Missouri, 64131

Subject Property:

4206 Mission Road
Kansas City, Kansas 66103

Requested Action and Purpose:

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

Commission Districts:

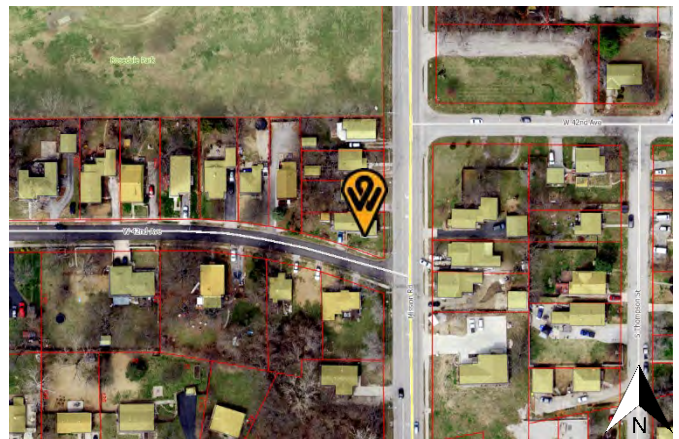
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.10 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Mission Road as a Major Arterial Street.

Parking Requirement: Section 27-455 (d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces, one (1) covered parking space and one (1) uncovered 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 does not fulfill this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Madison Berciunas, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 4206 Mission Road, Kansas City, Kansas 66103. This is not the owner’s primary

residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road. There is one (1) other non-permitted short-term rental on this block that must cease operation if this petition is approved.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2023 – SP2023-056 – 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, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. It is adjacent to Rosedale Park, as well as the mixed-use corridors of 43rd Avenue and 47th Avenue.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity a mixed-use corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

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

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the 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 since 2023.

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 Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed use conforms the Rosedale Area Plan designation with the continuation of a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Mission Road, a Major Arterial 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 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 proof of repair for items listed in the Conditions of Approval from SP2023-056 have not been provided.

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 Google Meet on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-078, **for one (1) year**, subject to:

1. **Proof of repair for the driveway must be submitted before the publication of the associated ordinance;**
2. **The applicant must plant one (1) shade tree in accordance with Section 27-700 (a);**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
10. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
11. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
12. **If approved, occupying businesses must file and maintain a current**

business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. 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 shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the

expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-078** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Proof of Repair
Planning Engineering Comments
Applicant Response to Planning Engineering Comments
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-078** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-078**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-078 – MADISON BERCIUNAS –

SYNOPSIS: Renewal of a Special Use Permit (SP-2023-056 – expired 10/5/2024) for a Short-Term Rental at 4206 Mission Road. Detailed Outline of Requested Action: The applicant, Madison Berciunas, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 4206 Mission Road, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road. There is one (1) other non-permitted short-term rental on this block that must cease operation if this petition is approved.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye

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

Motion to APPROVE Passed: 8 to 0

1. Proof of repair for the driveway must be submitted before the publication of the associated ordinance;
2. The applicant must plant one (1) shade tree in accordance with Section 27-700 (a);
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. 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;
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17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

- 21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

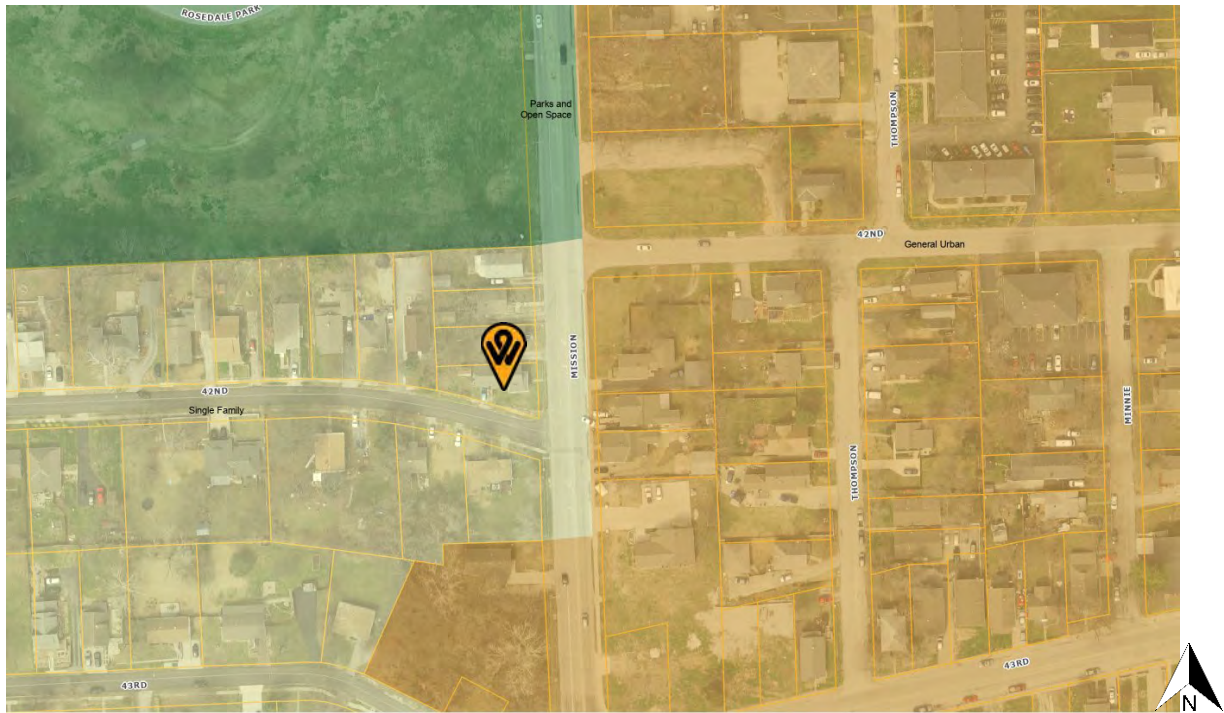
AERIAL IMAGERY



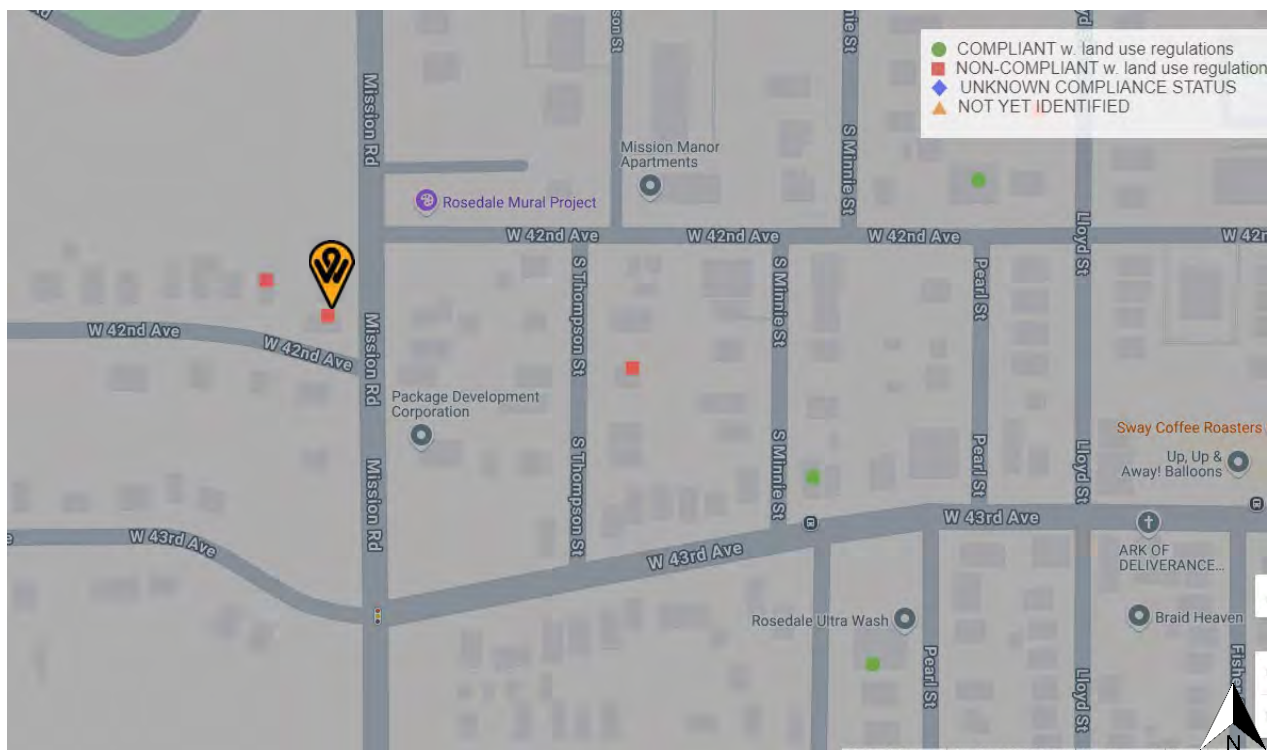
ZONING MAP



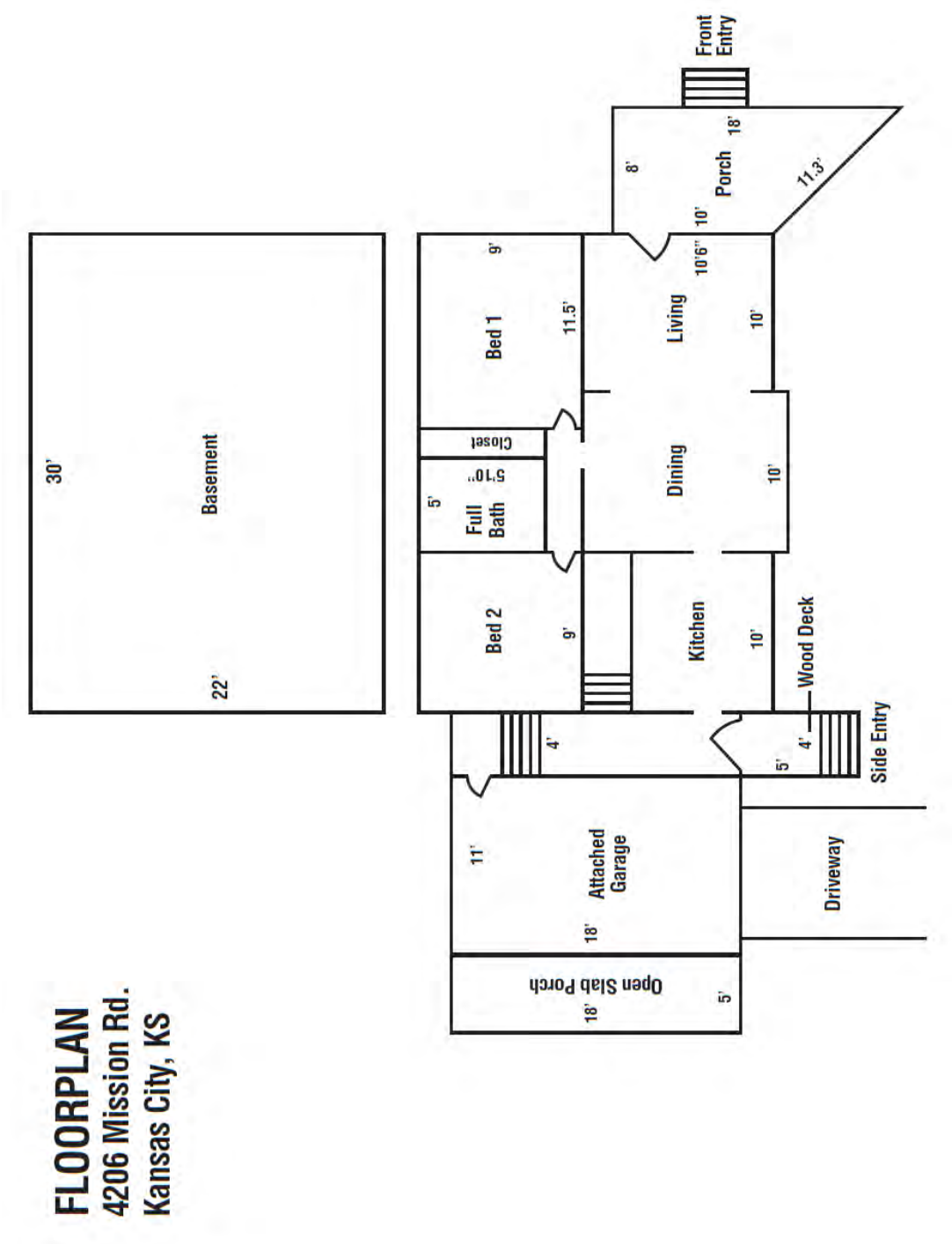
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN





Lefty Bros contracting llc

Invoice No:	1239	Invoice Indp Mo Chris Pearce 816-591-5067 Chris Pearce
Date:	08/31/2023	
Terms:	NET 0	
Due Date:	08/31/2023	
Bill To:	maddison Berclunas maddison@standardkc.com 4206 Mission Rd Kansas City, KS, 66103-2755	

1 / 3

PROOF OF REPAIR

Lefty Bros contracting llc - Invoice 1239 - 08/31/2023

Description	Amount
a. Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional (Page 3);	\$3,100.00
b. Repair termite damage in the garage (Page 3);	
d. Remove the poison ivy found within the yard (Page 4);	
e. Install/update hand railings on stairs to the basement, garage, and install additional graspable handrailings at the front and side staircases (Page 4);	
f. Fix metal fascia (Page 4)	
g. Install blocking at open step risers (Page 4);	
h. Cover/remove the exposed insulation batts in the garage stairwell (Page 4);	
i. Restore/replace original wooden windows (Page 4);	
j. Redo the fireplace to meet wood-burning standards or demolish fireplace (Page 4);	
k. Remove mold found in the kitchen sink cabinet (Page 5);	
l. Replace corroded copper water pipe above furnace (Page 5);	
m. Install smoke and carbon monoxide detectors (Page 5);	
n. Remove or secure bare wires in the rear basement ceiling (Page 5);	
o. Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets (Page 5);	
p. Rewire circuit breakers appropriately (Page 5);	
SP2023-056 August 14, 2023 7	
q. Secure loose ceiling light at back hallway (Page 5); (We will likely just remove this)	
r. Cover the open wire splice in the south basement ceiling between HVAC duct pipes (Page 5);	
s. Remove or secure Romex wiring in basement stairwell (Page 5);	
t. Cover open electrical wire junction box between furnace equipment and foundation wall (Page 5)	
c. Repair unstable wood railing in side yard.	
I do not recommend trying to install keyed flashing at the chimney noted on page 4. This would require making a 1' depth cut around the perimeter of the chimney most likely causing excessive chipping/breakage of the old bricks/mortar. The existing mastic appears to be working fine as I was able to enter the attic and found no signs of past or, present leakage. We are still waiting on bids for the sidewalk and driveway apron repair.	

Parts Subtotal	\$3,100.00
Subtotal	\$3,100.00
Total	\$3,100.00
PAID	\$3,100.00

Paid

Balance Due	\$0.00
-------------	--------

PLANNING ENGINEERING COMMENTS



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: Travis Trumble
Project Engineer

DATE: September 23, 2024

SUBJECT: Maddison Berciunas – (SP2024-078)
4206 Mission Road
General Engineering Review No. 1 (of the application received 7/26/2024)

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. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area? If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.
- 2) Regarding the above comment, the driveway entrance within right of way of W. 42nd Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.
- 3) If the existing street i.e., on W. 42nd Avenue is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.
- 4) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable. In this regard, for proposed work i.e., drive entrance area in the ROW, a right of way permit shall be required from UG Public Works prior to construction permit acquisition.
- 5) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County and KCK
ca=Other Planning and the email=trumble@wycokck.org, c=US
Date: 2024.09.23 15:43:47 -0500

APPLICANT RESPONSE TO PLANNING ENGINEERING COMMENTS

- 1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area?
If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.

Yes. Updated site plan attached.

- 2) Regarding the above comment, the driveway entrance within right of way of W. 42nd Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.

Contractor Dave White has received approved plans/permit from the city. We are currently waiting on AT&T to locate wires before we can begin work. Scheduled for October 27.

- 3) If the existing street i.e., on W. 42nd Avenue is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

Understood.

- 4) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable. In this regard, for proposed work i.e., drive entrance area in the ROW, a right of way permit shall be required from UG Public Works prior to construction permit acquisition.

See answer to question 2 above.

- 5) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.

Will do.

- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed.

To my knowledge my contractor Dave White has done this and has received approval.

NEIGHBORHOOD MEETING MATERIALS

SP2024-078

4206 Mission Rd Neighborhood Meeting Minutes

September 30, 2024

No one attended our meeting after waiting 30 minutes.

We did not receive any questions or comments through email or phone.

NEIGHBORHOOD MEETING MATERIALS

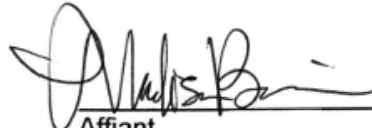
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # SP2024-078
2. That I conducted a neighborhood meeting on Sept. 30, 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

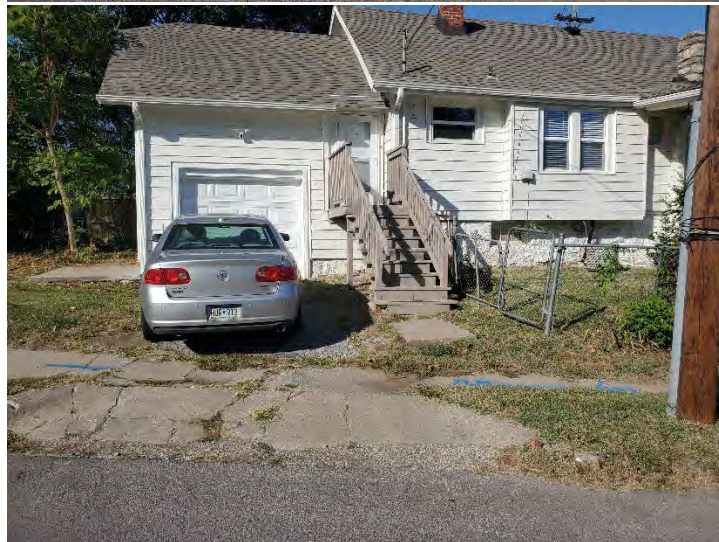
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024.

My commission expires 21st of May, 2028


Notary Public

Havilah Puderbaugh
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: May 21, 2028
Commission # 24300161

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-079

GENERAL INFORMATION

Applicant Information:

NaShae Wells
Owner
3917 Bell Street
Kansas City, Missouri 64111

Subject Property:

3925 Springfield Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Approval of a Special Use Permit to continue to operate a Short-Term Rental (expired October 5, 2024).

Commission Districts:

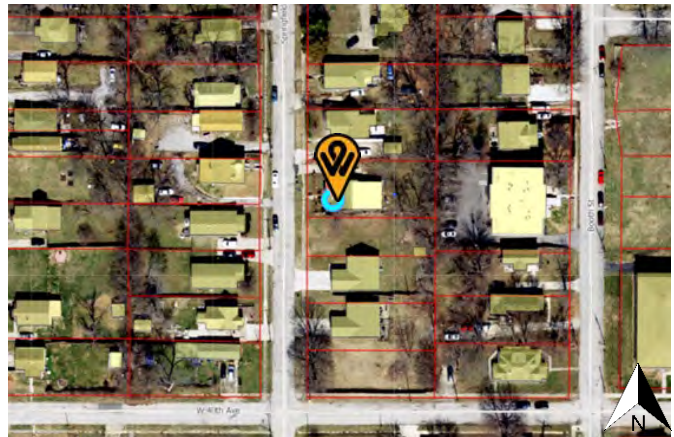
Commissioner At-Large, District #2:
Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-1(B) Single-Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1(B) Single Family District	Vacant Lot
East	RP-5 Planned Apartment District	Apartment Building
West	R-1(B) Single Family District	Single-Family Residence

Total Tract Size: 0.19 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates this 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 Springfield Street as a Local Street.

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

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield Street.

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

Building, Zoning, or Code Enforcement Complaints:

1. There have been no building, zoning, or code enforcement complaints on the subject property.

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-048) for a short-term rental for one (1) year in 2023.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. The neighborhood also includes the mixed-use corridor along Rainbow Boulevard and the KU Medical Center.

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 R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other

nearby properties in close proximity. 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 the aforementioned issues are properly managed.

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

The property has been used as a short-term rental since mid-2022. It was previously used as a long-term rental.

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 this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

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

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to

substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

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

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

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

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

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

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

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

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is 7 as there are three (3) bedrooms. 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 on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Exceeding Maximum Guest Limit
Change in Operation
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-079, **for two (2) years**, subject to:

1. Maximum number of guests shall be 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 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;

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 **SP2024-079** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-079** 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 **SP2024-079**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-079 – LANCE PIERCE WITH KARAT HOME MANAGEMENT – SYNOPSIS: Renewal of a Special Use Permit (SP-2024-048 – expired 10/5/2024) for a Short-Term Rental at 3925 Springfield Street. *Detailed Outline of Requested Action:* The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield Street.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. Maximum number of guests shall be 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);

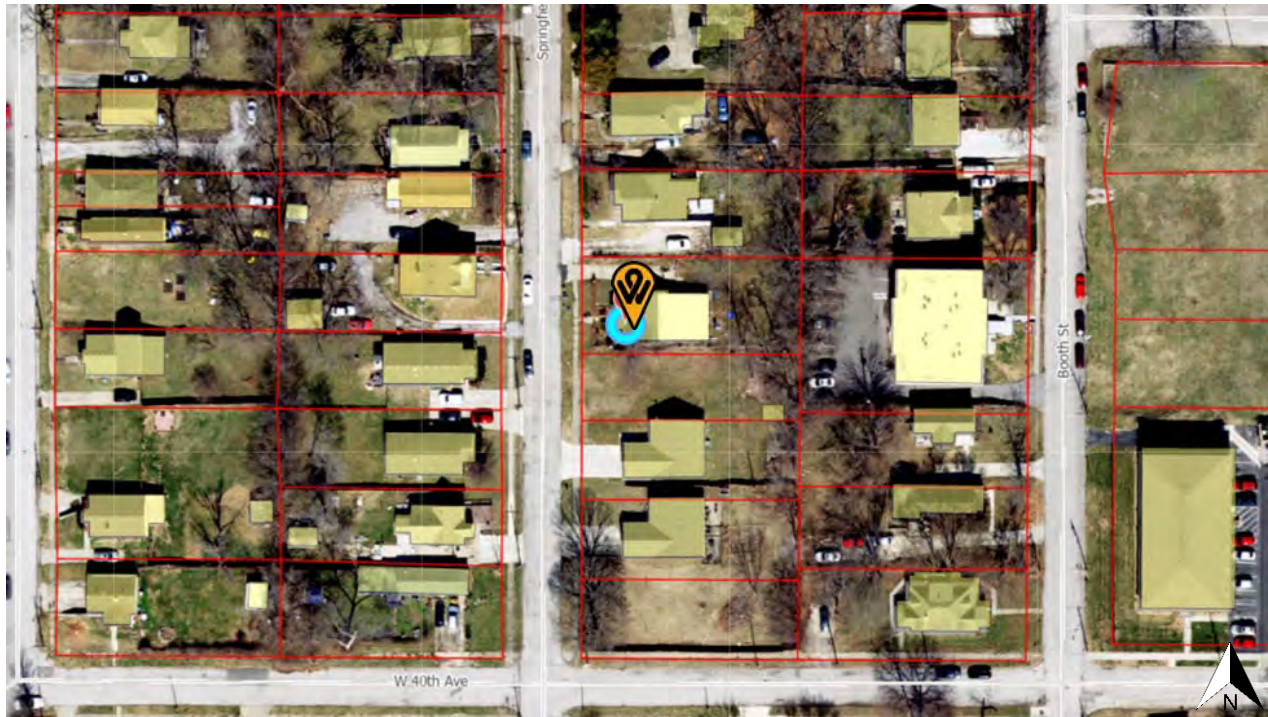
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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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;

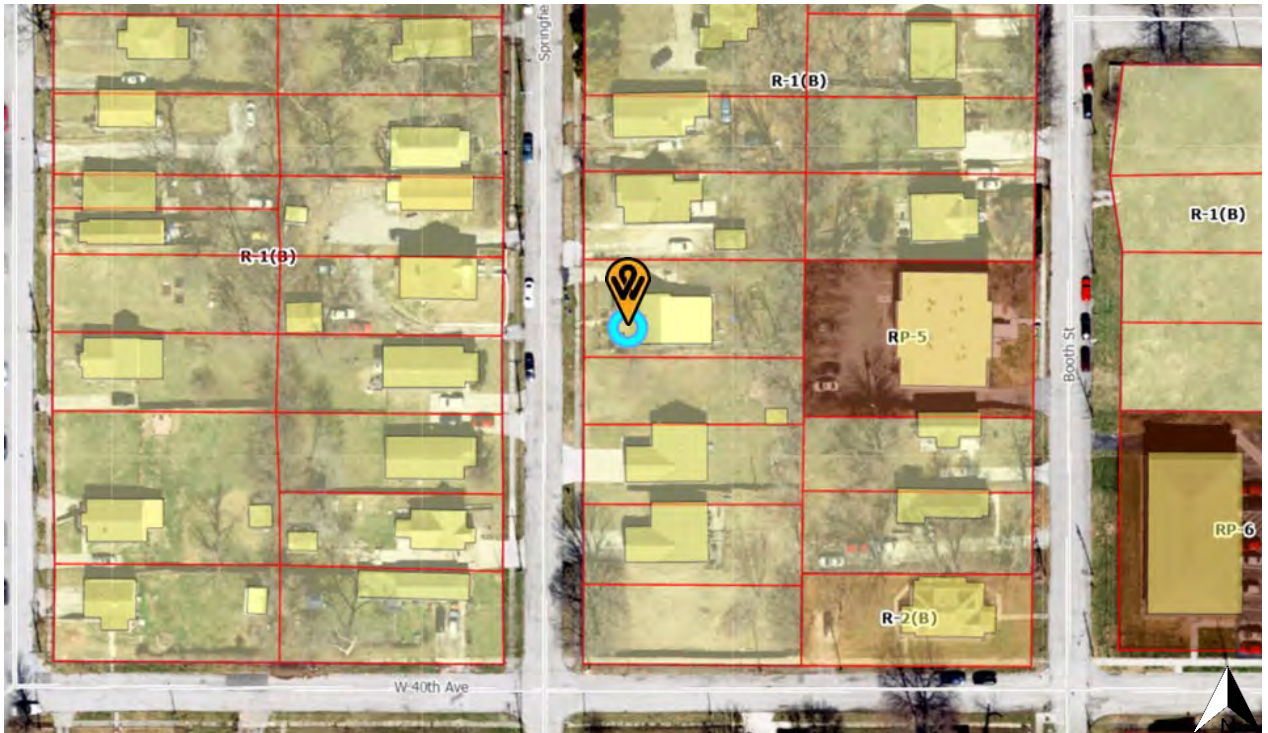
17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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;
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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



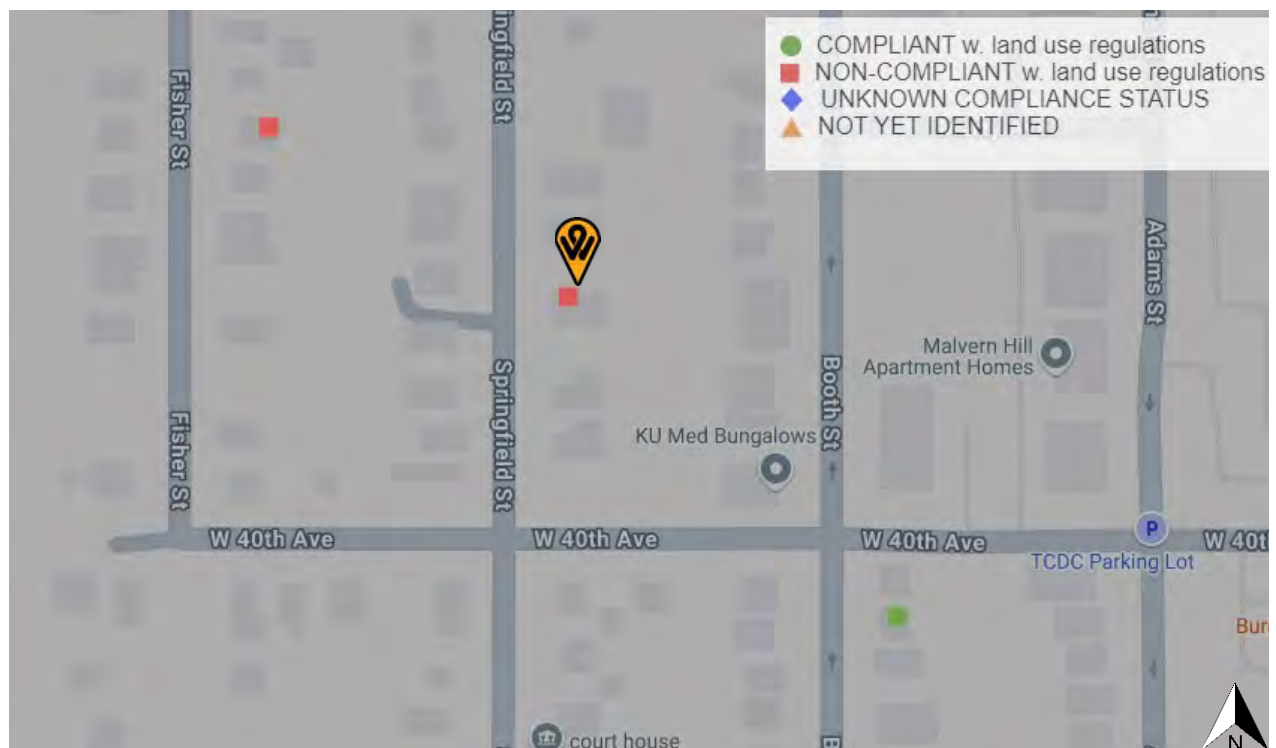
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2024-079, SP 2024-080, SP 2024-081
2. That I conducted a neighborhood meeting on 09/30/2024.
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.

Noshae Wells
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024 ~~2004~~ US 2024

My commission expires 11 of 2026, 200.

[Signature]
Notary Public



Application Number(s) SP2024-079, SP2024-080 + SP2024-081

- Date and Location: September 30, 2024 Online Zoom meeting
- Meeting called to order at: 2:00 pm
- Names of people in attendance: None
- Introductions: N/A

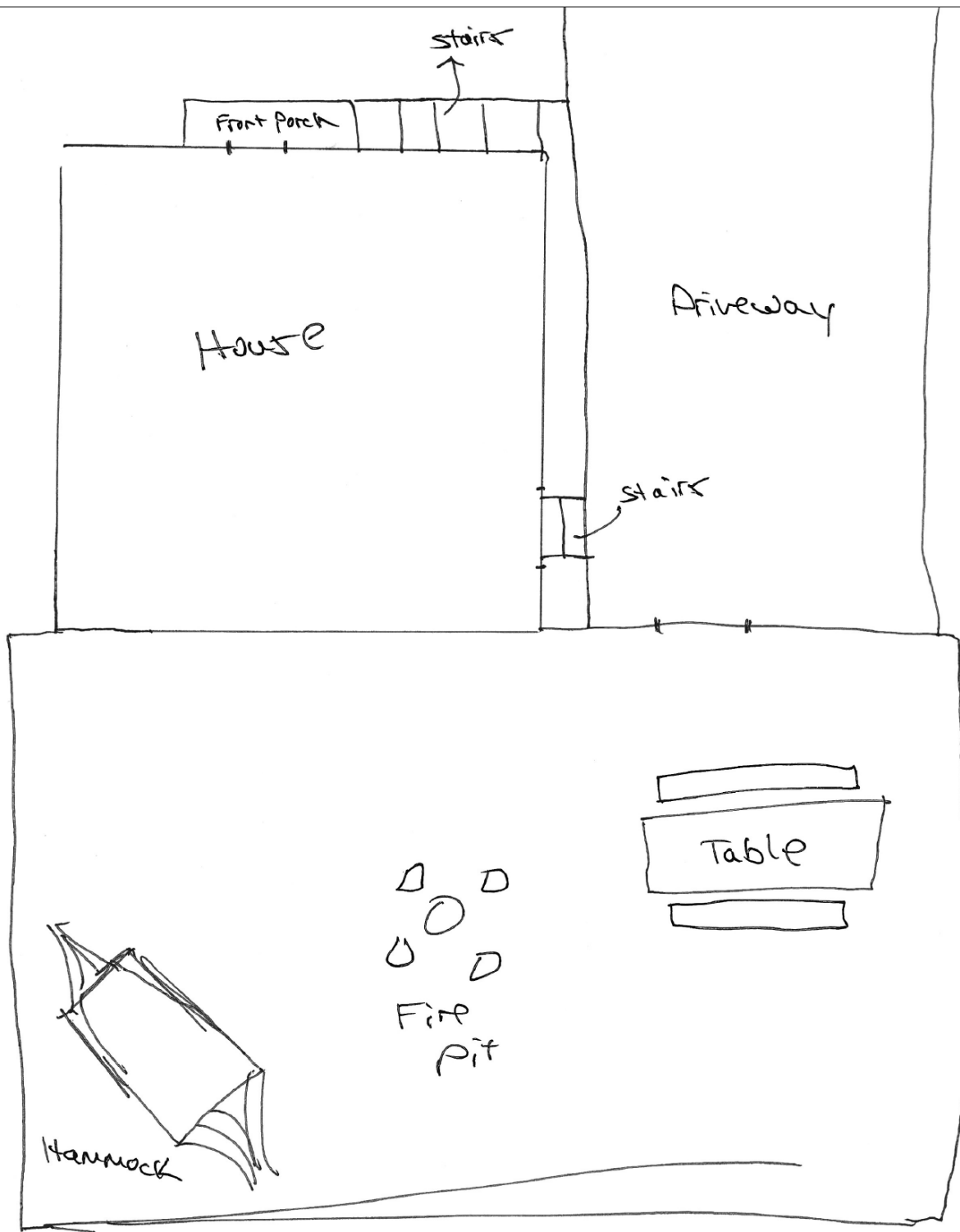
James L. Needham called to ask questions on 09/20/2024.

- He asked what we were applying for and which house.
- We explained that we were applying for a short term rental license for 3925 Springfield St.
- He asked if we were representatives of KU hospital and bought up all of the houses.
- We explained that we are not associated with KU. We do however host patients of KU who have had transplants or need to be near the hospital for monitoring.
- He then proceeded to discuss how he did not like what KU was doing and we eventually ended the call.

Meeting adjourned at: 3:00 pm

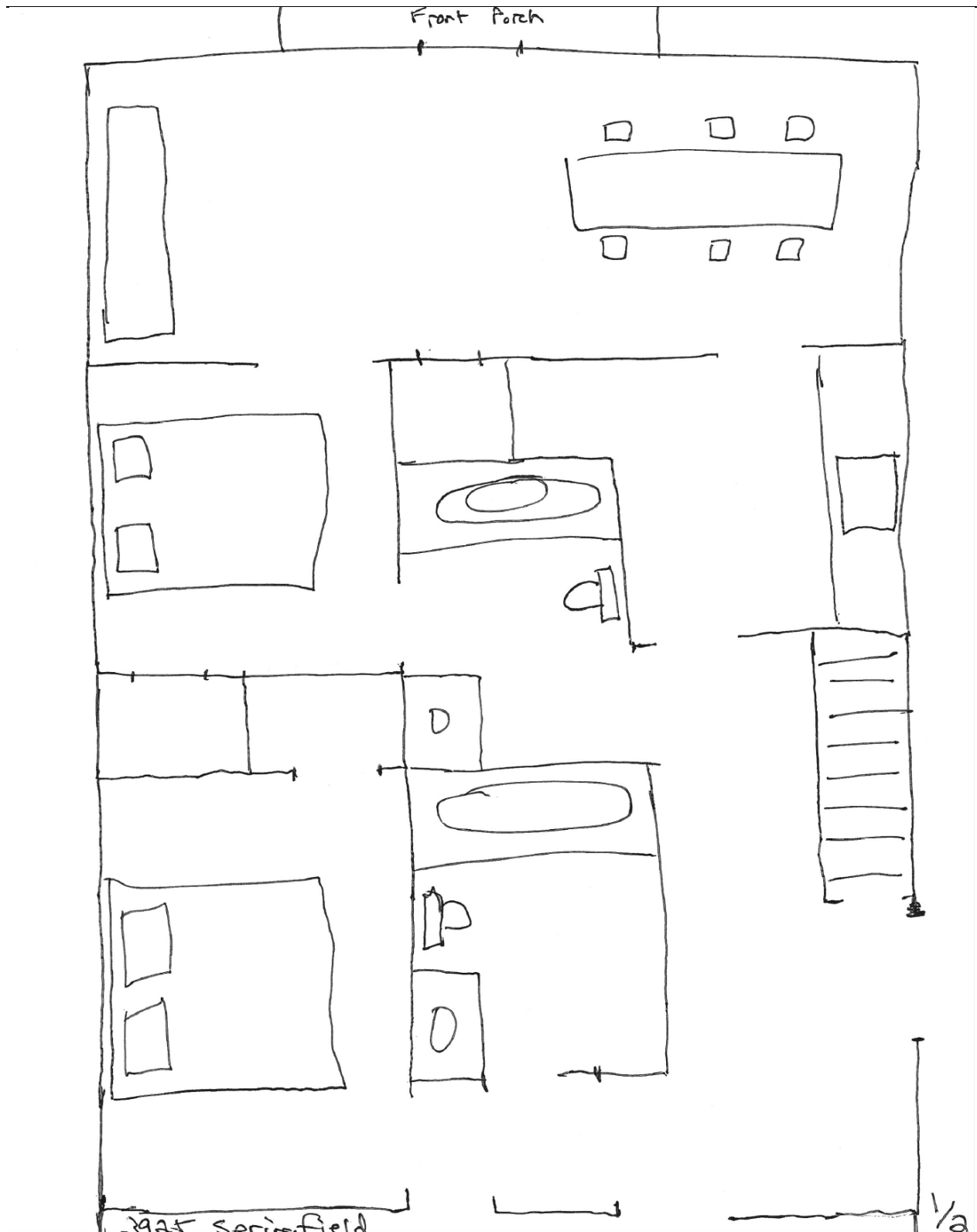
Minutes taken by: Neshae Wells

SITE PLAN

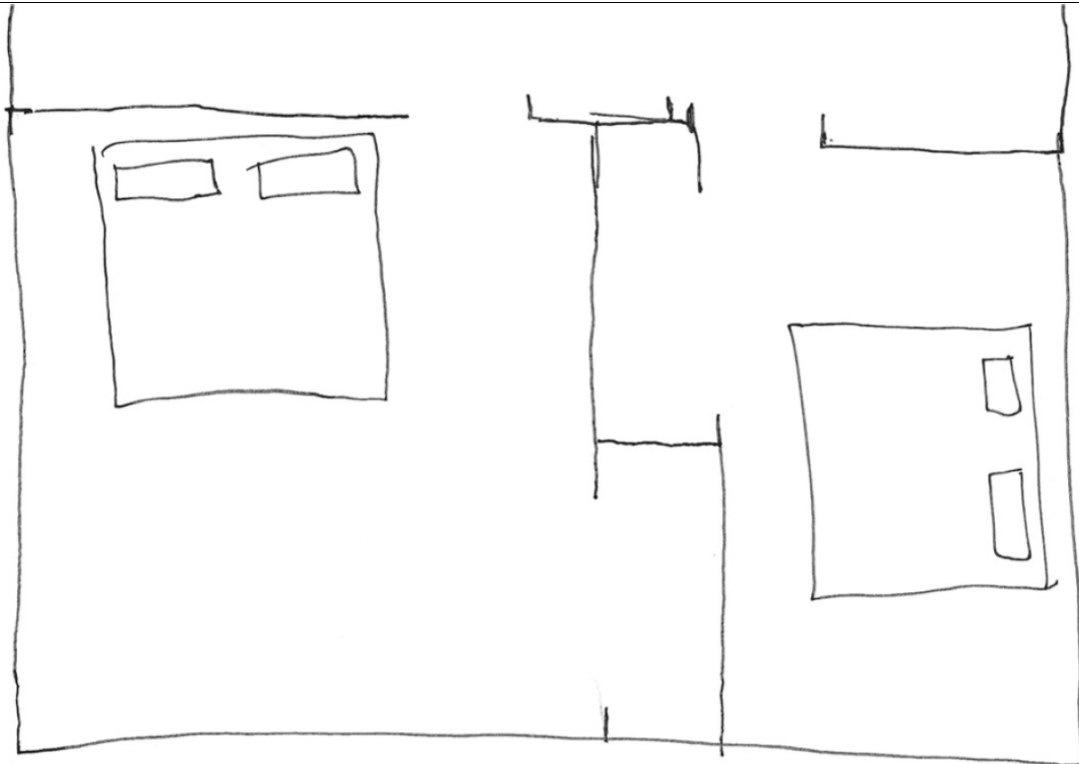


3925 Springfield

FLOOR PLAN



FLOOR PLAN



3925 Springfield Kansas Kansas

2/3

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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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: November 7, 2024

Re: Special Use Permit Petition SP2024-080

GENERAL INFORMATION

Applicant Information:

NaShae Wells
Owner
3917 Bell Street
Kansas City, Missouri 64111

Subject Property:

4028 Booth Street
Kansas City, KS 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(SP2023-049, which expires
10/14/2024) to continue to operate a
Short-Term Rental.

Commission Districts:

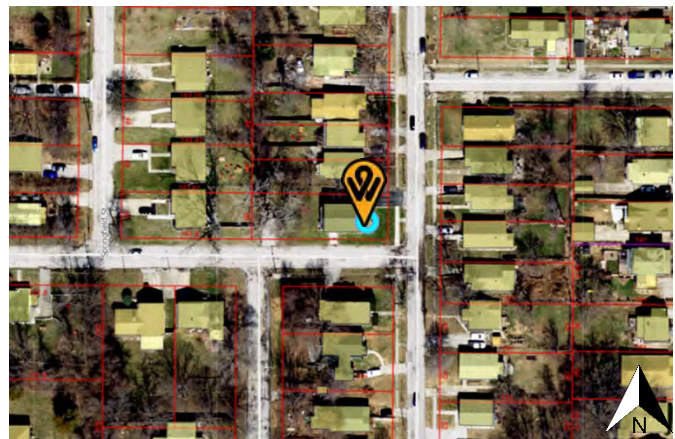
Commissioner At-Large, District #2:
Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-1(B) Single-Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1(B) Single Family District	Single-Family Residence
East	R-1(B) Single Family District	Single-Family Residence
West	R-2(B) Two Family District	Duplex

Total Tract Size: 0.19 Acres

Comprehensive Plan Designation: The Rosedale Area Plan designates this 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 Springfield Street as a Local Street.

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

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4000 block of Booth. There is another unpermitted rental directly north of this rental, which appears to be operated by the applicant.

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

Building, Zoning, or Code Enforcement Complaints:

1. There have been no building, zoning, or code enforcement complaints on the subject property.

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-049) for a short-term rental for one (1) year in 2023.
2. Approval of a Short-Term Rental Special Use Permit (SP-2020-45) for two (2) years in 2020.
3. Approval of a Short-Term Rental Special Use Permit (SP-2019-4) for one (1) year in 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. The neighborhood also includes the mixed-use corridor along Rainbow Boulevard and the KU Medical Center.

- 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 R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity. 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 the aforementioned issues are properly managed.

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

The property has been used as a short-term rental since 2018.

- 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 this property as single-family, which allows for attached and detached single-family houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

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

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

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

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

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

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

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

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out 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 the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental, their primary residence, or sell the property.

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is 7 as there are three (3) bedrooms. 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 on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Previous Conditions of Approval
Change in Operation
Unpermitted Rental

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-080, **for two (2) years**, subject to:

1. The applicant shall replace the curbing along West 41st Avenue;
2. Maximum number of guests shall be six (6) per unit;
3. All parking must be off-street, maximum number of vehicles is three (3) between the two (2) units; No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with 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;

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 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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-080** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-080** 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 **SP2024-080**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-080 – LANCE PIERCE WITH KARAT HOME MANAGEMENT – SYNOPSIS: Renewal of a Special Use Permit (SP-2024-049 – expired 10/5/2024) for a Short-Term Rental at 4028 Booth Street. Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4000 block of Booth. There is another unpermitted rental directly north of this rental, which appears to be operated by the applicant.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning

Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

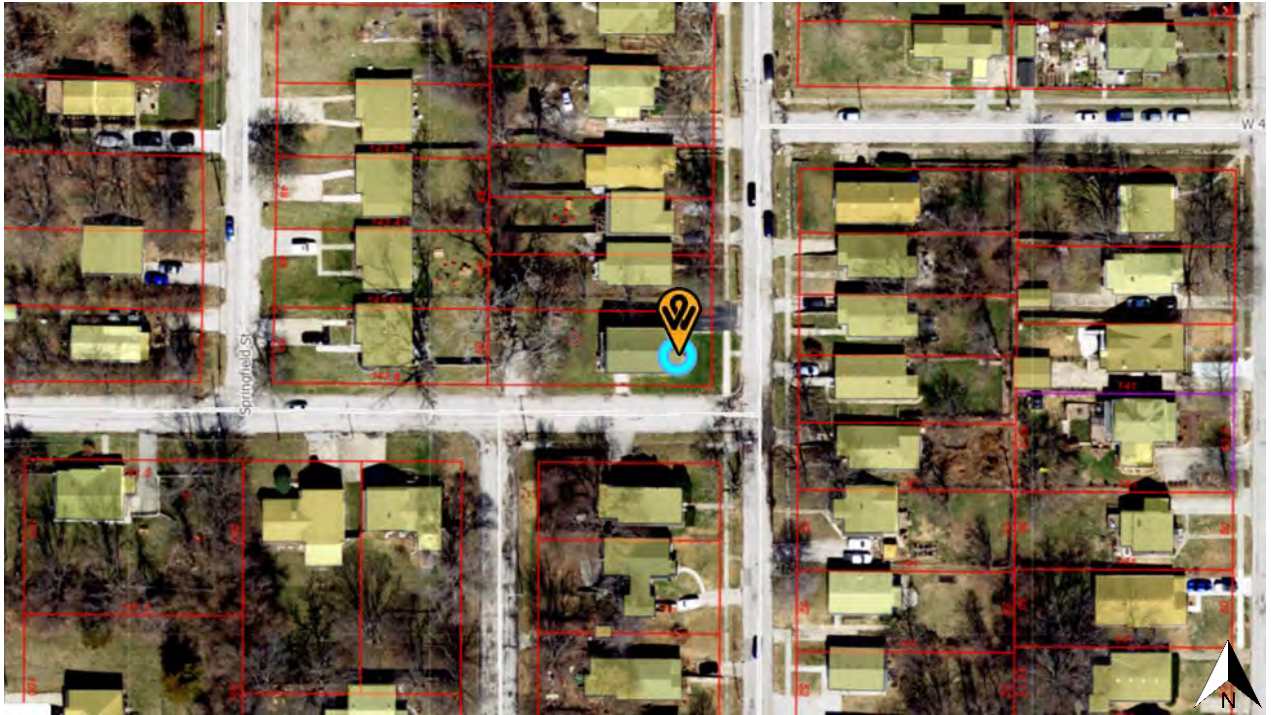
1. The applicant shall replace the curbing along West 41st Avenue;
2. Maximum number of guests shall be six (6) per unit;
3. All parking must be off-street, maximum number of vehicles is three (3) between the two (2) units; No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy

- of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
 7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, occupying businesses must file and maintain a current business occupation tax application with 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;
 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

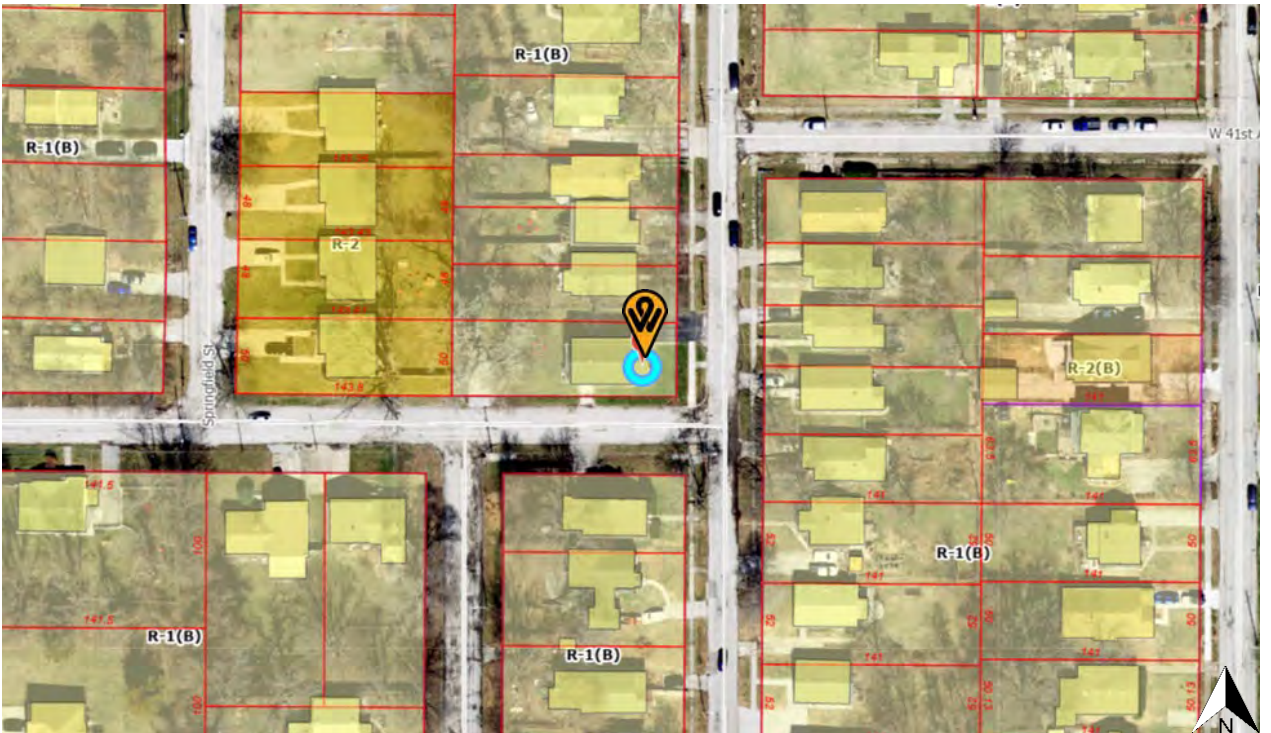
- through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government 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 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;
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

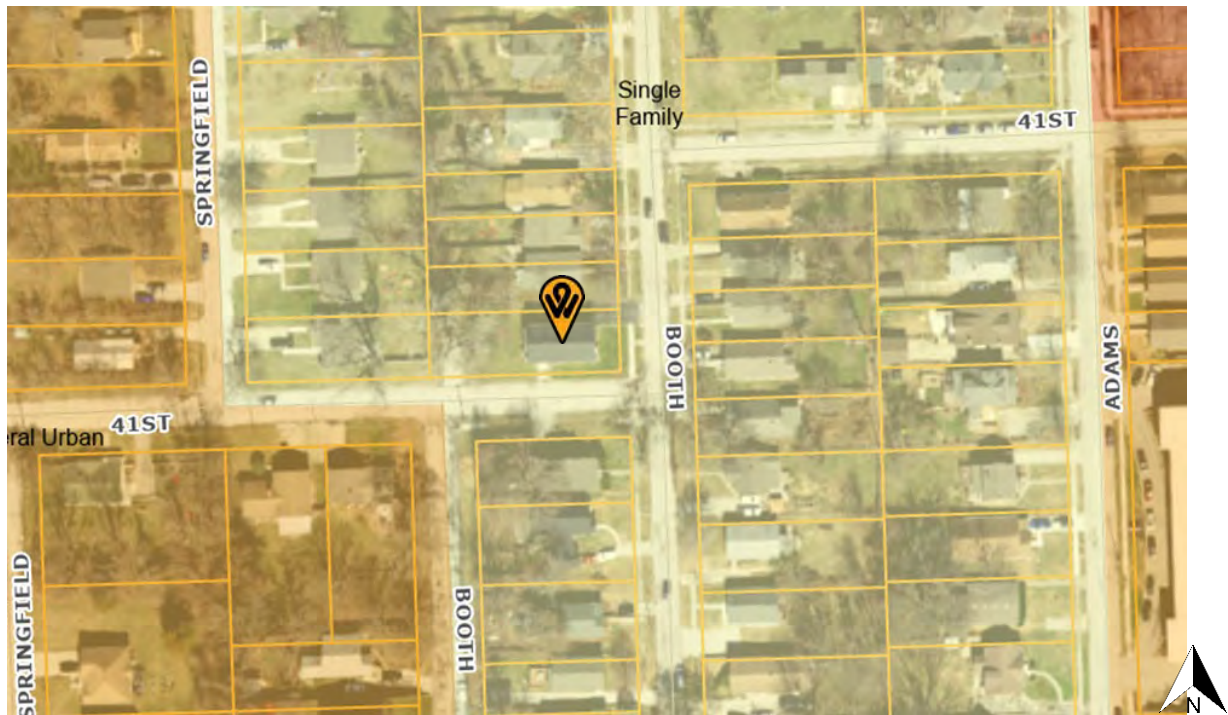
AERIAL IMAGERY



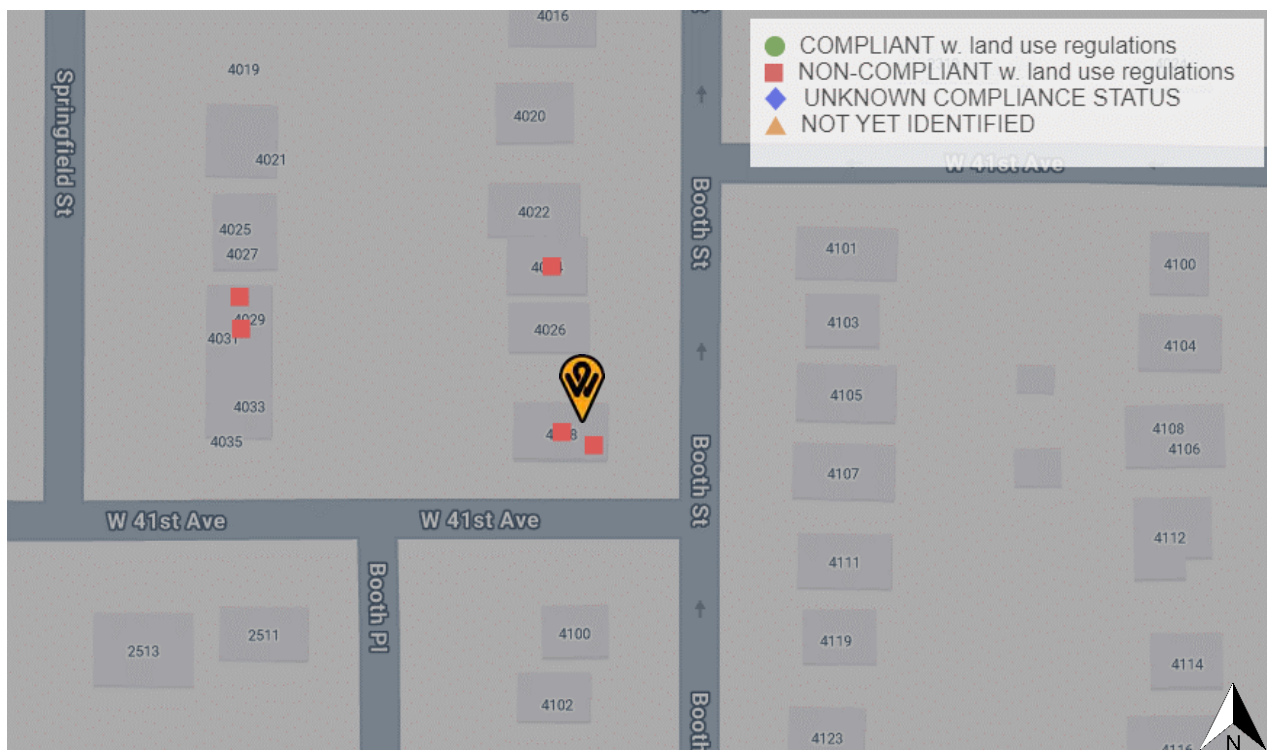
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2024-079, SP 2024-080, SP 2024-081
2. That I conducted a neighborhood meeting on 09/30/2024.
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.

Noshae Wells
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024 ~~2004~~ US 2024

My commission expires 11 of 2026, 200.

Laura Samenus
Notary Public



Application Number(s) SP2024-079, SP2024-080 + SP2024-081

- Date and Location: September 30, 2024 Online Zoom meeting
- Meeting called to order at: 2:00 pm
- Names of people in attendance: None
- Introductions: N/A

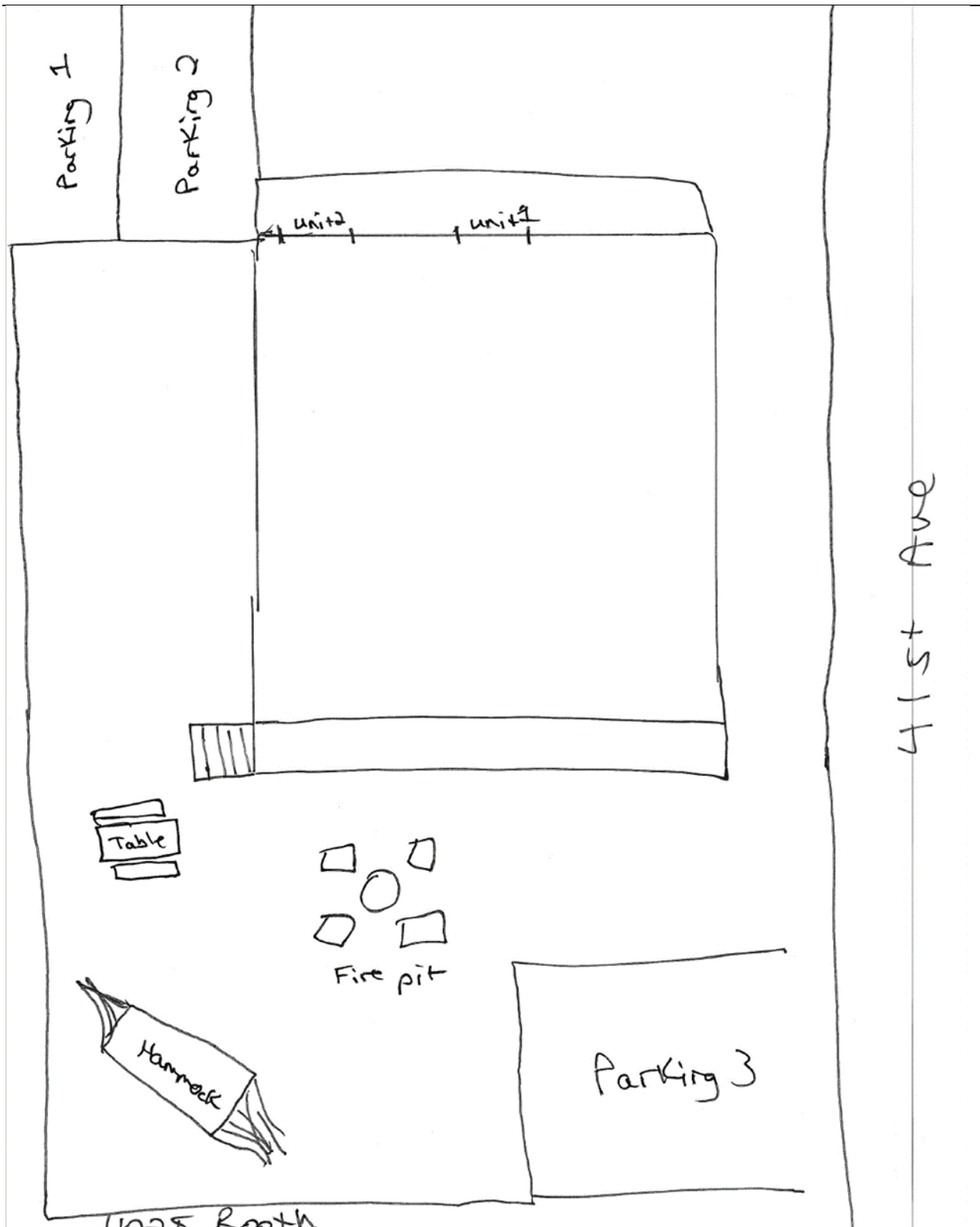
James L Needham called to ask questions on 09/20/2024.

- He asked what we were applying for and which house.
- We explained that we were applying for a short term rental license for 3925 Springfield St.
- He asked if we were representatives of KU hospital and bought up all of the houses.
- We explained that we are not associated with KU. We do however host patients of KU who have had transplants or need to be near the hospital for monitoring.
- He then proceeded to discuss how he did not like what KU was doing and we eventually ended the call.

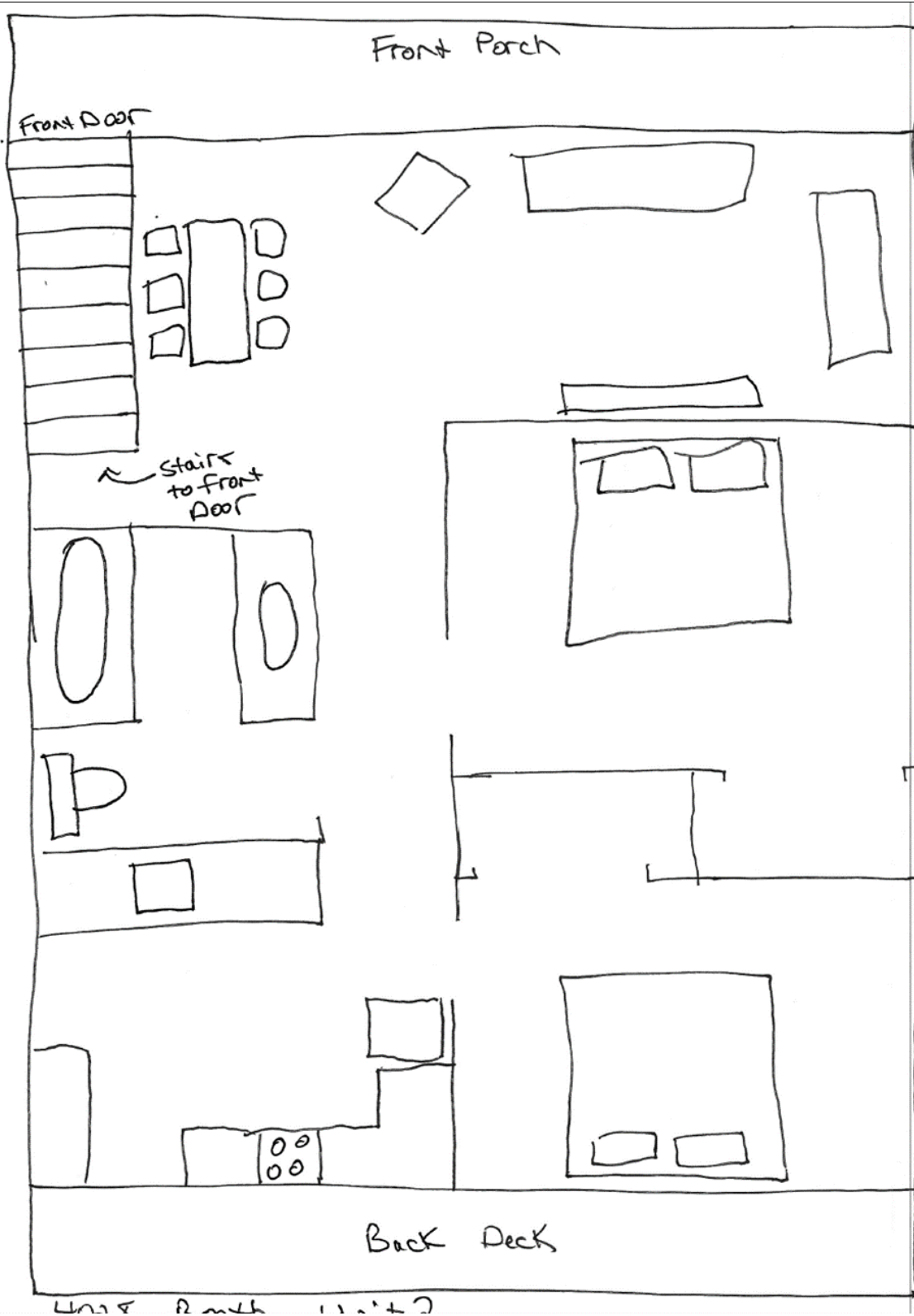
Meeting adjourned at: 3:00 pm

Minutes taken by: Neshae Wells

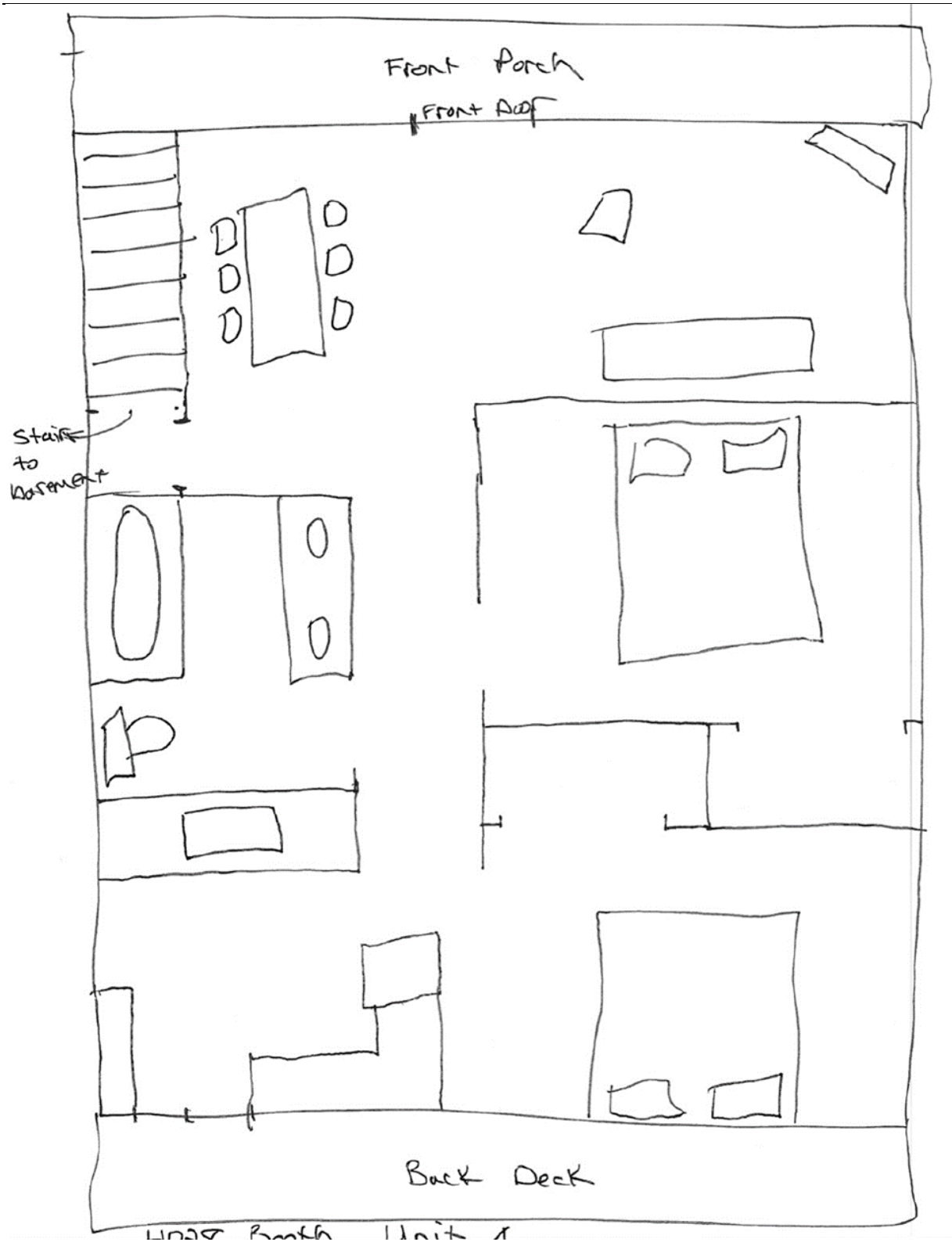
SITE PLAN



FLOOR PLAN



FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-081

GENERAL INFORMATION

Applicant Information:

NaShae Wells
Owner
3917 Bell Street
Kansas City, Missouri 64111

Subject Property:

4456 Springfield Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(SP2023-050, which expires
10/14/2024) to continue to operate a
Short-Term Rental.

Commission Districts:

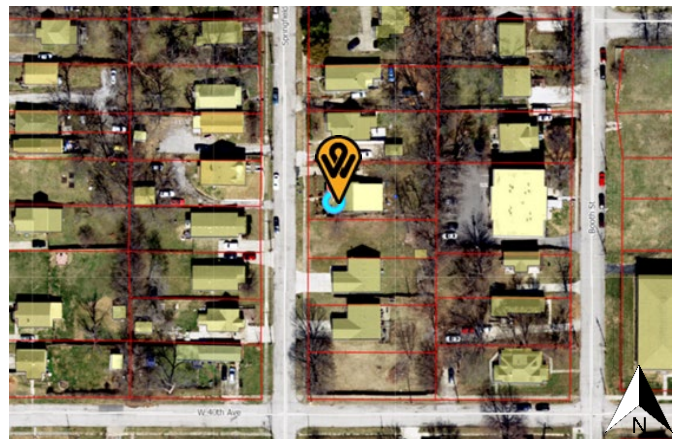
Commissioner At-Large, District #2:
Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1(B) Single Family District	Single-Family Residence
East	R-1(B) Single Family District	Single-Family Residence
West	R-1(B) Single Family District	Single-Family Residence

Total Tract Size: 0.13 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates this property as a Single-Family Neighborhood, which allows for rowhouses, townhomes, and single-family houses.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Springfield Street as a Local Street.

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

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4456 Springfield Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4400 block of Springfield Street. There is one (1) additional unpermitted rental directly adjacent at 4458 Springfield Street.

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

Building, Zoning, or Code Enforcement Complaints:

1. 2020 - STR20-0430 – Structural – Damaged gutters & roofing
2. 2020 - ENV20-0099 – Environmental – Discarded appliances

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-050) for a short-term rental for one (1) year in 2023.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, duplexes and single-family residences.

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 R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other

nearby properties in close proximity. 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 the aforementioned issues are properly managed.

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

The property has been used as a short-term rental since 2021.

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 this property as a Single-Family District, which allows for rowhouses, townhomes, and single-family houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6) as there are three (3) bedrooms. 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 on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Change in Operation
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-081, **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 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 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;**
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 **SP2024-081** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 31, 2024

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-081** 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 **SP2024-081**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-081 – LANCE PIERCE WITH KARAT HOME MANAGEMENT – SYNOPSIS: Renewal of a Special Use Permit (SP-2024-050 – expired 10/5/2024) for a Short-Term Rental at 4456 Springfield Street. Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4456 Springfield Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4400 block of Springfield Street. There is one (1) additional unpermitted rental directly adjacent at 4458 Springfield Street.

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? Planning Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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.

Planning Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

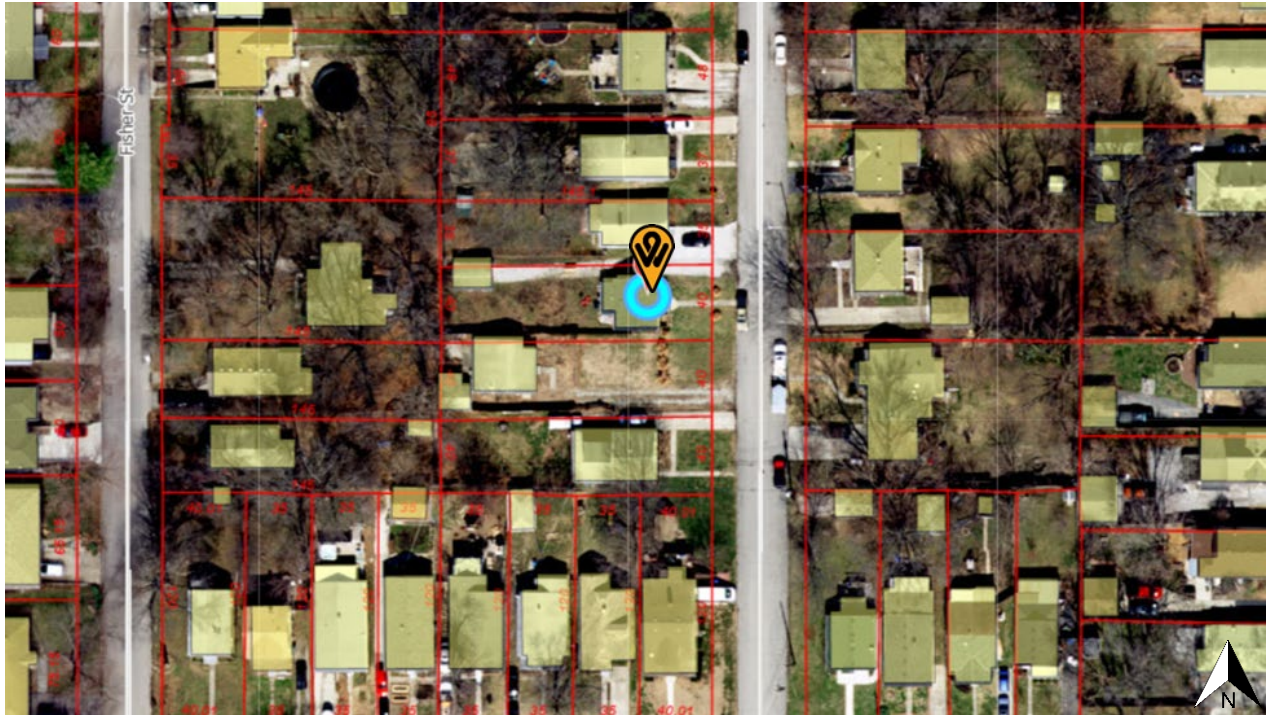
1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is three (3); No STR renters or guests may park on-street.**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant 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 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;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

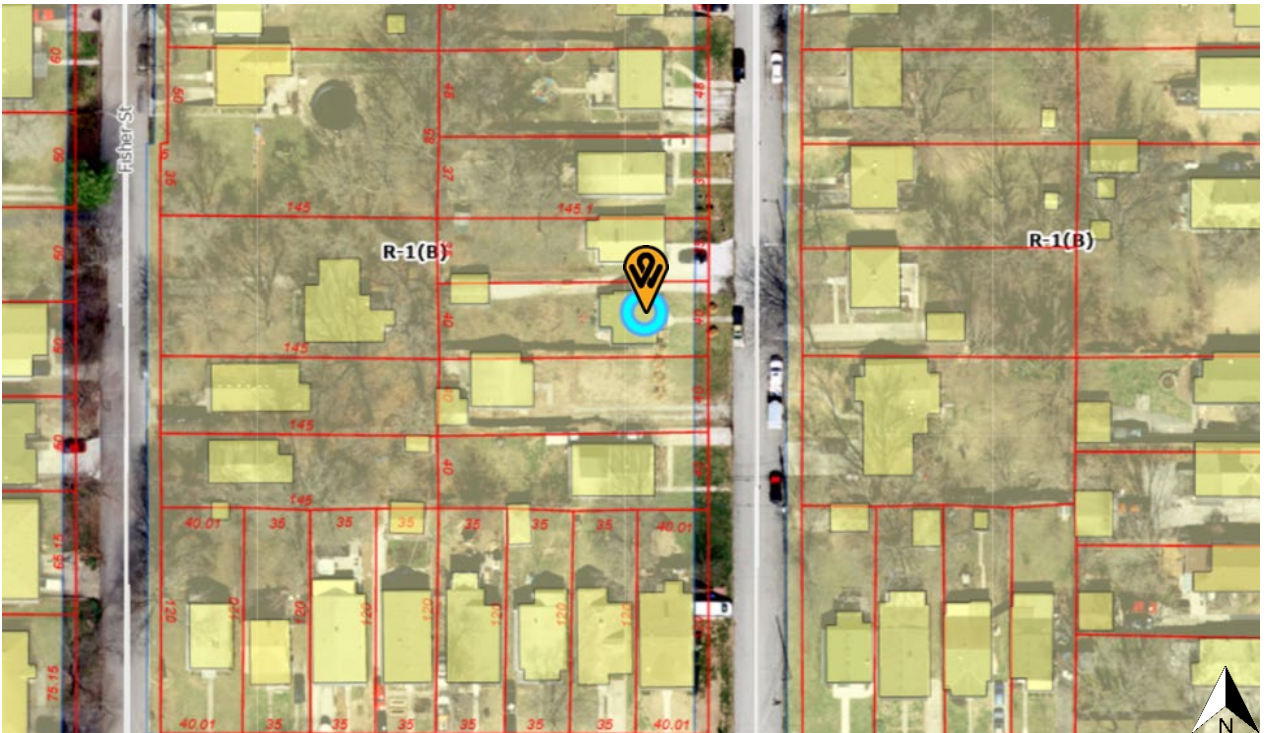
- 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and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

ATTACHMENTS

AERIAL IMAGERY



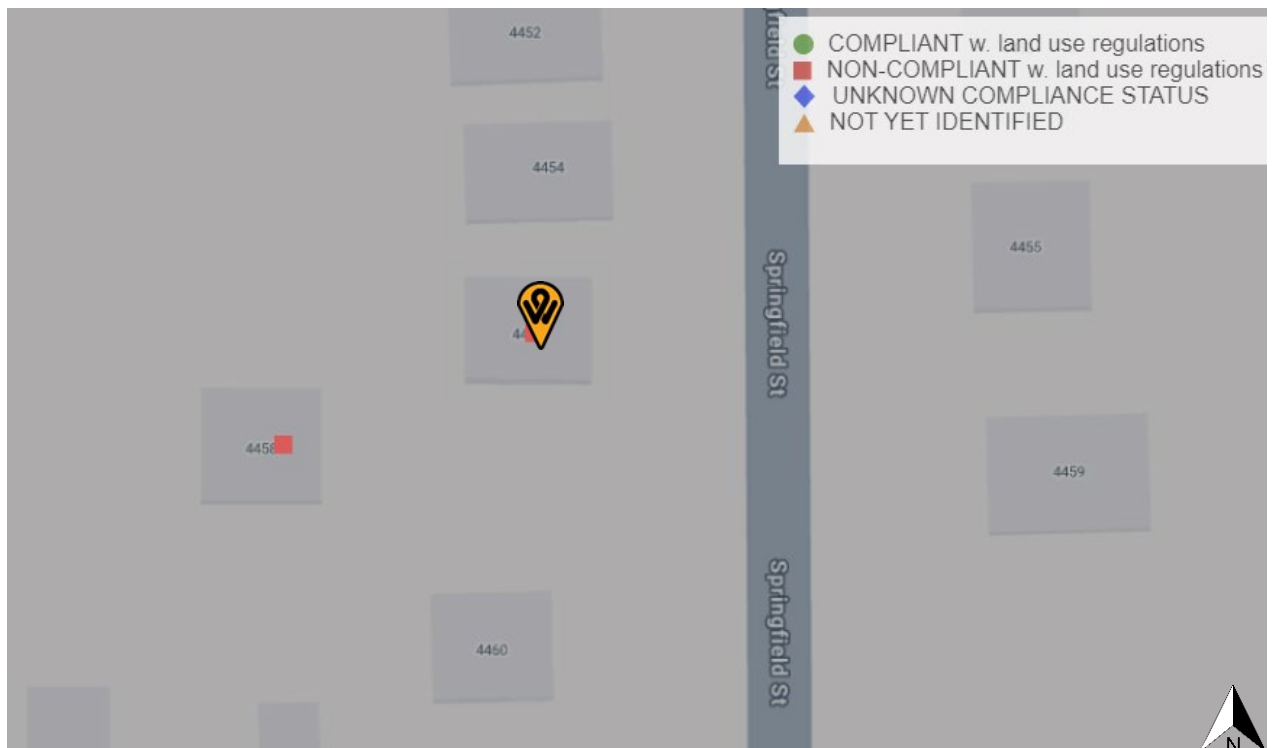
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2024-079, SP 2024-080, SP 2024-081
2. That I conducted a neighborhood meeting on 09/30/2024.
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.

Noshae Wells
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024 ~~2004~~ US 2024
My commission expires 11 of 2026, 200.

[Signature]
Notary Public

NOTARY PUBLIC – State of Kansas
LAURA SAMENUS
My Appt. Exp. 11/03/2026

Application Number(s) SP2024-079, SP2024-080 + SP2024-081

- Date and Location: September 30, 2024 Online Zoom meeting
- Meeting called to order at: 2:00 pm
- Names of people in attendance: None
- Introductions: N/A

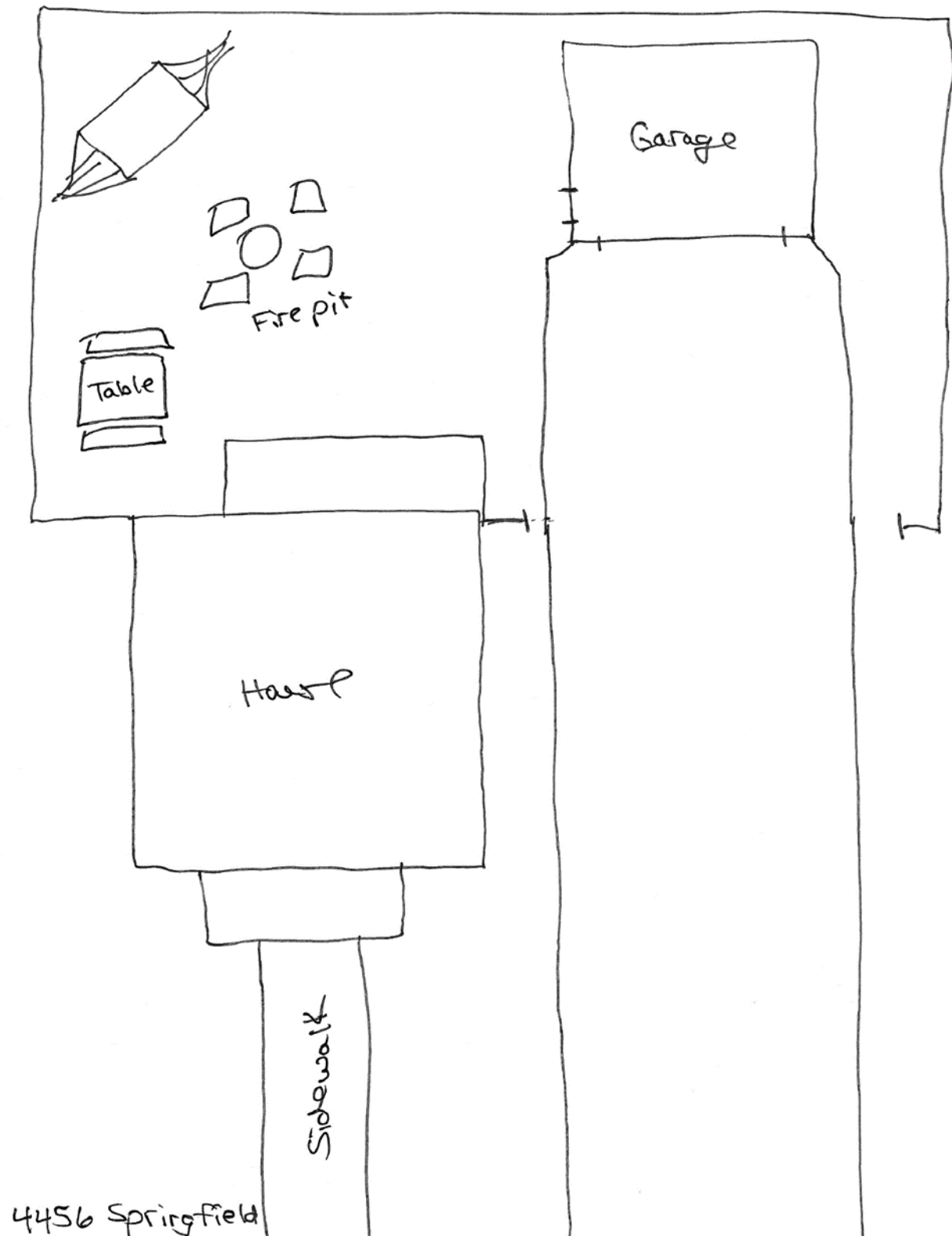
James L Needham called to ask questions on 09/20/2024.

- He asked what we were applying for and which house.
- We explained that we were applying for a short term rental license for 3925 Springfield St.
- He asked if we were representatives of KU hospital and bought up all of the houses.
- We explained that we are not associated with KU. We do however host patients of KU who have had transplants or need to be near the hospital for monitoring.
- He then proceeded to discuss how he did not like what KU was doing and we eventually ended the call.

Meeting adjourned at: 3:00 pm

Minutes taken by: Neshae Wells

SITE PLAN



FLOOR PLAN



4456 Springfield

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-086

GENERAL INFORMATION

Applicant Information:

Rachel Mills
Owner, Dewey's LLC
612 North 5th Street
Kansas City, Kansas 66101

Subject Property:

612 North 5th Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Approval of a drinking establishment
with live entertainment.

Commission Districts:

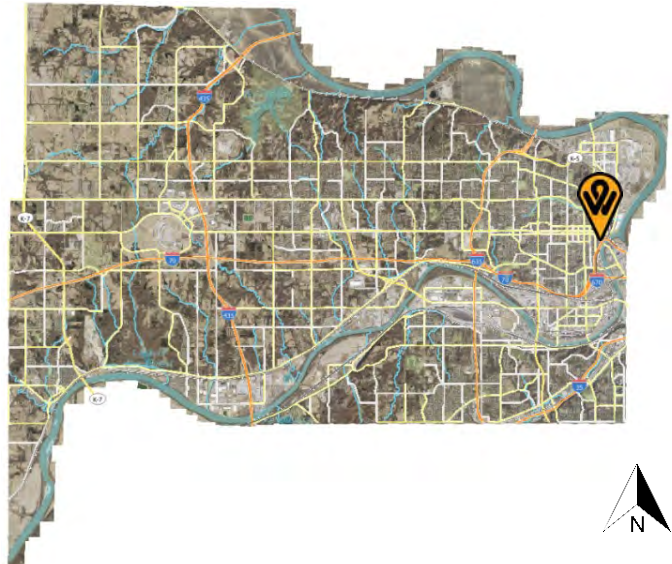
Commission At-Large, District #2:
Tom Burroughs
District #2: William Burns

Existing Zoning District(s):

C-1 Limited Business and
R-1(B) Single Family Districts

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single Family Residence
South	R-1(B) Single Family District	Single Family Residence
East	M-2 General Industrial District	Commercial
West	RP-5 Planned Apartment District	Single Family Residence

Total Tract Size: 0.14 Acres

Comprehensive Plan Designation: The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential – specifically single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries.

Major Street Plan: The goDotte Mobility Plan designates North 5th Street as a Minor Collector.

Parking Requirement: Sec. 27-668(a)(12) states taverns or private clubs serving alcoholic or cereal malt beverages shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Staff cannot determine how many parking spaces are required. The applicant is providing zero (0) parking spaces.

BOZA 2231 was approved by the Board of Zoning Appeals for zero (0) off-street parking spaces on January 9, 2017.

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”.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment with live entertainment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street. The subject property has an active Special Use Permit (SP2023-062) for a drinking establishment.

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 have been no noise or disturbance complaints since the previous Special Use Permit approval.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation complaints since the previous Special Use Permit approval.

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Variance (BOZA 2231) in 2017 for zero (0) off-street parking spaces.
2. Approval of a Special Use Permit (SP2023-062) in 2023 for a drinking establishment.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Commercial buildings along 5th Street are typically on the corner and do not have the requisite parking for their

businesses, therefore, they are legal, non-conforming. The surrounding residential neighborhood has alley access, however, and off-street parking is used for those residents that do not have a detached garage or parking pad in their rear yard.

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 of nearby property are set out above. The surrounding properties vary in use from mixed-use buildings, retail businesses, duplexes, and single-family residences. This mixed-use building is between two (2) single-family residences, so allowing a drinking establishment inside a vacant commercial storefront, formerly a restaurant that served alcohol is compatible. The addition of live entertainment, however, may create issues of compatibility, particularly with noise, vibration, and illumination. The applicant will need to take measures to limit or otherwise mitigate the impact of live entertainment on adjacent residences.

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

The property is suitable for a small drinking establishment because it is an urban, mixed-use area. There is a possibility for increased parking demand with the use, although philosophically, the parking code should evaluate alternate modes of transportation to reduce drinking and driving. Noise, illumination, and vibration, as part of live entertainment, however, will create conflicts if not properly addressed.

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

The property has been operating as a drinking establishment since 2024.

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

Special Use Permits are not addressed in the Area Plan. The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential – specifically single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries, so the corner mixed-use building built in 1916 does not comply with the Central Area Plan.

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

The current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are two (2) off-street parking spaces that are allocated for apartments and some on-street parking spaces along Barnett Avenue and North 5th Street although it is considered insufficient and cannot be counted towards the parking total for the business. A variance (BOZA 2231) was approved by the Board of Zoning Appeals for zero (0) off-street parking spaces. The use may increase the amount of vehicular traffic, especially with the addition of live entertainment, however, it is not expected to create traffic impacts beyond the capacity of North 5th Street or Barnett Avenue.

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, although it could be seen as desirable to have as a neighborhood feature. While the presence of a drinking establishment at this space will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property, live entertainment might, as it introduces noise, illumination, and vibration, in addition to a drinking establishment.

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 issues are not expected to create problems for nearby property, however, 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 air, land or water as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from patrons should be minimal and temporary.

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 structure in a built-out, mixed-use neighborhood.

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

The proposed use will not have an adverse impact on the points listed above. If the application is denied, the applicant will need to find a new business/use that is allowed by right due to the 2017 variance or continue operating solely as a drinking establishment under the conditions of SP2023-062.

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

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

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

The proposed use would not result in overcrowding as the drinking establishment the Fire Marshal will provide a limit of the number of allowed occupants, which will mitigate undue concentrations of populations.

NEIGHBORHOOD MEETING INFORMATION

A neighborhood meeting was held on September 25, 2024, and there were no attendees except the applicant.

KEY ISSUES

Landscaping
Live Entertainment
Changes in Operation
Previous Conditions of Approval
Updated Security Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-086 **for two (2) years**, subject to:

- 1. Landscaping shall be provided in the form of small street trees, or bushes, and shrubs along the Barnett Avenue Street frontage;**
- 2. The applicant must maintain the brick sidewalk on Barnett Avenue;**
- 3. The parking lot shall be restriped with paint, not duct tape, as the applicant has demonstrated;**
- 4. All entertainment must cease by at least 1:00AM;**
- 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:**

- 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;
- 7. No amplified speakers or entertainment is allowed in outdoor spaces; and,
- 8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 10. 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;
- 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) 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 **SP2024-086** subject to all comments and suggestions outlined in

this staff report and the conditions of the City Planning Commission:

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Floor Plan
Updated Business Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-086** 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 **SP2024-086**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-086 – RACHEL MILLS –

SYNOPSIS: Special Use Permit for a drinking establishment with live entertainment at 612 North 5th Street. *Detailed Outline of Requested Action:* The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment with live entertainment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street. The subject property has an active Special Use Permit (SP2023-062) for a drinking establishment.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. Planning Commissioner Schwartz stated that she worked with the Applicant previously at Jazz restaurant and has known her for quite some time.

Present in Support:

- Rachel Mills, applicant, 503 Barnett Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:49:33: Planning Director Hand stated that the request is for a Special Use Permit for a drinking establishment with live entertainment. Applicant currently has a Special Use Permit for the drinking establishment. If this application moves forward, it will early renew their current Special Use Permit for the drinking establishment and add the live entertainment. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 2:50:34:

On motion by Mr. Ernst, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-086 for two (2) years:**

Carson

Chairman

Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Not Present (left during application)
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. Landscaping shall be provided in the form of small street trees, or bushes, and shrubs along the Barnett Avenue Street frontage;
2. The applicant must maintain the brick sidewalk on Barnett Avenue;
3. The parking lot shall be restriped with paint, not duct tape, as the applicant has demonstrated;
4. All entertainment must cease by at least 1:00AM;
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:
 - 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;
7. No amplified speakers or entertainment is allowed in outdoor spaces; and,
8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. 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;
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) 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,

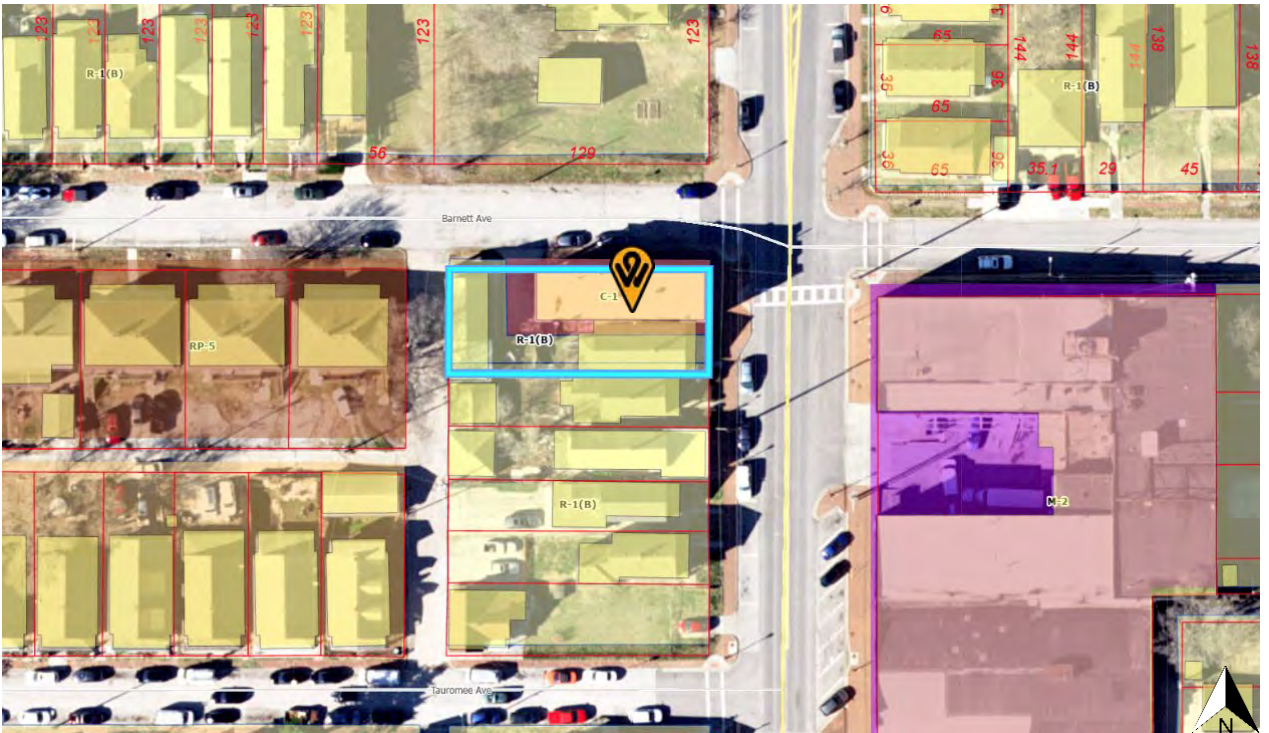
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the 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



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP2024-086
2. That I conducted a neighborhood meeting on 9-25-24
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

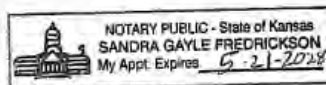
Further affiant saith not.

Rachel Mills
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of September, 2024

My commission expires 21st of May, ~~2024~~ 2028

Sandra Gayle Fredrickson
Notary Public



Rachel Mills
Deweys LLC
612 N 5TH ST
KANSAS CITY, KS 66101
deweyskc@gmail.com

Application Number: SP2024-086

Date and Location: 9/25/2024 at St Margarets Park, 230 S 7th St, Kansas City, KS 66101

Meeting called to order at: 5:30PM

Names of people in attendance:

Applicant: Rachel Mills

Person in charge of meeting minutes: Teresa Johnson

Myself, and Teresa arrived at the meeting location at 5:20pm. There were no attendees at the meeting. We waited the allotted 30 minutes until 6:00pm and adjourned the meeting.

I have not received any emails or messages in regards to this neighborhood meeting or special use permit application for live entertainment.

Thank you,
Rachel Mills

September 12, 2023

Dewey's
612 N 5th St
Kansas City, Kansas 66101

Neighborhood Meeting:

I have filed an application with the Department of Urban Planning and Land Use # SP-2024-086. The purpose of this special use permit is to add live entertainment to existing special use permit at the following address: 612 N 5th St, Kansas City, Kansas 66101. I am having a neighborhood meeting on 9/25/2024 at 5:30 p.m. at the following address: St Margaret's Park, 230 S 7th St, Kansas City, KS 66101. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address listed below.

Sincerely,

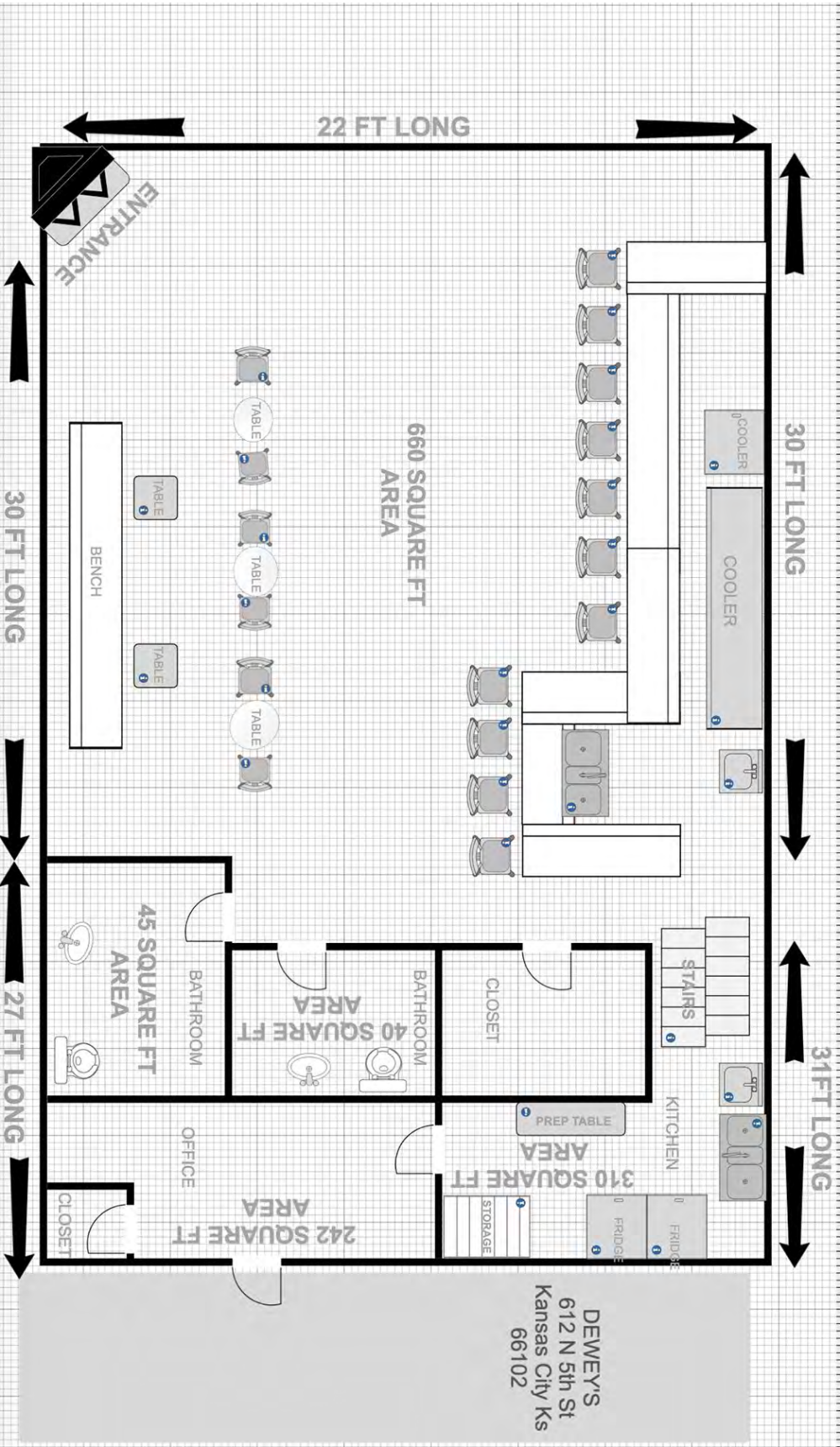
Rachel Mills
deweyskc@gmail.com

Dewey's Live Entertainment Neighborhood
meeting

Sign In Sheet 9.25.24

SP 2024-086

FLOOR PLAN



Deweys Business Plan

1. Executive Summary

Dewey's is a cozy and inviting drinking establishment dedicated to offering a unique and memorable experience for patrons seeking a relaxed and friendly environment. Located in a bustling urban neighborhood, Dewey's will provide a carefully curated selection of craft beers, cocktails, and wines, complemented with a light menu of artisanal snacks and bar food menu items. Our mission is to become a go-to destination for those who appreciate quality beverages and genuine camaraderie.

2. Business Description

Dewey's will be a small-scale drinking establishment with a capacity for approximately 30 to 40 guests. The interior design will embrace a blend of sports, music, movie, and art decor with warm lighting to create an inviting atmosphere. With an emphasis on fostering connections and conversations, Dewey's will cater to a diverse audience seeking a comfortable space to unwind and socialize.

3. Market Analysis

The market for drinking establishments continues to thrive as people seek opportunities for relaxation and socialization. Dewey's will target adults aged 25 to 45, as well as local residents and professionals looking for a casual and welcoming spot to enjoy drinks with friends and colleagues.

4. Marketing Strategy

- **Branding:** Develop a distinctive brand identity that captures the essence of Dewey's – approachable, laid-back, and community-focused.
- **Online Presence:** Establish an informative and visually appealing website and maintain active social media profiles to engage with potential customers and provide updates on specials and events.
- **Local Engagement:** Partner with nearby businesses, such as food trucks or local artists, to offer unique experiences and cross-promotion.

5. Product Offerings

- Beverages: Curate a rotating selection of craft beers, wines, and signature cocktails that showcase both local and international flavors.
- Snacks: Provide a simple but delicious menu of bar bites and shareable plates that complement the drink offerings.

6. Operations and Management

- Staffing: Recruit a team of friendly and knowledgeable bartenders and servers who can enhance the customer experience through exceptional service and personalized recommendations.
- Inventory Management: Implement an efficient inventory tracking system to monitor stock levels, control costs, and ensure consistent availability of beverages and snacks.
- Safety Measures: Prioritize the safety and well-being of patrons and staff by adhering to health and safety guidelines related to alcohol service and COVID-19

7. Conclusion

Dewey's Small Drinking Establishment aspires to become a beloved local hub where friends can gather and strangers can become friends. A friendly space for sports fans, charitable events, and where people of all walks of life can savor quality drinks in a welcoming atmosphere. By offering a distinctive selection of beverages, fostering a sense of community, and delivering exceptional customer service, Dewey's is poised to make its mark on the local social scene and provide a lasting, positive impact on patrons' lives.

SECURITY PLAN

Security Plan for Dewey's

Access Control:

- We have a strict ID check and age verification process to prevent underage drinking.
- Maintain controlled entry points to monitor who enters the establishment.

Surveillance:

- We have security cameras at entrances, exits, bar area, and other critical spots.
- Ensure cameras have good coverage and high-quality recording capabilities.

Staff Training:

- Train staff in conflict resolution to handle disputes calmly and professionally.
- Educate employees on recognizing signs of intoxication and enforcing responsible drinking.

Emergency Procedures:

- Develop clear guidelines for staff to follow in case of emergencies, including medical situations.
- Conduct regular emergency drills to ensure staff is prepared for various scenarios.

Fire Safety:

- Maintain clear fire exits to ensure they are unobstructed at all times.
- Install fire alarms and conduct fire drills periodically.

Alcohol Service:

- Train bartenders to serve drinks responsibly and monitor patron intoxication levels.
- Have a clear policy for cutting off alcohol service to visibly intoxicated customers.

Cash Handling:

- Limit cash on hand through regular deposits and encourage electronic payments.
- Use secure cash handling procedures and train staff on them.

Incident Reporting:

- Establish a procedure for staff to report incidents promptly and accurately.
- Document all incidents and actions taken for further reference.

Lighting and Environment:

- Maintain adequate lighting inside and around the bar to deter criminal activities.
- Keep the environment clean and organized to minimize hazards.

Security Personnel:

- Consider employing security personnel during busy hours and hours with entertainment to ensure order and safety.
- Security staff should be trained in conflict resolution and emergency response.

Regular Maintenance:

- Schedule routine checks for security equipment, such as cameras and alarms, to ensure they are functional.
- Conduct regular safety inspections to address potential hazards.

Customer Awareness:

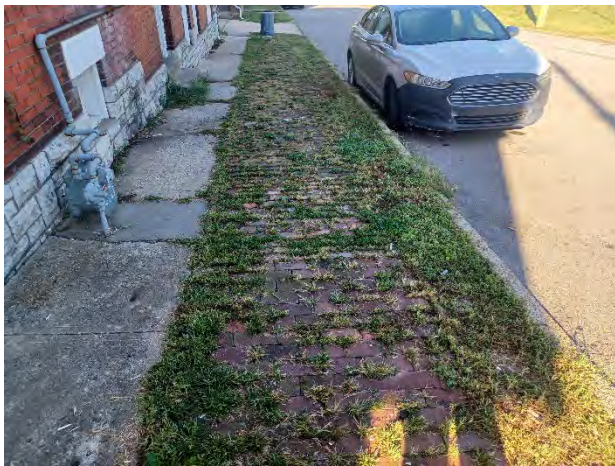
- Display signs promoting responsible drinking and behavior throughout the bar.
- Encourage patrons to report any suspicious activities to staff.

Review and Improvement:

- Regularly review the security plan and make necessary updates based on changing circumstances or lessons learned from incidents.

By implementing these security measures and fostering a culture of safety among both staff and patrons, Dewey's can create a secure and safe environment that promotes enjoyable experiences for everyone.

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: November 7, 2024

Re: Vacation Petition VAC2024-008

GENERAL INFORMATION

Applicant Information:

Joe McLaughlin
BHC
712 State Avenue
Kansas City, KS 66102

Subject Property:

1621 North 25th Street
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of a vacation to vacate
right-of-way.

Commission Districts:

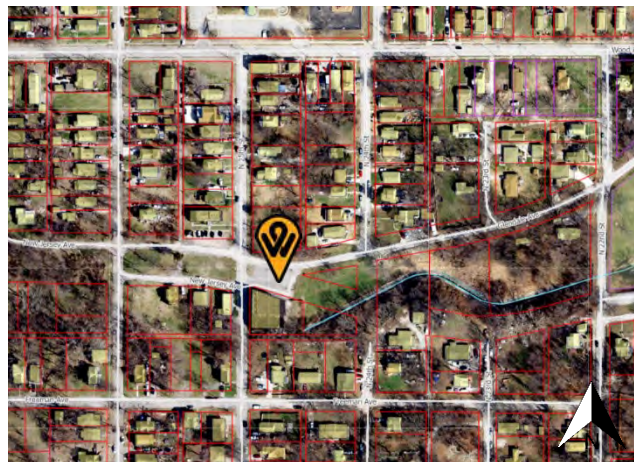
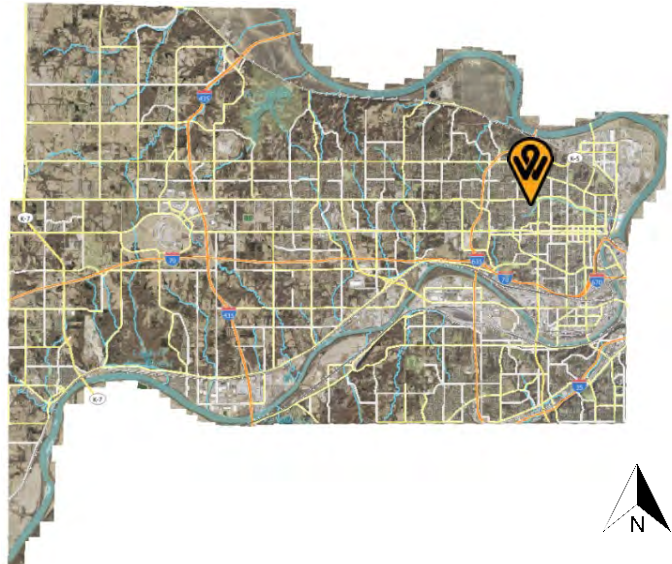
Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner:
Dr. Evelyn Hill

Existing Zoning District(s):

C-1 Limited Business District

Comprehensive Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	C-1 Limited Business District	Vacant land
South	R-1 Single Family District	Single-family home
East	R-1(B) Single Family District	Vacant land and right-of-way
West	C-1 Limited Business District	Single-family home

Total Tract Size: 0.143 Acre

Neighborhood Characteristics: The subject property is located within the Kensington Statistical Neighborhood and Block Group #0416001. The subject property is, however, considered within the Kensington Community and Historic Westheight area. This site is vacant building with single-family homes in the vicinity to the northeast, west and south.

Comprehensive Plan Designation: The Northeast Area Plan designates this property as Neighborhood Mixed Use, which allows single-family homes, townhomes, duplexes, low rise apartments, small commercial retail and office buildings, mixed use buildings and institutional buildings.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 25th Street and New Jersey Avenue as a Local Street.

Parking Requirement: Section 27-464(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. The proposed vacation of right-of-way does not require any off-street parking because there is no building on site. Note: If this right-of-way is vacated and dedicated to 1621 North 25th Street, the building's square footage needs to be provided to Staff to determine how many parking spaces are required and provided.

Landscaping Requirement: Section 27-464(g) Trees are required to be provided at not less than one (1) 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. One (1) tree is required. One (1) tree is provided.

Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 Letters to Property Owners – September 20, 2024
Public Hearings:	October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC, is requesting a Vacation of right-of-way to vacate a portion of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad) north of 1621 North 25th Street.

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.

Building, Zoning, or Code Enforcement Complaints:

1. In 2007, there was a citation to remove junk/debris and trash from the property.
2. Between 2019 – 2022, there have been citations from Property Maintenance Compliance Division for graffiti.

Outstanding or Related Permit and Cases:

1. SP2024-084 – Special Use Permit for an event space (to be heard by the City Planning Commission on December 9, 2024).
2. In 2002, an electrical and mechanical (gas) permits were issued by Building Inspection.
3. In 2019, a plumbing permit was issued by Building Inspection.

Previous Planning Actions:

1. None

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 any adjacent property owners along Glendale Avenue, as the entire New Jersey Avenue boundary between North 25th Street and Glendale Avenue will be vacated to 1621 North 25th Street.

2. ***The public will suffer no loss or inconvenience thereby.***

The public will not suffer any loss or inconvenience thereby from the proposed right-of-way vacation because in the field, most who drive through the area assume the right-of-way, which functions as a parking lot, is associated with the commercial building at 1621 North 25th Street.

3. ***In justice to the petitioner or petitioners, the request of the petitioner ought to be granted.***

The petitioner is requesting the proposed vacation to use the area as a parking lot for 1621 North 25th Street and the proposed, but separate land use entitlement (Special Use Permit) for an event space. The vacation of the proposed area will decrease the need for the Unified Government to maintain this piece of public right-of-way, therefore the request of the petition ought to be granted.

4. ***Vacation will not create utility conflicts.***

To date, the vacation will not create utility conflicts as the combined sanitary sewer is north along Glendale Avenue and the storm sewer is along North 25th Street.

NEIGHBORHOOD MEETING INFORMATION

A neighborhood meeting is not required for a vacation application.

KEY ISSUES

Glendale Avenue Right-of-Way

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2024-008, subject to:

1. A Special Use Permit application (SP2024-084) has been filed for an event space on the associated property, which is related, but not contingent upon approval of this Planning entitlement;
2. As part of this vacation application, the expansive curb cut along Glendale Avenue needs to be reduced to comply with the Public Works standards;
3. While reducing the curb cut along the Glendale right-of-way, plant street trees on the north property line;
4. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,
5. 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 **VAC2024-008** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Vacation Exhibit
Site Plan

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Vacation of Right-of-Way	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org
(913) 573-5757

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2024-008** 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 **VAC2024-008**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:52:00:

VACATION APPLICATION VAC2024-008 – JOE MCLAUGHLIN - SYNOPSIS:

Vacation of street right-of-way at 1621 North 25th Street. Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC, is requesting a Vacation of right-of-way to vacate a portion of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad) north of 1621 North 25th 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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Joe McLaughlin, applicant, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:43:28: Planning Director Hand stated that this request is to vacate a portion of New Jersey Avenue. Staff received no letters in support nor opposition. There are Notices of Violation on the property that will be addressed by the proposed development. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:55:17:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2024-008:**

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

Easterwood Aye
Ernst Aye
Jones Aye
Miller Aye

Motion to recommend APPROVAL Passed: 8 to 0

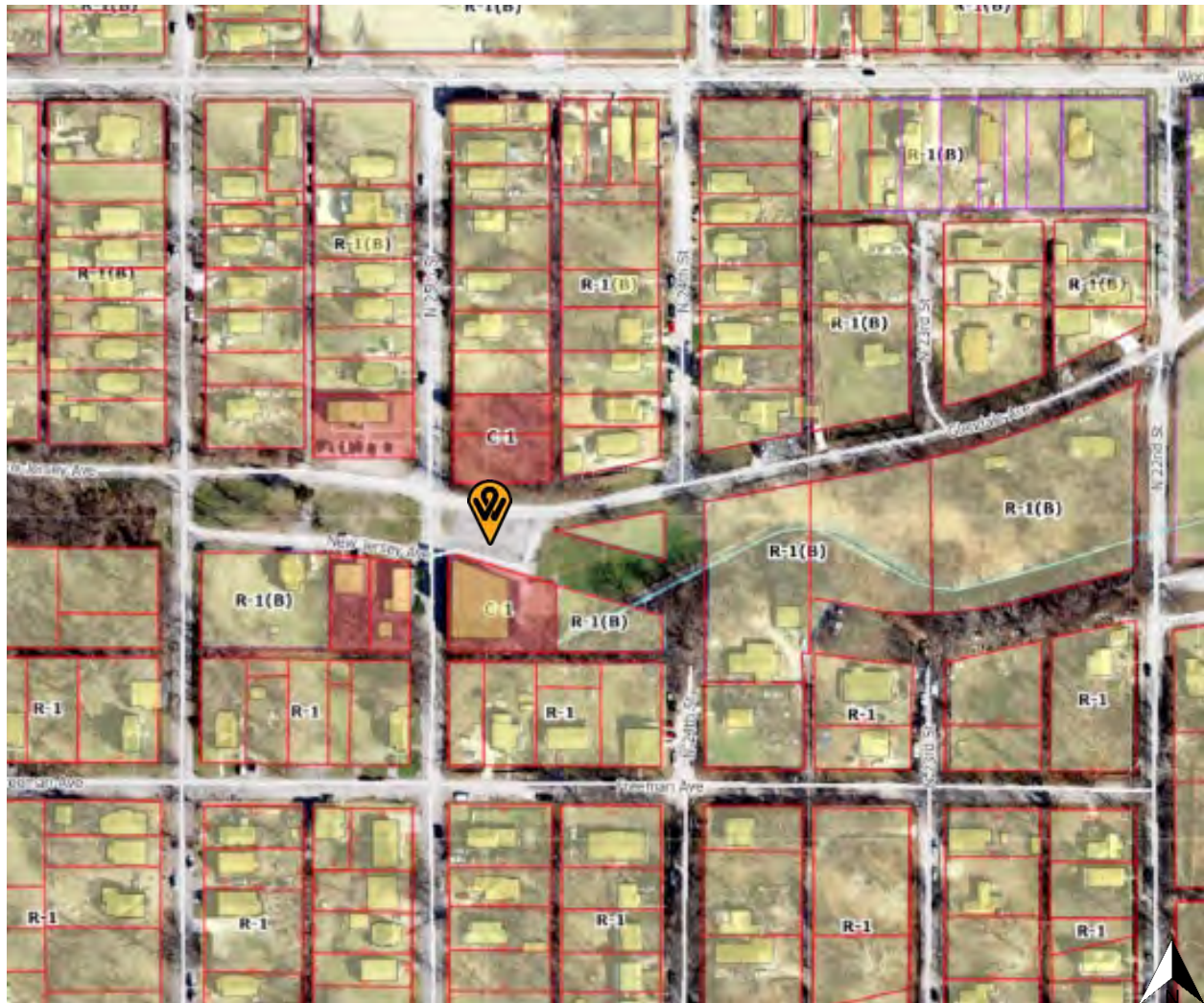
Subject to:

- 1. A Special Use Permit application (SP2024-084) has been filed for an event space on the associated property, which is related, but not contingent upon approval of this Planning entitlement;**
- 2. As part of this vacation application, the expansive curb cut along Glendale Avenue needs to be reduced to comply with the Public Works standards;**
- 3. While reducing the curb cut along the Glendale right-of-way, plant street trees on the north property line;**
- 4. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,**
- 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS



September 30, 2024

Byron Toy
UG Department of Planning + Urban Design
701 N. 7th Street,
Kansas City, KS 66101

btoy@wycokck.org

RE: Response to Comments in Petitions SP2024-084 and VAC2024-008

Dear Mr. Toy

Brungardt Honomichl & Company, P.A. (BHC) is pleased to submit the following responses to the comments your Department made regarding petitions **SP2024-084 and VAC2024-008**

SP2024-084:

Our responses numbering corresponds to the numbering of the comments made.

1. Birthday parties and Wedding receptions.
2. Hours of operation: Weekdays 09:00 am to 05:00 pm.
Weekends 09:00 am to 12:00 am.
3. Monday thru Sunday.
4. Install an opaque gate door on a trash enclosure.
5. 70.
6. NO.
7. Understood.
8. No.
9. No changes will be made to the building
10. There are no apartment on the second floor or within the building. No other uses will occur within any other parts of the building. The event space will be on the second floor.
11. Please see plan attached to this Letter.
12. Please see plan attached to this Letter.
13. Sq ft of building: 8,996
Sq ft of First Floor: 5,600
Sq ft of Second floor : 3,290 Event space total. Seating and back of house 1,315
Sq ft of Third Floor: 323
Sq ft of building: 5,180
14. Security will be provided on an "as needed" basis for only large parties. Security officers will be contacted. Security cameras are in place outside of building in 3 areas. West side of building, East side of building and North side of building.
15. Planned if Vacate is approved.



16. Planned if Vacate is approved.
17. We will comply with installing a privacy fence along the property lines sharing a common property line or across an alley.
18. Understood.

VAC2024-008:

Our responses numbering corresponds to the numbering of the comments made.

1. Please see plan attached to this Letter.
2. Please see plan attached to this Letter.
3. Understood.
4. Understood.

Sincerely,



Dimitrios Sarantopoulos

Sr Project Manager



EXHIBIT

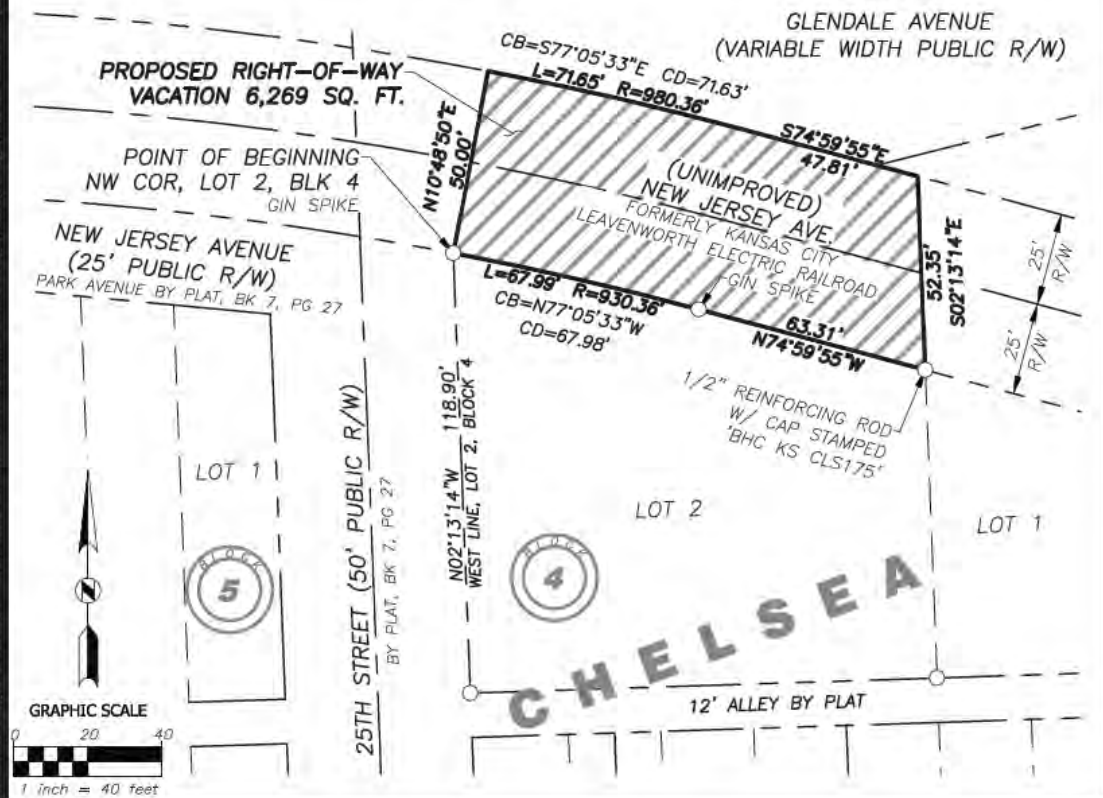
NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

MAP (SEE SHEET 2 FOR DESCRIPTION)

LEGEND

- Found Survey Monument
- R= Radius
- L= Arc Length
- CB Chord Bearing
- CD Chord Distance
- R/W Right-of-Way
- BK. Book
- PG. Page
- SQ. FT. Square Feet

Aug 26, 2024 - 11:15am Plotted by: laura.davis I:\043930.00\01_1621 N 25th St Boundary\DWG\Survey\043930-VACA.dwg



Sheet: 1 OF 2	Drawn By: LAD Project No: 043930 Field Date: 06-12-2024 Issue Date: 08-23-2024	Project: EXHIBIT NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE CO., KS	Client: MARY AGUIRRE 1621 N 25TH STREET KANSAS CITY, KS 66102	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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EXHIBIT
NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN
THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR MAP)

RIGHT-OF-WAY VACATION DESCRIPTION

All of the New Jersey Avenue Right-of-Way lying north of and adjacent to Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, said Tract as described by Joseph H. McLaughlin, LS-1625, with BHC, CLS 175, being more particularly described on August 26, 2024 by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the West line of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, having a bearing of North 02°13'14" West.)

BEGINNING at the Northwest corner of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, monumented by a gin spike, said point being on the South Right-of-Way line of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad);
Thence North 10°48'50" East, 50.00 feet, to the North line of said New Jersey Avenue and the beginning of a non-tangent curve, to the right, having a radius of 980.36 feet;
Thence Southeasterly, on a said curve and said North Right-of-Way line, an arc length of 71.65 feet, said curve having a chord bearing of South 77°05'33" East, and a chord length of 71.63 feet;
Thence South 74°59'55" East, 47.81 feet, on said North Right-of-Way line to the point of intersection with the Northerly extension of the East line of said Lot 2;
Thence South 02°13'14" East, 52.35 feet, on said Northerly extension to the Northeast corner of said Lot 2, said point being on the said South Right-of-Way line;
Thence North 74°59'55" West, 63.31 feet, to the beginning of a tangent curve, to the left, having a radius of 930.36 feet, on said South Right-of-Way line;
Thence Northwesterly, on a said curve and said South Right-of-Way line, an arc length of 67.99 feet, said curve having a chord bearing of North 77°05'33" West, and a chord length of 67.98 feet, to the POINT OF BEGINNING, said Tract containing 6,269 square feet or 0.1439 acres, more or less.

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

L. Allen Greenwood, PLS-654
Deputy County Surveyor

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY that on the "Field Date" shown in the title block of this document, this survey was completed by me or under my direct supervision and was executed in accordance with the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to KAR 66-12-1.

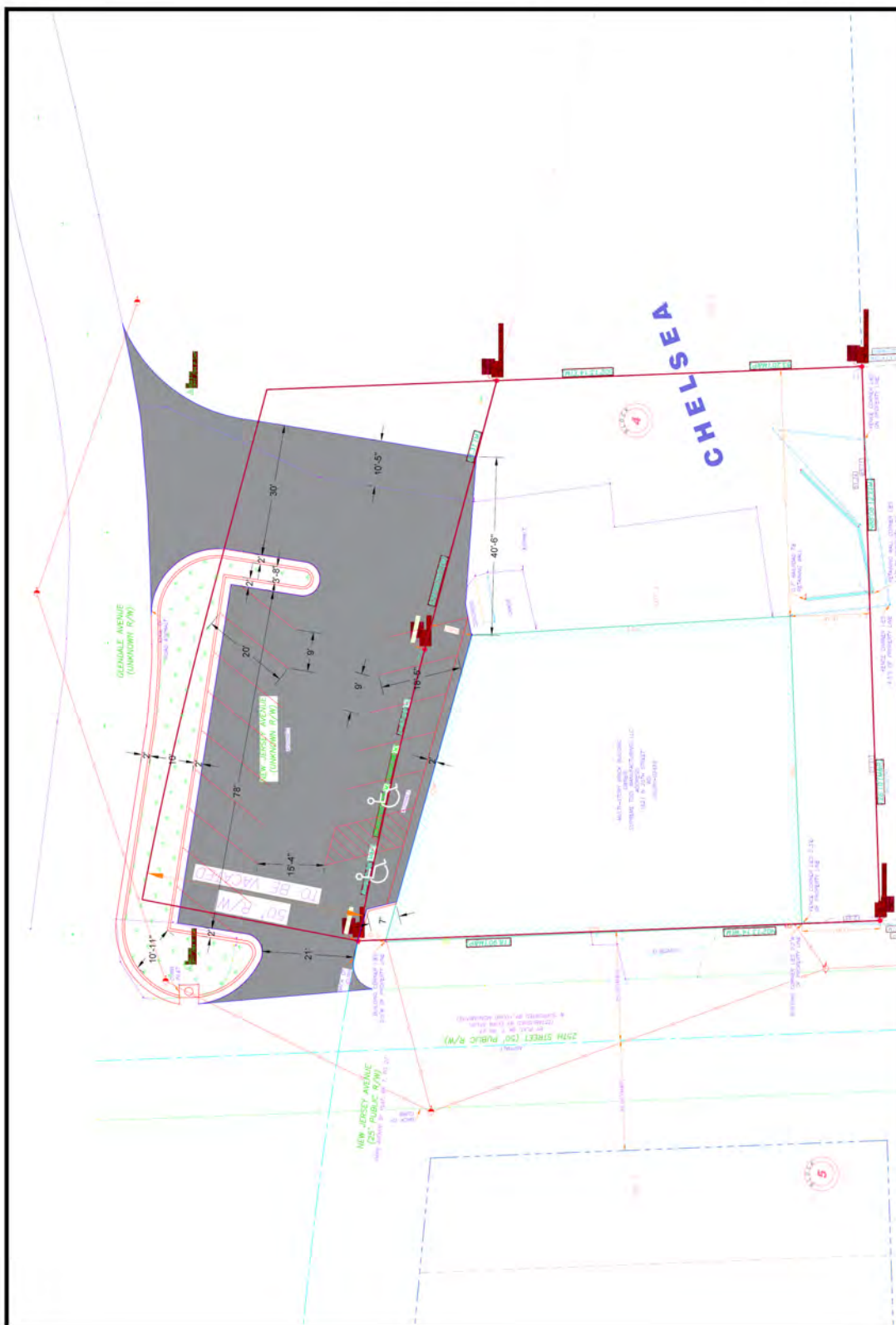
(See Title Block for date, seal and signature)

BHC, KS CLS-175
Joseph H. McLaughlin, LS-1625

Aug 26, 2024 - 1:10pm Plotted by: laura davis I:\043930\DWG\Survey\043930-VACA.dwg

Sheet: 2 OF 2	Drawn By: LAD Project No: 043930 Field Date: 06-12-2024 Issue Date: 08-23-2024	Project: EXHIBIT NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE CO., KS	Client: MARY AGUIRRE 1621 N 25TH STREET KANSAS CITY, KS 66102	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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PARKING AREA
1621 N 25TH ST
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: Board of Commissioners

From: Planning and Urban Design Staff

Date: November 7, 2024

Re: **Change of Zone Petition COZ2024-014 and Master Plan Amendment MPL2024-008**

GENERAL INFORMATION

Applicant Information:

Scott Ray
Buc-see's, LTD
327 Highway 2004 Road
Lake Jackson, Texas 77566

Subject Property:

601 Village West Parkway
Kansas City, Kansas 66111

Requested Action and Purpose:

Approval of a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District. and a Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 pump Buc-ee's travel center.

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	A-G Agriculture and CP-2 Planned General Business Districts	Kansas Speedway and Hollywood Casino
South	None	Interstate 70 Right-of-Way
East	CP-2 Planned General Business District	Chateau Avalon and Interstate 70 Right-of-Way
West	A-G Agriculture District	Kansas Speedway office building

Total Tract Size: 25.80 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Planned Entertainment, which allows for areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Village West Parkway as a Major Arterial.

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. 296 spaces are required. 560 spaces are provided.

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 (1) per 7,000 square feet of site area.

Section 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. 281 trees are required.

Advertisement:

The Wyandotte Echo – May 16, 2024
Letters to Property Owners – May 17, 2024,
June 4, 2024, June 30, 2024, and August 2,
2024

Public Hearings:

October 14, 2024 and November 7, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212, Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-213, 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. 2014 – SIGN 2014-221 – Sign Permit – Pylon sign for “Bullseye” Target logo.
 2. 2014 – SIGN 2014-222 – Sign Permit – Pylon sign for “Bullseye” Target logo.
- COZ2024-014 + MPL2024-008

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 I-435 West Statistical Neighborhood and Block Group 0447031. The neighborhood consists of the Kansas Speedway racetrack, ancillary parking and Hollywood Casino to the north, wooded, open space and Chateau Avalon hotel to the east, Interstate 70 to the south and a small office building to the west, across Village West Parkway/Speedway Boulevard.

This area, with the Kansas Speedway and Hollywood Casino is the western and southern entrance into the Village West area and commercial corridor along Village West Parkway.

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

The zoning and uses are set out above. The proposed use will be compatible with the Kansas Speedway and Hollywood Casino, both commercial uses along Village West Parkway.

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 for the uses to which it has been restricted, which lends itself for agricultural related uses, however the Prairie Delaware Area Piper Plan designates this property as Planned Entertainment (and an amendment to Planned Commercial), which requires Change of Zone or Special Use Permit, so removing the restrictions will not detrimentally affect nearby property because the Kansas Speedway and Hollywood Casino are commercial uses, north, across Village West Parkway and relatively undeveloped around the Kansas Speedway along Speedway Boulevard.

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 since 2001 as a part of the original Village West redevelopment.

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.

A convenience store/travel center of this scale and size is a use that is not currently found in our city. The debate is to whether or not this use is a necessary convenience is a relative decision based in large part on how frequented this travel is by the general public for food, merchandise and fuel.

Detrimental effects on marketability of vacant or large parcels adjacent to this development proposal is unlikely. Depending on location, a project of this type could actually increase the value of some of those properties which are capable of functioning as a large-scale regional destination, similar to the Kansas Speedway or Hollywood Casino.

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.*

Provided they address Public Works comments, this should not be an issue. The Traffic Impact Study (TIS) has been submitted prior to these land entitlement applications for advanced review by the County Traffic Engineer.

Portions of Village West Parkway are proposed to be vacated and will be widened with multiple turn lanes and a roundabout for a continuous flow of traffic rather than traffic signals, which completely stop vehicle traffic.

There is ample parking on site. 296 spaces are required based on the 74,000 square foot building. The applicant intends to provide 560 parking spaces for standard passenger automobiles, EV, accessible, and RV spaces.

The parking provided is almost double than what is needed to comply with the code. The site can be redesigned to reduce the amount of parking provided on site.

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

The proposed use does not conform to the Prairie Delaware Piper Area Plan, which is designated as Planned Entertainment and allows areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

The goDotte Countywide Strategic Mobility Plan identifies this segment of the property as scenic Interstate 70 corridor, thereby requiring extra screening along

the interstate.

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

If the site and stormwater management infrastructure are properly managed and maintained, the proposed use will not cause environmental harm. There is significant landscaping planted around the perimeter of the site that will enhance the environment and buffer from the adjacent interstate.

9. *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*

Sanitary sewer service is being extended by the developer and maintained by the Unified Government.

c. *Storm Water Control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District 227.

e. *Fire*

Fire service is provided by Station #6, located at North 98th Street and State Avenue, which is two (2) miles away from the subject property.

f. *Transit*

There is no public transit provided to or near the subject property.

g. *Schools*

Public Education is provided by Edwardsville Elementary School, Robert E Clark Middle School, and Bonner Springs High School, under Bonner Springs/Edwardsville USD 204.

h. *Streets*

See item #6 above.

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

The proposed use will have a significant economic impact on the community. These impacts include jobs, property and sales taxes, and new destination to compliment Village West, Hollywood Casino and the Kansas Speedway.

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

The project, which requires some revisions, could meet all 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.*

It is difficult to see gain to the public health, safety or welfare from a travel center operation, however, given the future development scenarios in the area, it is not likely to impose hardships on individual landowners.

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

While a Master Plan Amendment is required to put the commercial use in its proper land use designation, Planned Commercial is not too dissimilar from Planned Entertainment — in terms that both area plans expect large populations to visit the area.

14. *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 preliminary plat complies with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable Unified Government policies and regulations. Right-of-way is being vacated to construct a roundabout and vacate utility easements that are demarcated around the perimeter of the plat.

15. *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.*

The parcels around the Kansas Speedway are relatively large tracts of land. Urban Outfitters and Hollywood Casino are 90 and 63 acres, respectively. The total tract size of the parcel in question is 56 acres, but only 25 acres is being platted.

Relative to the size of the property and the proposed building and gas pumps, the lot-to structure is proportional to the surrounding properties that have buildings on them.

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

The proposed one (1) lot subdivision will not cause adverse or negative impacts on the natural or social environment. Trees stands to the east are being preserved, thereby enhancing the property, and given the national popularity of the Buc-ee's travel center, this parcel will become a regional destination along the Interstate 70 corridor improving the social environment along Village West Parkway.

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

The subdivision will not cause an undue burden on the Unified Government for maintenance of land or facilities. The Developer is responsible for maintaining the sanitary sewer lift station on the property.

Village West Parkway exists but is being widened and realigned to better accommodate the inflow of from North 110th Street. Increase in lane mile will increase long-term maintenance and repair costs for the Unified Government.

18. *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.*

Given the proximity to Interstate 70 and Village West Parkway, the subdivision may encourage piece-meal development based on the surrounding development pattern and availability of sanitary sewer service. The closest development on the south side of Village West Parkway is one (1) mile east, Chateau Avalon Hotel.

The Kansas Speedway was the first development in the area, constructed in 2001, followed by Hollywood Casino in 2010.

19. *Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area as to make the application acceptable.*

The area is a tourist draw due to the Kansas Speedway and Hollywood Casino. These uses tend to attract commercial uses that supplement the Planned Entertainment designation. The Master Plan Amendment to Planned Commercial compliments and supports the Entertainment land use designation.

20. *Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.*

The amendment is consistent with the goals and policies of the Prairie Delaware Piper Area Plan. Planned Commercial allows uses that are large scale big box stores for large populations, while this is not a big box store per se, this is a 74,000 square feet travel center that will be open 24 hours a day, predominately supporting patrons going to or leaving the Hollywood Casino, Kansas Speedway, interstate freeway traffic.

21. *Whether the proposed amendment will result in comprehensive plan or regulatory conflicts.*

The proposed amendment to Planned Commercial will not result in regulatory conflicts as the proposed use is allowed within the amended land use designation.

22. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.*

The proposed amendment will allow a change in the development on the subject site without creating adverse impacts on existing and planned surrounding uses because the entertainment uses are inside the Village West Parkway ring with the exception of Urban Outfitters distribution center at the southeast corner of 118th Street and State Avenue.

23. *The impacts of the potential costs and benefits derived by the community or area by the proposed change.*

The 25-acre parcel that is being amended from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) will benefit the community by allowing a commercial travel center adjacent to two (2) major tourism destinations in the area, the Kansas Speedway and Hollywood Casino as well as the greater Village West Area.

As a result of the construction of Buc-ee's travel center, sidewalks will be constructed along North 110th Street, Speedway Boulevard and Village West Parkway.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 701 Village West Parkway (Chateau Avalon Hotel) on May 24, 2024. Attached is the list of persons who attended

the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Connectivity
Landscaping and Screening
Tree Preservation
Parking Surplus
Exterior Building Materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-014**, to the **CP-2 Planned General Business District** and Master Plan Amendment **MPL2024-008**, 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:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. 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.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;

4. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;
7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;

17. 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;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. 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);
21. 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;
22. 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;
23. 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;
24. 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;
25. 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;

26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;
28. 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;
29. 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;
30. 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;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant

factors and either approve, approve with conditions, or deny the rezoning application.

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 **COZ2024-014** and **MPL2024-008** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Off-Site Improvement Plan
Landscape Plan
Building Elevations

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2024-014 and MPL2024-008** 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** Petitions **COZ2024-014 and MPL2024-008**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:49:50:

CHANGE OF ZONE APPLICATION COZ2024-014 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District to construct a new travel center at 601 Village West Parkway.

MASTER PLAN AMENDMENT APPLICATION MPL2024-008 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Master Plan Amendment from Planned Entertainment District to Planned Commercial District (Prairie-Delaware-Piper Area Plan) to construct a new travel center at 601 Village West Parkway.

PLAT APPLICATION PLAT2024-013 – SCOTT RAY WITH BUC-EES– SYNOPSIS: Preliminary Plat for one (1) commercial lot and dedication of new right-of-way to construct a new travel center at 601 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

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

COZ2024-014 + MPL2024-008

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 October 14, 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 for the Change of Zone and Master Plan; 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:

- John Chamberlin, Kimley-Horn and Associates, engineer representing the Applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:39: Planning Director Hand stated that the request is for a Change of Zone, Master Plan Amendment and Preliminary Plat for a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store. Staff is recommending CP-2 Planned General Business District in lieu of the original CP-3 Planned Commercial District. The property is in the Prairie-Delaware-Piper area right off the 110th Street exit. Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report, including the three (3) requested deviations from the Commercial Design Guidelines. Director Hand further stated that a variance will need to be filed for their proposed signage.

Motion starts at 2:55:40:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application**

MPL2024-008:

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye

COZ2024-014 + MPL2024-008

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:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. 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.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
4. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;

7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. 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;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. 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);
21. 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;
22. Regarding BPU transformer screening, the following applies:
- g. Gate doors are required for all types of screening that are placed in front of the transformers.
 - h. 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.
 - 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).
 - l. 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;
23. 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;
24. 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;
25. 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;
26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;

28. 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;
29. 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;
30. 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;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning application.

On motion by Mr. Straws, seconded by Ms. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-014 to the CP-2 Planned General Business District:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

COZ2024-014 + MPL2024-008

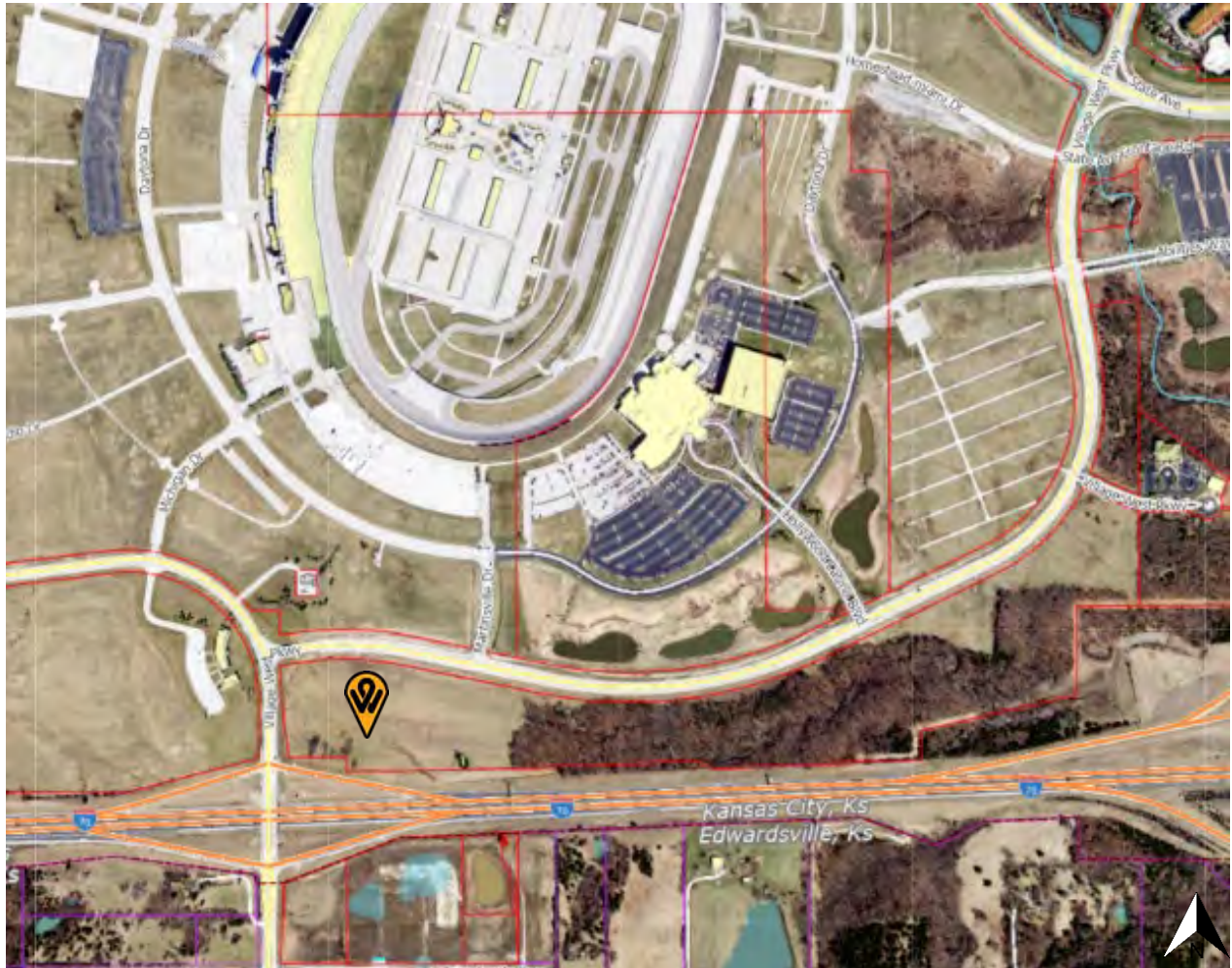
Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions.

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Preliminary Plan Application PLAT2024-013:**

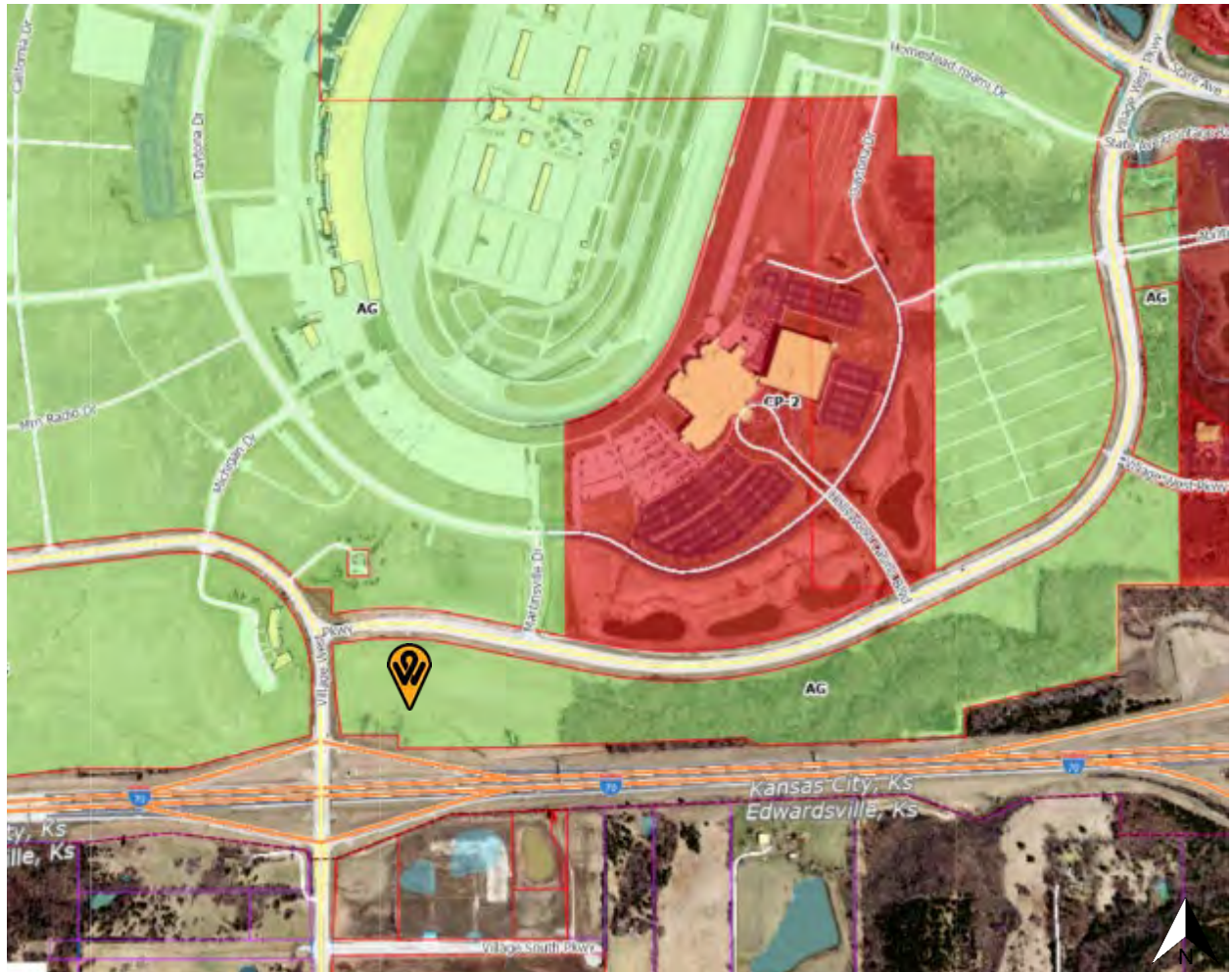
Carson Chairman
Mohler Aye
Schwartz Aye
Straws Aye
Ward Aye
Armstrong Aye
Beth Aye
Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 9 to 0
Subject to the above conditions.

ATTACHMENTS

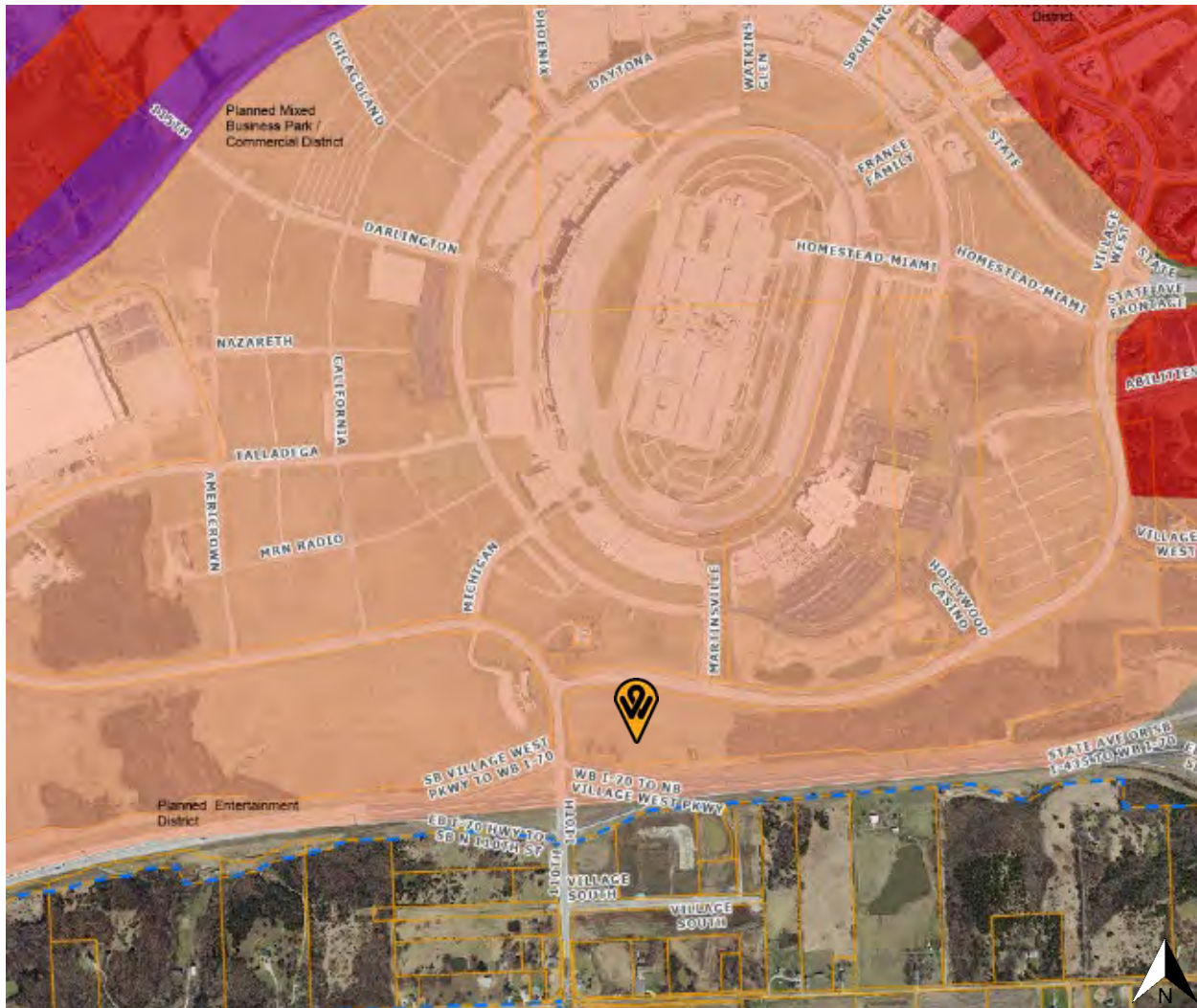
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





September 30th, 2024

Department of Planning + Urban Design
Unified Government of Wyandotte County
Kansas City, KS

**Re: Buc-ee's KCK
Change of Zone Petition (COZ2024-014)
Preliminary Plat Buc-ee's (PLAT2024-013)
Master Plan Amendment (MPL 2024-008)
Comment Response Letter**

Dear Planning and Urban Design Staff,

The purpose of this letter is to provide formal comment responses to the received comments, dated May 17, 2024, for the above-mentioned project. Our responses (**in red**) follow each of the provided comments.

Planning & Urban Design / General:

Comment 1: Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District.

Response: Acknowledged.

Comment 2: Staff understands Buc-ee's is a regional destination, but why is there 560 spaces when only 296 are required? It appears that the impervious footprint can be reduced.

Response: Buc-ee's generous parking requirements are well documented and consistently updated for operational integrity. The high volume of visitors, the longer length of stay, the peak demands, and employee parking requirements adds up to a large number of spaces required.

Resolution: Determined on call that, given the unique nature of the land use, the number of proposed parking spaces is acceptable and no further action is required.

Comment 3: 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. Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

Because this is a destination for not only Kansas Citians, but also regionally, there needs to be connection between detention ponds and amenities for drivers, passengers and potential customers (e.g. dog park, walking trails, etc.).

Response: Please refer to the included site plan which includes vehicular and pedestrian circulation patterns consistent with code requirements. As such, pedestrian connectivity meets code, attached site plan shows pedestrian connectivity between Village West Parkway and the front of the store. Site grading and layout does not provide for connection between detention ponds or walking trails.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with requirements and no further action is required.

Comment 4: Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.

Response: Please refer to the updated site plan where the eastern canopy was shifted east 5 feet to provide a 5-foot wide crosswalk from the Village West Parkway roundabout to the front door of the building.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(10) and no further action is required.

Comment 5: Section 27-575(f)(1) States there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Add sidewalk medians in the parking lot islands and crosswalks through the parking lot on the east and west sides of the building to make a clear, defined pathway for pedestrians. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building.

Response: Accessible parking is currently planned on 3 sides of the building (North, East, and West). The parking on the outer edge of the east and west sides of the site includes island sidewalks to provide pedestrian connectivity throughout the site.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(f)(1) and no further action is required.

Comment 6: Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle).

Response: Please refer to the included site plan where a proposed connection to the Village West Parkway multi-use path is currently shown.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(14) and no further action is required.

Comment 7: The parking spaces adjacent to Village West Parkway, north of the fuel pump canopy can be removed, as there is a surplus of parking on-site, but this will assist in improved site circulation.

Response: Please see Response to Comment 2 above.

Resolution: As agreed on the call, the referenced parking spaces will generally serve as employee parking, be designated as such within the store's operational procedure, and no further action is required.

Comment 8: Section 27-612(6)a.9. No more than one (1) vending machine is permitted per property except as follows:

- a. If the vending machines area is located on a side of the building not facing a road or street then the number of allowed vending machines shall be increased to three (3).
- b. If the vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping approved by the Director of Planning then the number of allowed vending machines shall be increased to three (3).
- c. For every 200 feet that the façade on which the vending machine is located is set back from the nearest road or street right-of-way then the number of allowable vending machines shall be increased by one.

If the landscaping on the north, east and west fully screen the ice chests from public view, incorporating Section 27-577(d)(1), the total number that is illustrated on the site plan can remain.

Response: Per Sec. 27-430 of the Code of Ordinances of Wyandotte County – Unified Government, a vending machine is defined as ‘a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system’. Buc-ee’s Ice Merchandisers are not vending machines.

Resolution: As determined on the call, these Ice Merchandisers are not considered vending machines and therefore not subject to requirements per Sections 27-612(6)a.9 and 27-577(d)(1). No further action is required.

Building Architecture:

Comment 1: The Commercial Design Guidelines allow a maximum of 15 percent EIFS per façade. Stone, brick, veneer, integrally-color textured CMU block and stucco are exterior masonry materials that are permitted. These materials must account for 85 percent of each façade.

Response: The architectural design of the Buc-ee’s building is consistent with all Buc-ee’s Travel Centers completed and/or being constructed to date. This continuity of design is critical to the Buc-ee’s brand and cannot be deviated from. If a Variance will be required to address this issue, please advise.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 2: Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

Faux windows along the east, west and south facades can be used to break up the façade.

Response: Same response as above.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 3: Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.

Response: Architect: All roof drains are internalized. We have one gutter and two downspouts at the compactor area that are not internal, but they are shielded by the gates and stone screen wall. We have 4 overflow drains (lamb's tongue types) that are code required to be visible from the outside.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines and Comment 3 will be revised to indicate the exception for the compactor area gutter and downspouts is accepted.

Landscaping and Screening:

Comment 1: Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced.

Response: Several varieties of native shade and evergreen trees have been included along the southern property line while limits of disturbance in this area will have a native lawn seed mix applied to create a naturalistic design to maintain the rural character of I-70 as outlined in the goDotte Countywide Strategic Mobility Plan. The design includes 32 deciduous trees at 2-inch caliper, and 29 evergreen trees installed at 6' min. height.

Resolution: It was determined on the call that the revised Landscape Plan

materially complies with the intent of the goDotte Countywide Strategic Mobility Plan and no further action is required.

Comment 2: Reforest around the east detention basin.

Response: Acknowledged and provided; see revised Landscape Plan. The reforestation design places 1-inch caliper trees at the eastern edge of disturbance at the rate of 1 tree per 5,000 SF of disturbed forest for a total of 23 deciduous trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with these requirements and no further action is required.

Comment 3: The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

The landscape plan does (not*sic) illustrate landscaping around the foundations of the building.

Response: Buc-ee's structural engineering protocol prohibits "foundation" plantings at the base of the building. Buc-ee's operating and risk management practices prohibit any type of above ground planters, etc, within the perimeter of the building walls to the parking lot. To provide a comparable and more aesthetic alternative to this foundation planting requirement, Buc-ee's has proposed additional landscape islands at the head-in parking areas shown on the attached revised Landscape Plans. If a Variance will be required to address this issue, please advise.

Resolution: It was determined on the call that applicant has addressed the intent of Section 27-577(d)(1) with additional perimeter landscape islands and plantings. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 4: Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater.

Response: Acknowledged and provided. Landscape zone on site is 125' average on the north side and 80' average on the west side between site parking and parking street. Please see Landscape Plan.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(1) and no further action is required.

Comment 5: Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when

planted) provided for every 30 feet of street easement or frontage.

Response: Acknowledged and provided. Please see Landscape Plan for street trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(a) and no further action is required.

Comment 6: Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(b) and no further action is required.

Comment 7: Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Response: Parking screening provided through street trees, traditional shrub plantings, and evergreen trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(e)(4) and no further action is required.

Comment 8: Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-699(a)(6) and no further action is required.

Comment 9: Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Response: Acknowledged; trash enclosure is shown with appropriate screening shrubs.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(g)(3) and no further action is required.



Signage:

Comment 1: Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Comment 2: Pole and pylon signs are prohibited in the Sign Ordinance. Revise your signage accordingly.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Planning Engineering:

Comment A: Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

Response: Acknowledged.

Comment B: Items that are conditions of approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged. Updated documents included in resubmittal.

Comment C: Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Response: Acknowledged.

Standard Conditions:

Comment 1: All landscaping shall be irrigated.

Response: Acknowledged and to be provided. Final Development Plan to include Irrigation Design.

Comment 2: 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).

Response: Acknowledged and provided; see Landscape Plan for plant

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

specifications.

Comment 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.

Response: Acknowledged; site lighting to comply with this requirement.

Comment 4: 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.

Response: Acknowledged. Appropriate screening provided.

Comment 5: If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.

Response: Acknowledged.

Comment 6: If approved, the applicant 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.

Response: Acknowledged.

Comment 7: A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Acknowledged.



Comment 8: All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged.

Comment 9: A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Acknowledged.

Comment 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.

Response: Acknowledged.

Comment 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.

Response: Acknowledged.

Comment 12: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

Please feel free to call or email if there are any questions.

Very Truly Yours,

John Chamberlin, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

Buc-ee's KCK - Neighborhood Meeting (May 23, 2024 @ 6:00 p.m.)
Sign-In Sheet

[illegible]

MEETING MINUTES:

Application Number COZ2024-014/MPL2024-008/PLAT2024-013

Date and Location: Thursday, May 23, 2024, at 6:00 p.m. (601 Village West Parkway, Kansas City, KS 66111)

Meeting called to order at: 6:00 PM

Names of people in attendance:

1. Stan Beard (Buc-ee's, Director of Real Estate)
2. Patrick Warren (Speedway President)
 - o (913) 526 - 9101
3. Steve Beaumont (Chateau Avalon Hotel Owner)
 - o (913) 593-9565
4. John Chamberlin (Kimley-Horn)
5. Nate Collins (Kimley-Horn)
6. Daniel Hoop (Kimley-Horn)

Introductions

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

- Project Overview – John Chamberlin
 - o 74K building layout.
 - o Relocation of Village West Parkway with new roundabout
 - o Improvements to I-70 interchange.
 - o 3 detention ponds for stormwater runoff
 - o 120 fuel pumps (i.e., 60 stations with two pumps each)
- Steve
 - o Retention ponds?
 - John – Ponds on site will be detention and grassed.
 - o Retaining walls?
 - John – Yes, provided explanation of retaining wall locations and reasoning.
 - o Are Lot 1 and site area acreage different? Or does one capture the other?
 - Conversation regarding plat area and ALTA survey
 - Stan will discuss with Buc-ee's partners regarding limits

- John mentioned site is limited to the east by the 10' CMP pipe and resulting channel that runs through the wooded area.
- Building facades
 - Stone and EIFS
- Stan – What are the landscaping requirements? Types of trees?
 - Landscape plan – John and Nate
 - Based on KCK/UG requirements code.
 - Oak trees one of trees currently proposed.
 - 10' multi-use path on northern side of Village West Parkway
 - Serves as ADA/pedestrian access.
 - Crosswalk location is only location due to grading limitations in other parts of the site.
- Construction phasing and maintaining access for Village West Parkway
- Opportunity to explore variances considering KCK/UG comments.
 - Work collaboratively with all parties to develop mutually beneficial solution.
- Discussion of entitlement schedule
 - 2 potential schedules for remaining submittals
 - Buc-ee's to review potential steps moving forward.
 - Kimley-Horn shared entitlement schedule with Buc-ee's.
- Steve asks if there are electrical vehicle chargers on Buc-ee's site.
 - Stan responded yes, both Tesla and Mercedes
 - Discussion regarding collaboration on use of charging stations with hotel

Meeting adjourned at: 6:45 PM

Minutes taken by: Daniel Hoop

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Florida)
) SS:
COUNTY OF Palm Beach)

Comes now Nathan V. Collins, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2024-014, PLAT2024-013, and MPL2024-008.
2. That I conducted a neighborhood meeting on Thursday, 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.

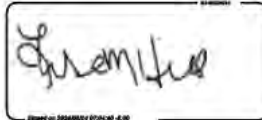
Further affiant saith not.

Nathan V. Collins

Affiant

ACKNOWLEDGED BEFORE ME BY MEANS OF ONLINE NOTARIZATION AND SWORN to before me this 24th day of May, 2024.

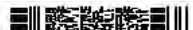
My commission expires:
5/18/2027

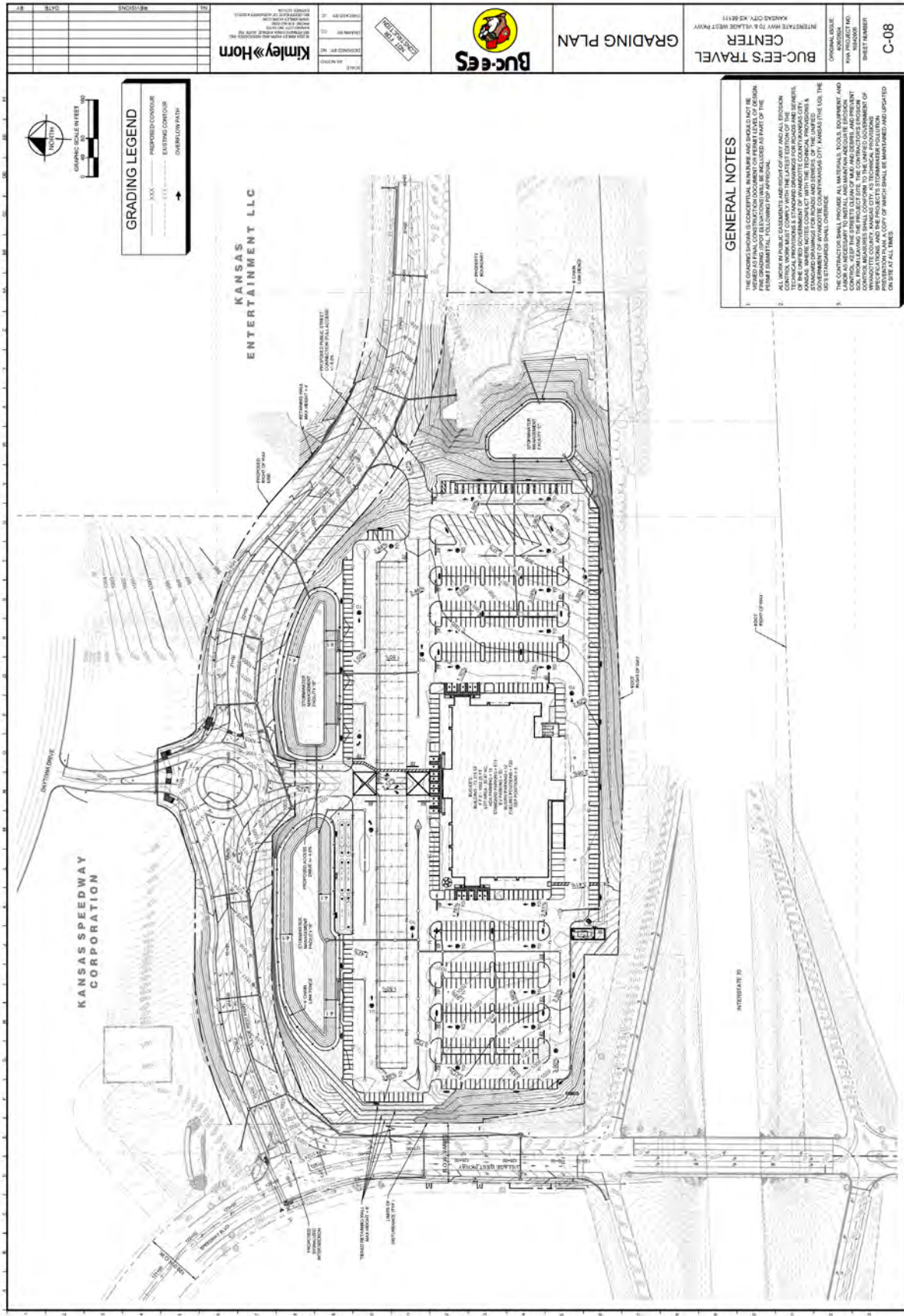


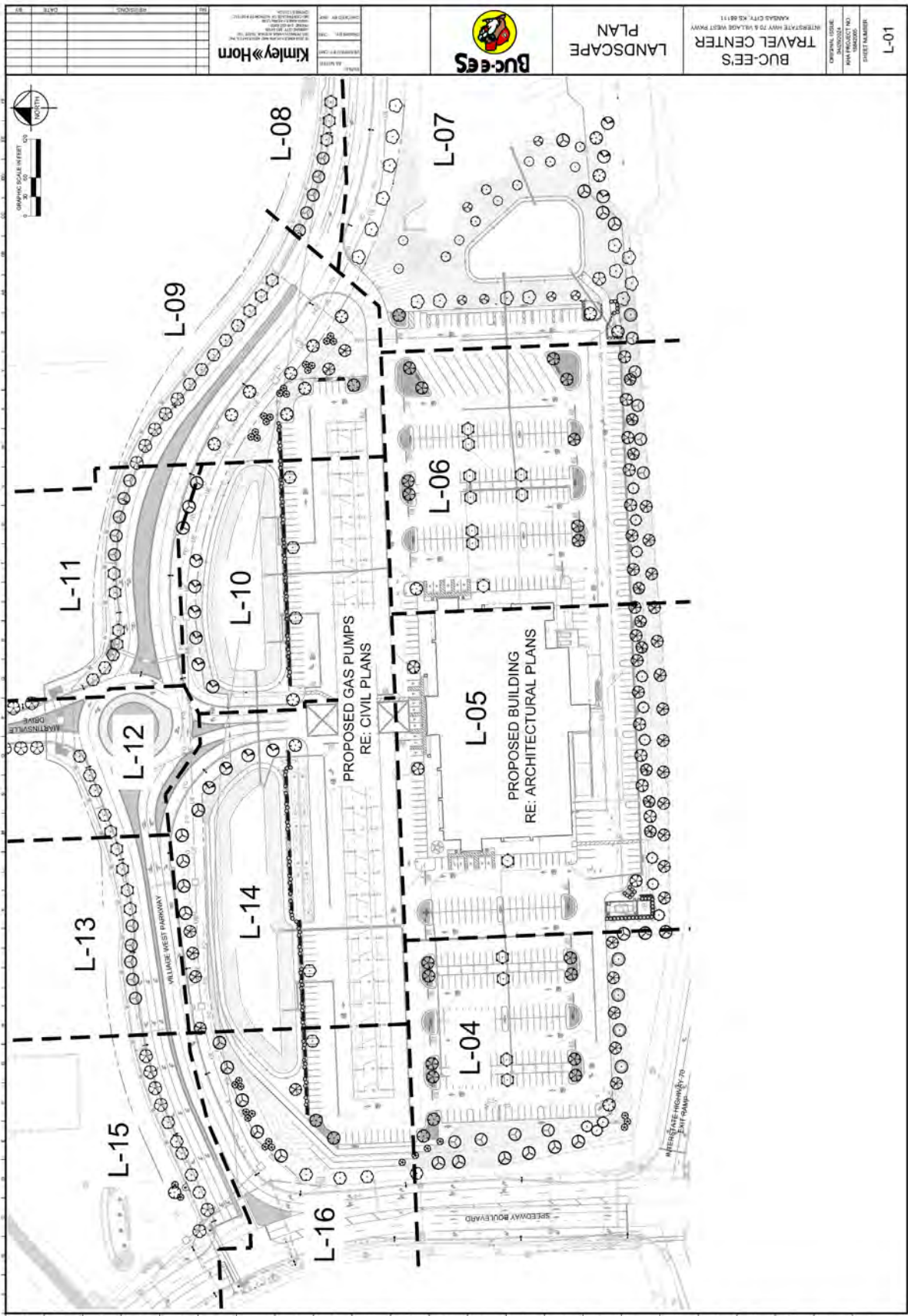
Notary Public

Lisa M. Hill
Commission # HH 363807
Notary Public - State of Florida
My Commission Expires May 18, 2027

Notarial act performed by audio-visual communication







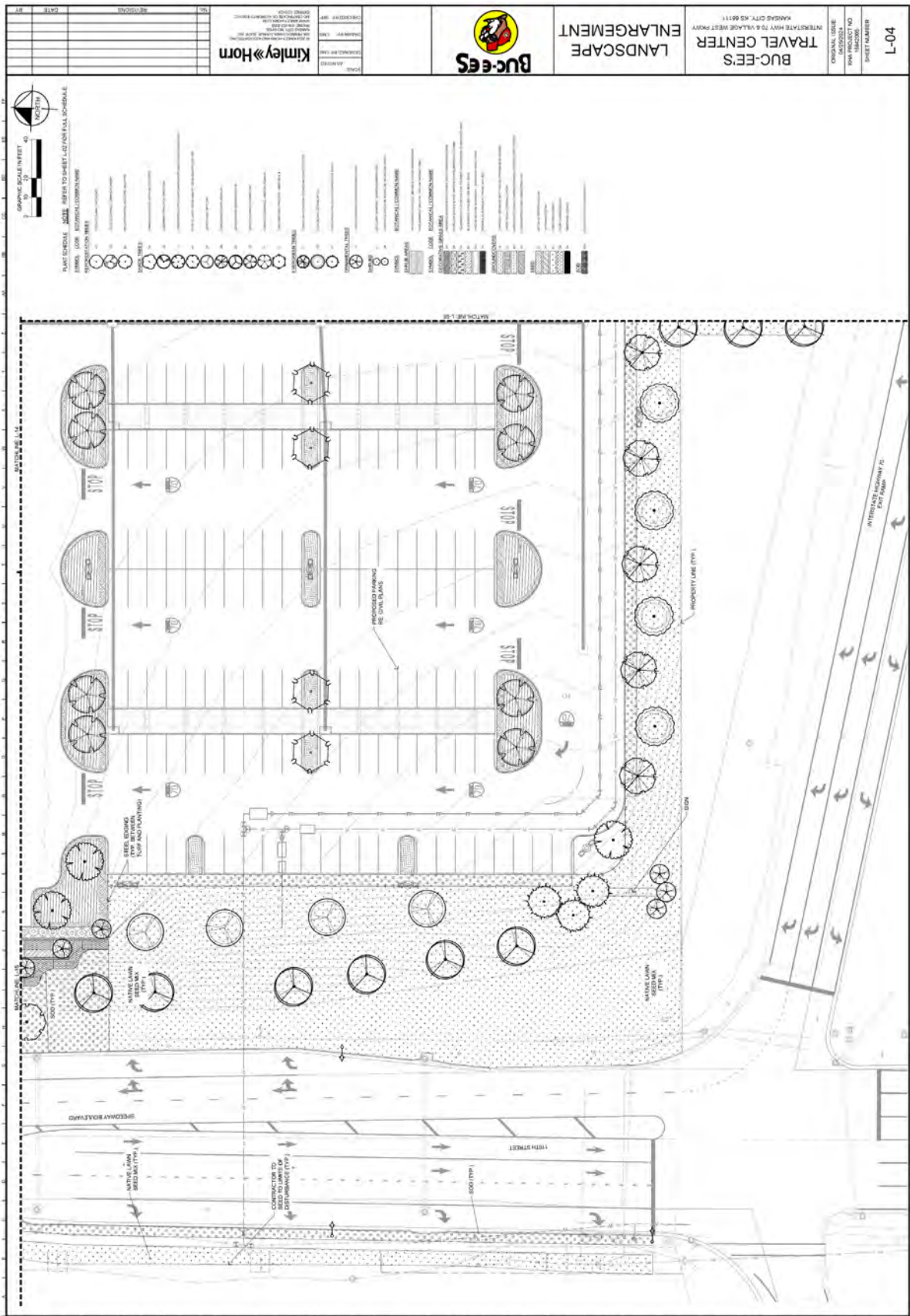




Figure 1. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 2. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 3. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 4. Site Photograph of 601 Village West Parkway looking southeast from Village West Parkway (provided by Planning Staff).

(Published _____)

SP2024-052

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 SP2024-052, commonly known as 3716 Springfield Street, Kansas City, Kansas, legally described as:

Marty's Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, Block 3, Lot 16, located at approximately 3716 Springfield Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located 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.

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 _____)

SP2024-053

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 SP2024-053, commonly known as 4016 Springfield, Kansas City, Kansas, legally described as:

Cox Addition, an addition of land in Kansas City, Wyandotte County Kansas, Section 34, Township 11, Range 25, Block 2, Lot 21, located at approximately 4016 Springfield Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be 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 the Business Licensing Division. Their office is located 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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 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 _____)

SP2024-007

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 SP2024-007, commonly known as 2023 North 85th Street, Kansas City, Kansas, legally described as:

Section 31, Township 10, Range 24, beginning 355.6 feet North and 30 feet East of the Southwest Corner; thence East $\frac{1}{2}$, Southeast $\frac{1}{4}$, North 85 feet; East 298.55 feet, South 06 West 85.56 feet, West 289.93 feet to the point of beginning, containing 0.58 acres, more or less, located at approximately 2023 North 85th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Maximum number of guests shall be six (6);**
- 2. All parking must be off-street, maximum number of vehicles is typically 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

(First published _____)

COZ2024-019

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 713 Osage Avenue and 813 South Pyle, in Kansas City, Kansas, by changing the same from its present zoning of R-2(B) Two Family District to CP-2 Planned General Business 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 28, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R-2(B) Two Family District to CP-2 Planned General Business 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 being all of Lots 51 and 52, Block 52, ARMOURDALE, a subdivision recorded April 16, 1883, in Book 1, Page 216, lying and situated in the Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by William C. Anderson, LS-1527, with BHC, CLS 175, being more particularly described by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on West line of Block 52, ARMOURDALE, having a bearing of North 03° 42' 51" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) BEGINNING at the Southwest corner of Lot 51, Block 52, ARMOURDALE; Thence North 03° 42' 51" West, 50.00 feet, on the West line of Block 52, ARMOURDALE, to the Northwest corner Lot 52, Block 52, ARMOURDALE; Thence North 86° 20' 26" East, 129.40 feet, on the North line of said Lot 52, to the Northeast corner thereof; Thence South 03° 42' 51" East, 50.00 feet, on the East line of said Lot 52 and on the

East line of Lot 51, to the Southeast corner of said Lot 51; Thence South 86° 20' 26" West, 129.40 feet, on the South line of said Lot 51, to the POINT OF BEGINNING, said Tract containing 6,470 square feet or 0.1485 acres. Located at approximately 713 Osage Avenue and 813 South Pyle Street, Kansas City, Kansas.

be changed from its present zoning of R-2(B) Two Family District to CP-2 Planned General Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, 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 CP-2 Planned General Business 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

(Published _____)

SP2024-056

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 SP2024-056, commonly known as 4929 State Avenue, Kansas City, Kansas, legally described as:

S12,T11,R24, BEG 1090.1FT E OF NW COR NE1/4, S04E-98.39FT TO TPOB; E 205FT, S185FT, W 191.91FT, N04W- 185.36FT TO POB CONTG 0.84AC, located at approximately 4929 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with an existing restaurant.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The applicant must comply with all applicable landscaping and screening requirements:

- **Sec. 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. Six (6) trees shall be maintained along State Avenue;**

- **Sec. 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death;**
- 2. All entertainment must cease by at least 1:00 AM;**
- 3. Doors and windows must stay closed during any entertainment performance;**
- 4. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 6. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the**

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 13. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 14. 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 _____)

SP2024-058

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 SP2024-058, commonly known as 4141 Joyce Drive, Kansas City, Kansas, legally described as:

TRACT 552C BEG 844FT N SE COR SE1/4; N 1010FT, W 804FT, S7E-519.75FT, S33E-319FT, S57E-147.5FT, S70E-455FT TO POB 10AC M/L, LOCATED AT APPROXIMATELY 4141 JOYCE DRIVE, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of the Temporary Use of Land for a commercial farmstead.

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. **Previous conditions of approval shall remain, including:**
 - **If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;**

- The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
 - Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
 - Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
 - If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
 - Commercial Activity on the property shall be by appointment only with no open picking by the public;
 - All class participants shall continue to park off-street in the designated parking area;
 - The FSMA Producer Certificate shall be renewed when required;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 3. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 5. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 6. 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 be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 9. 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. 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;**
- 11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board**

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

12. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 _____)

SP2024-060

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 SP2024-060, commonly known as 527 Tenny Avenue, Kansas City, Kansas, legally described:

Lot 27, Bolles Addition to Riverview, Wyandotte County, Kansas, located at approximately 527 Tenny Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The applicant must submit an updated insurance policy;**
2. **The applicant must maintain the brick sidewalk in front of the subject property;**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation**

- Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
 - 7. Applicant is to maintain liability insurance;**
 - 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
 - 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
 - 10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
 - 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
 - 12. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located 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 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.**

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: November 7, 2024

Re: Change of Zone Petition COZ2024-022

GENERAL INFORMATION

Applicant Information:

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

Subject Property:

4225 Mission Road
Kansas City, Kansas 66103

Requested Action and Purpose:

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

Commission Districts:

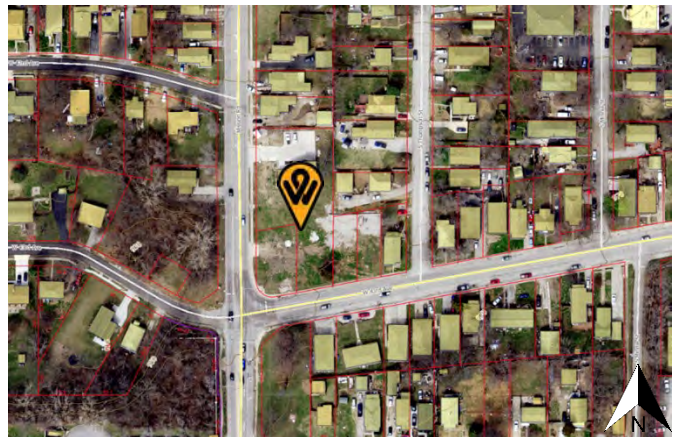
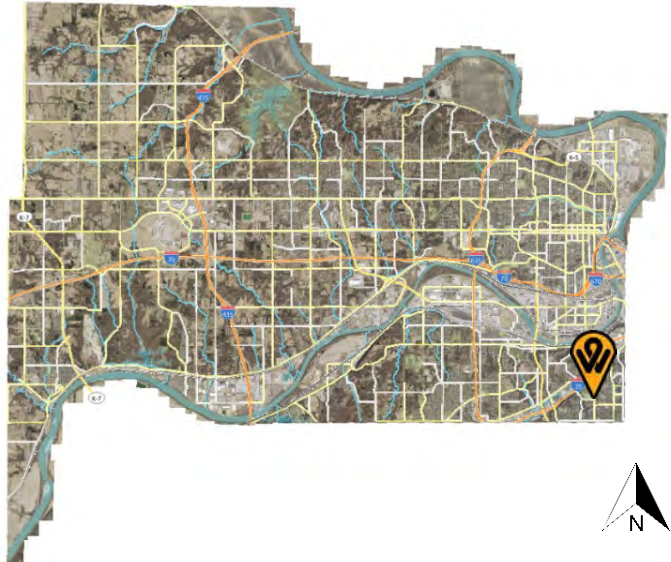
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-2(B) Two-Family District

Proposed Zoning District(s):

TND Traditional Neighborhood
Design 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 District	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”. The property provides 26 spaces, with additional to be determined via a parking agreement with the neighboring property.

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:

The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024 and September 7, 2024

Public Hearings:

August 12, 2024, August 29, 2024, October 14, 2024, and November 7, 2024.

Public Support:

Several individuals spoke in support at the August 12, 2024 Planning Commission hearing and the August 29, 2024 Board of County Commissioners hearing. There were 10 persons present in support at the October 14, 2024, City Planning Commission meeting. Letters in support have been received.

Public Opposition:

Two (2) individuals spoke in opposition at the August 29, 2024 Board of County Commissioners hearing. Four (4) persons appeared in opposition at the October 14, 2024, City Planning Commission meeting. Letters in opposition have been received. A valid protest petition has been submitted.

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 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 6 to 3 to recommend **APPROVAL** of Change of Zone Application COZ2024-022, subject to:

1. The intersection of 43rd & Mission must be improved, with painted crosswalks, improved curbing, and painted lanes;
2. The applicant shall work with KCKPD as well as private security to ensure the property is secured;
3. The property must limit the amount of cars to one (1) car per unit and ensure that there are two (2) spaces for visitors and on-site staff;
4. To block headlights or other intrusions through the fence, a 4' tall evergreen hedge shall be planted outside of the fence;
5. Provide a 4' tall wood screening fence around the northern and eastern property lines, with masonry columns every 32 feet;
6. 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;
7. The applicant shall follow all comments and requirements set forth by KCKFD. This may result in additional changes to the plan;
8. There shall street trees in the public right-of-way, with a tree every 40 feet on center, except within the sight distance triangle;
9. 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;
10. 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;
11. Lighting cannot exceed one (1) footcandle at the property line;
12. Interior parking lots lights shall have 90-degree cutoff fixtures;
13. 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;
14. All electrical meter banks, typically on the side of the building shall be screened from public view;
15. 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;

16. 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;

17. 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;

18. All existing and future driveways must feature curb cuts that are constructed to UG standards;

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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue,

Kansas City, KS 66102, (913) 573-8620;

21. 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,
22. 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.
23. A parking agreement for a total of 15 parking spaces with the resulting property directly to the north on Mission Road (currently addressed at 4225 Mission Road), which is to be replatted for this proposed project”; and,
24. The following requirements of the Rosedale Area Plan Urban Multi-Family Residential Design Guidelines have not been met, and from which Applicant has been approved a deviation by the City Planning Commission at their hearing on 10/14/2024:
 - i. Within 30’ of the property line abutting the single-family residence, a multi0family building may not exceed a half story roof height greater than adjacent residence’s roof height; and,
 - ii. Within 50’ of the property line abutting a single-family residence, a multi0family building may not exceed one story roof height greater than adjacent residence’s roof height.”

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

October 14, 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
Letters/Petition in Support
Letters in Opposition
Protest Petition

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024 (Approved) October 14, 2024 Approval	August 29, 2024 (Remanded to CPC) November 7, 2024

STAFF CONTACT:

James Molloy
jlmolloy@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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 3:07:15:

CHANGE OF ZONE APPLICATION COZ2024-022 – ROGER BARRETT– SYNOPSIS:

Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District to construct a 24-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 October 14, 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;
7. The Notices to property owners;
8. The testimony at the prior Planning Commission and Board of Commissioners hearings; and,
9. The correspondence for and against this application which are part of the record for this case and will be included in the staff report to the Board of Commissioners.

Planner Molloy stated that this application was previously heard by the Planning Commission on August 12, 2024 and moved forward to the Board of Commissioners with a recommendation of approval. The Board of Commissioners returned the application for rehearing on August 29, 2024, for additional neighborhood input, as well as concerns with parking and traffic.

Planner Molloy asked if the Commission had any contact to disclose on this application. Planning Commissioner Easterwood stated that she heard from neighbors in the area.

Present in Support:

- Roger Barrett, applicant, Senior Project Manager, SK Design Group Civil Engineers, 4600 College Boulevard, Overland Park, Kansas
- Megan Painter, Director of Neighborhood Development, Community Housing of Wyandotte County, 1327 Barnett Avenue, Kansas City, Kansas
- Brennan Crawford, Executive Director of Community Housing of Wyandotte County, 1108 North 19th Street, Kansas City, Kansas

- Elliot Arnold, Beachwood Holdings, LLC, 4227 Mission Road, Kansas City, Kansas 66103
- Ian Arnold, Beachwood Holdings, LLC
- Kalka Simmons, 3204 West 43rd Avenue, Kansas City, Kansas 66103
- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Rachel Russell, 1054 Forest Court, Kansas City, Kansas 66103
- Rachel Hostetler, 4146 Booth Place, Kansas City, Kansas 66103
- Carl Rouse, 2303 South Early Street, Kansas City, Kansas 66103
- Laura Ball, 2832 South 8th Terrace, Kansas City, Kansas 66103
- Ellen Edgar, 3027 South 9th Street, Kansas City, Kansas 66103
- Gayle Bergman, 4520 Francis Street, Kansas City, Kansas 66103

Questions were directed to the application team.

Present in Opposition:

- Monty Harder, 3000 West 43rd Avenue, Kansas City, Kansas 66103
- Melody Harder, 3000 West 43rd Avenue, Kansas City, Kansas 66103
- Becky Bouchey, 4224 South Thompson Street, Kansas City, Kansas
- Fred Postlewait, 3215 West 43rd Avenue, Kansas City, Kansas 66103

Staff Recommendation starts at 23:23: Planning Director Hand stated that the TND zone was originally developed for two (2) reasons. One was for new town planning, typically on a Greenfield lot to develop a whole new community housed in the Traditional Neighborhood Design (TND) principles of use, density, and walkability. He stated a project where it came close was in Piper south of Leavenworth Road on Hutton. It's the undeveloped project behind the fire station. It was supposed to be a whole planned development that had an urban center, multi-family or duplexes, out to the fringes would be single-family and transition into the suburban. The second intent of the code was to be applied in certain occasions where mixed use development. To one of the opponent's points, while this is a proposed multi-family building, TND does allow mixed uses and yes, the use could change in the future. If that change occurred, a change in occupancy occurs, which triggers a review that would address the parking issues noted. The opposition pointed out parking would not be addressed. It would be addressed at the time of said change. In the TND zone specifically, there is a section on district size that says all parcels zoned TND shall meet one of the following criteria and the ones that meet that requirement are located on an interior collector and located within a quarter mile of existing transit stops. This project meets the standard to be a TND District as applied. The benefit of TND, which was selected by the Applicant, is a reduced parking requirement. The TND parking standards are less than a commercial zone. He further stated that the Rosedale Area Plan specifically addresses development at this intersection. One is the land use plan and that plan that identifies 43rd and Mission, as a future neighborhood center and along a neighborhood corridor. Both 43rd and Mission Road are identified as neighborhood corridors within the neighborhood revitalization area, which an ideal location for infill development. He stated that the land use category

is General Urban which is an area predominantly residential in character with row houses, townhomes, and single-family houses. Three-story apartment buildings, retail and office uses are allowed only on neighborhood and mixed-use corridors. The use, density, and intensity of this project is what the plan says should be at this location. This is a mixed-use corridor, and this project adds to that mix of character. He further stated that the zoning in the area is R-1, R-2, and CP just to south, RP-4 for the nearby apartment complex and there are mixed uses, densities, and of density of zoning districts. He stated related to the transition, the Rosedale Area Plan's Design Guidelines address residential infill development. The Design Guidelines are managed by the City Planning Commission and any deviation is the Commission's responsibility. There is a section relating to the transition of height. He stated that this project meets one (1), but not all of the standards. When the Change of Zone was previously approved, it appears the Commission did not address those two (2) heights transition deviations, but could do so with this rehearing, otherwise or this project would require a redesign to meet those design guidelines. This request is for R-2(B) Two Family District to TND Traditional Neighborhood Design District for a 24-unit apartment complex. The property is in the Rosedale Area Plan. Staff has received letters in support and opposition. There are some older Notices of Violation from it being vacant, which would be addressed by the redevelopment. Staff recommends approval subject to the conditions in the staff report, including the deviations from the Rosedale Area Plan Multi-Family Design Guidelines. The Commission already approved the final development plan before the Change of Zone was remanded back by the Board of Commissioners. The conditions of approval also include the improvements to the pedestrian crossings, which would be reviewed with Public Works in a pre-construction meeting. He stated that there is no current condition of approval for the recorded parking agreement for the property to the north. The project as designed meets the parking requirements and does not require a variance. One of the conditions of approval addresses reserving two (2) of those spots for guests of the tenants. If the Commission wanted the parking agreement to be part of this approval, Staff's recommendation would be by motion to require the parking agreement to be part of the approval. He stated that the Applicant is still working through the details of this parking agreement, and it will ultimately need to be signed and filed with the Register of Deeds.

Questions were directed to Director Hand by the Commission.

Motion starts at 37:20:

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

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present (left meeting)
Ward	No
Armstrong	Aye
Beth	No

Easterwood Aye
Ernst No
Jones Aye
Miller Aye

Motion to recommend APPROVAL Passed: 6 to 3

Subject to:

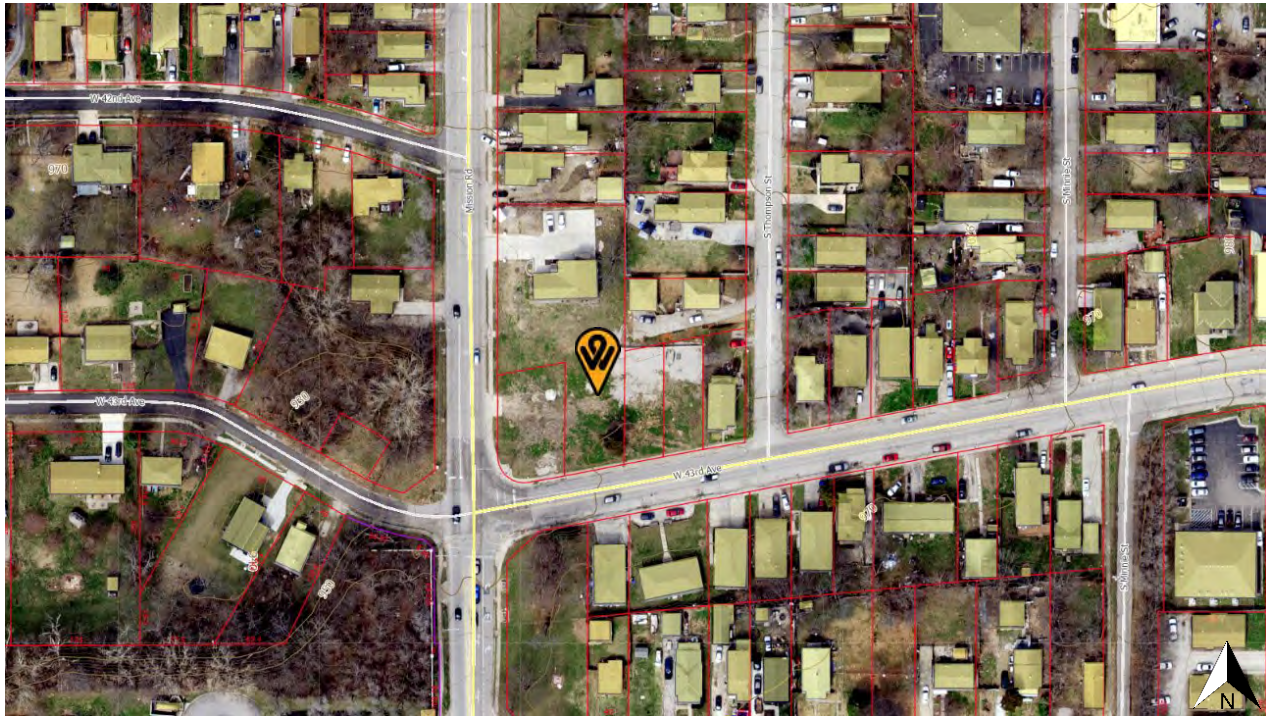
1. The intersection of 43rd & Mission must be improved, with painted crosswalks, improved curbing, and painted lanes;
2. The applicant shall work with KCKPD as well as private security to ensure the property is secured;
3. The property must limit the amount of cars to one (1) car per unit and ensure that there are two (2) spaces for visitors and on-site staff;
4. To block headlights or other intrusions through the fence, a 4' tall evergreen hedge shall be planted outside of the fence;
5. Provide a 4' tall wood screening fence around the northern and eastern property lines, with masonry columns every 32 feet;
6. 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;
7. The applicant shall follow all comments and requirements set forth by KCKFD. This may result in additional changes to the plan;
8. There shall street trees in the public right-of-way, with a tree every 40 feet on center, except within the sight distance triangle;
9. 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;
10. 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;
11. Lighting cannot exceed one (1) footcandle at the property line;
12. Interior parking lots lights shall have 90-degree cutoff fixtures;
13. 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;
14. All electrical meter banks, typically on the side of the building shall be screened from public view;
15. 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;
16. 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;
17. 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;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
21. 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,
22. 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.
23. A parking agreement for a total of 15 parking spaces with the resulting property directly to the north on Mission Road (currently addressed at 4225 Mission Road), which is to be replatted for this proposed project”; and,
24. The following requirements of the Rosedale Area Plan Urban Multi-Family Residential Design Guidelines have not been met, and from which Applicant has been approved a deviation by the City Planning Commission at their hearing on 10/14/2024:
- iii. Within 30’ of the property line abutting the single-family residence, a multi0family building may not exceed a half story roof height greater than adjacent residence’s roof height; and,
 - iv. Within 50’ of the property line abutting a single-family residence, a multi0family building may not exceed one story roof height greater than adjacent residence’s roof height.”

ATTACHMENTS

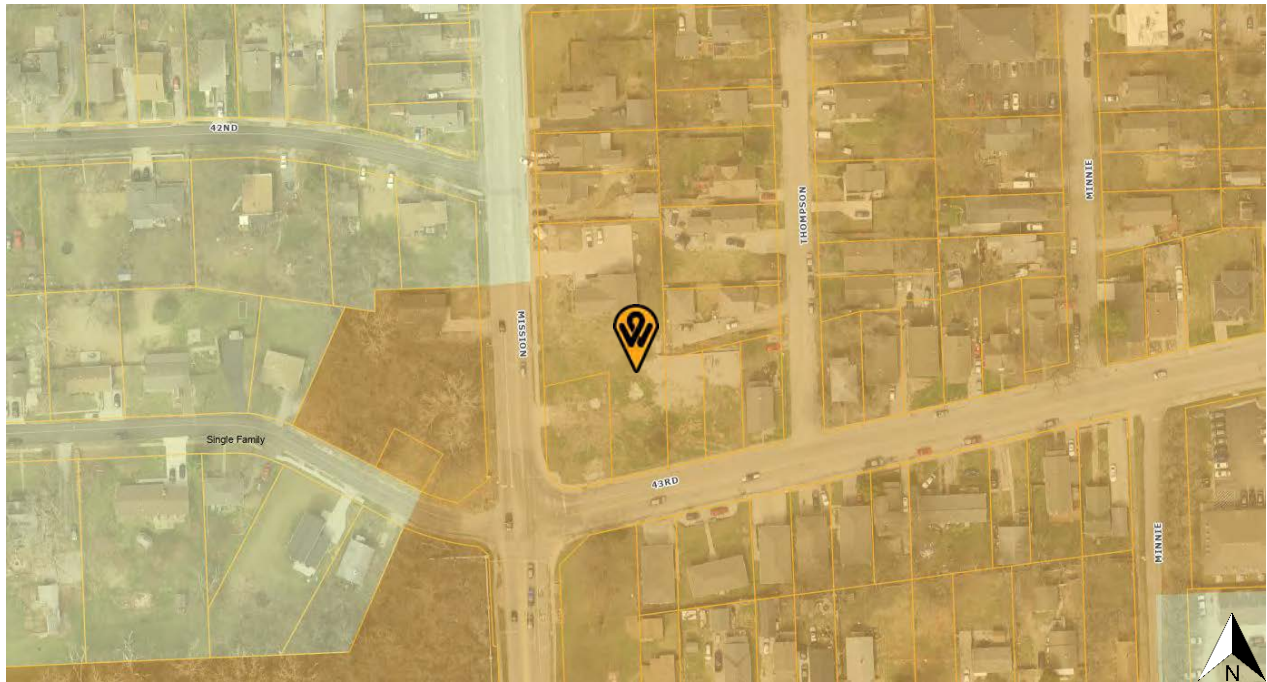
AERIAL IMAGERY



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 <pstark@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.



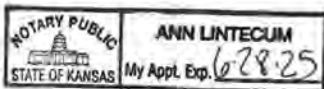
Affiant

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

My commission expires June 28, 2025.



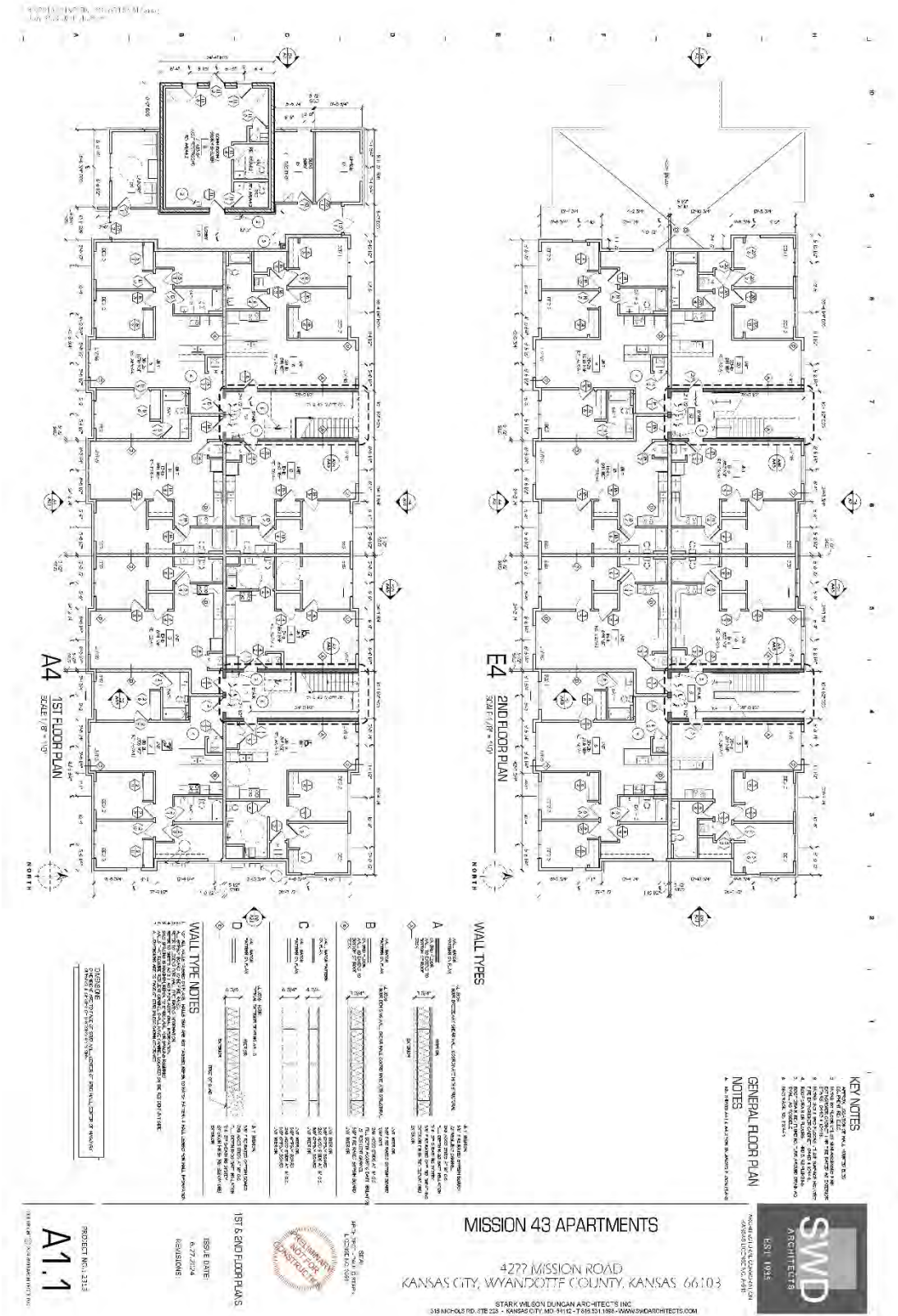
Notary Public



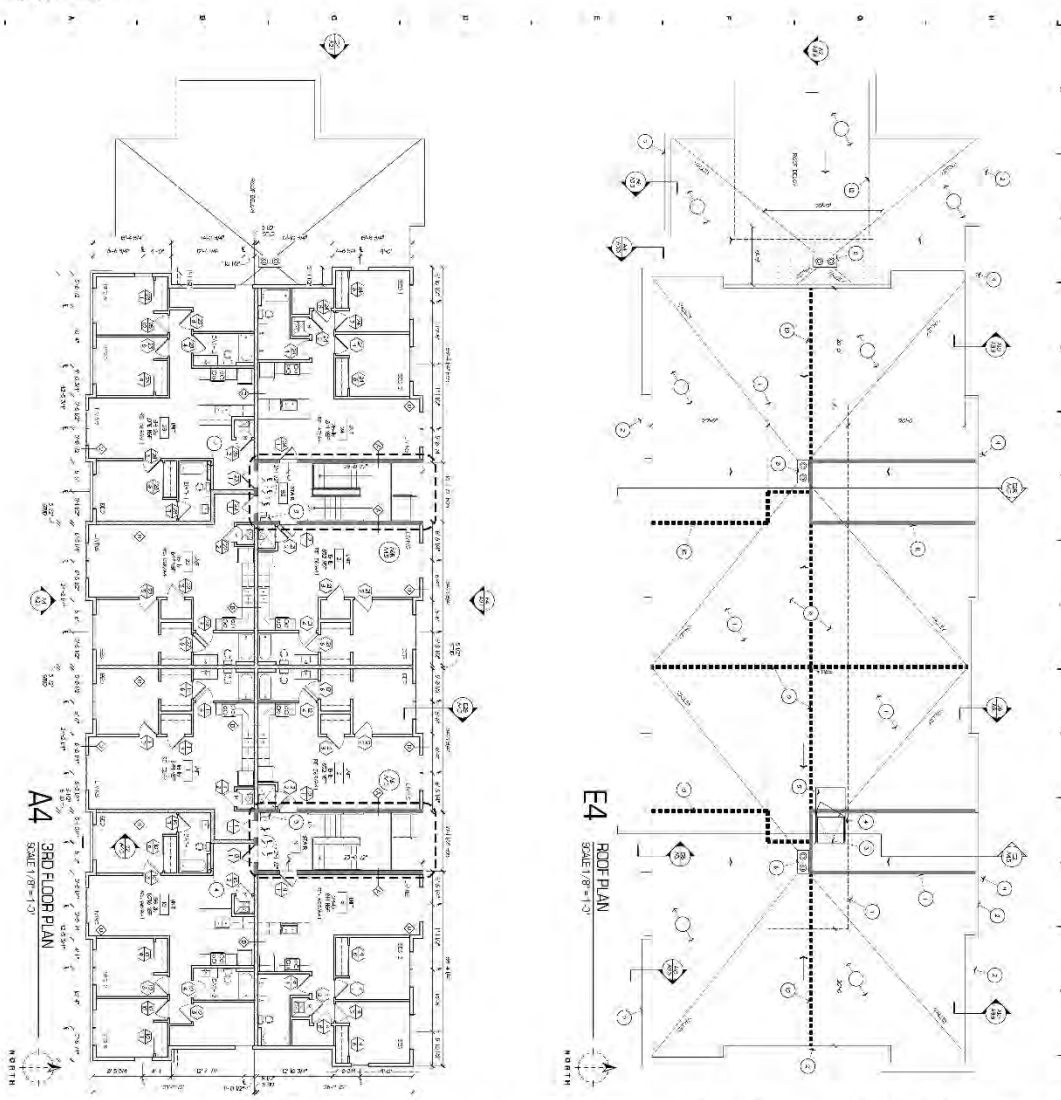
COZ2024-022



FLOOR PLAN



10/20/2024 10:00 AM 10/20/2024 10:00 AM



ROOF PLAN KEY NOTES

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GENERAL FLOOR PLAN NOTES

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MISSION 43 APARTMENTS

1777 MISSION ROAD
KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66103

STARK WILSON DUNCAN ARCHITECTS INC
118 NICHOLS RD, STE 222 - KANSAS CITY, MO 64112 - 781.531.1665 - WWW.SWDARCHITECTS.COM

SWD ARCHITECTS

EST. 1935

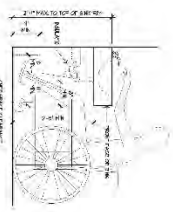
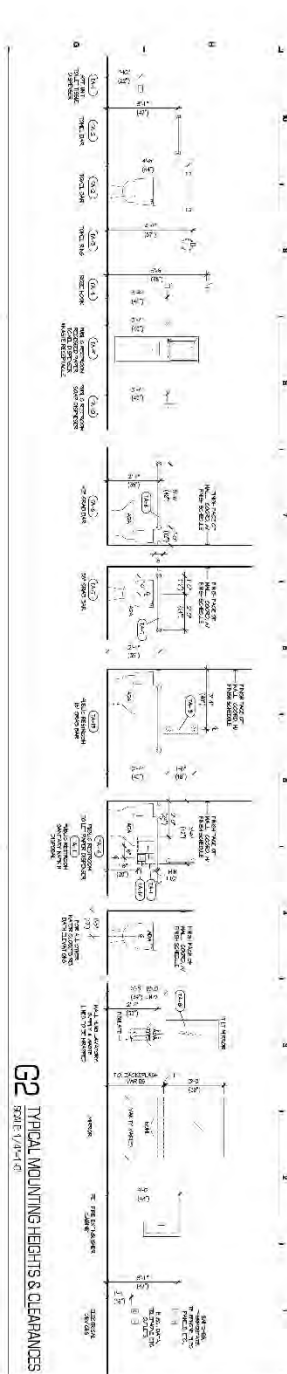
PROJECT NO. 2319

A1.2

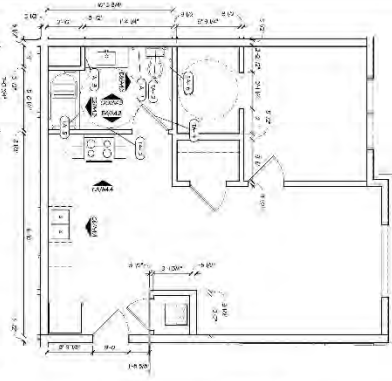
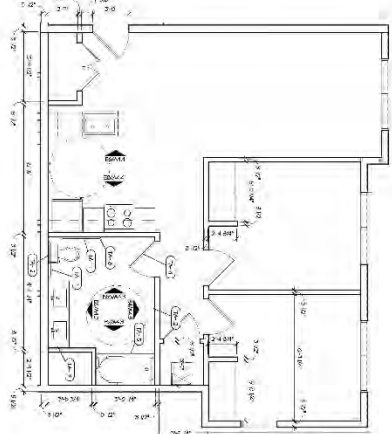
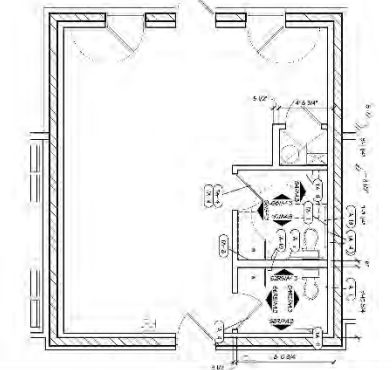
3RD FLOOR & ROOF PLAN

ISSUE DATE: 6.27.2024

REVISIONS:



E10 NOT USED **E8 NOT USED** **E6 NOT USED** **E4 NOT USED** **E2 KNEE & TOE CLEARANCES**



GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL FIXTURES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
3. ALL FIXTURES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
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TOILET ACCESSORIES

LEGEND

- (T1) TOILET SEAT
- (T2) TOILET BRUSH
- (T3) TOILET PAPER
- (T4) TOILET TISSUE
- (T5) TOILET TISSUE
- (T6) TOILET TISSUE
- (T7) TOILET TISSUE
- (T8) TOILET TISSUE
- (T9) TOILET TISSUE
- (T10) TOILET TISSUE

REVISIONS

NO.	DATE	DESCRIPTION
1	06.27.2024	ISSUED FOR CONSTRUCTION

A4.2

PROJECT NO. 2313

DATE: 06.27.2024

BY: [Signature]

MISSION 43 APARTMENTS

4277 MISSION ROAD
KANSAS CITY, WYANDOTT COUNTY, KANSAS 66103

STARRY WILSON DUNCAN ARCHITECTS, INC.
319 NICHOLS RD. STE 225 • KANSAS CITY, MO 64112 • 816.631.9889 • WWW.SWDARCHITECTS.COM

SWD ARCHITECTS

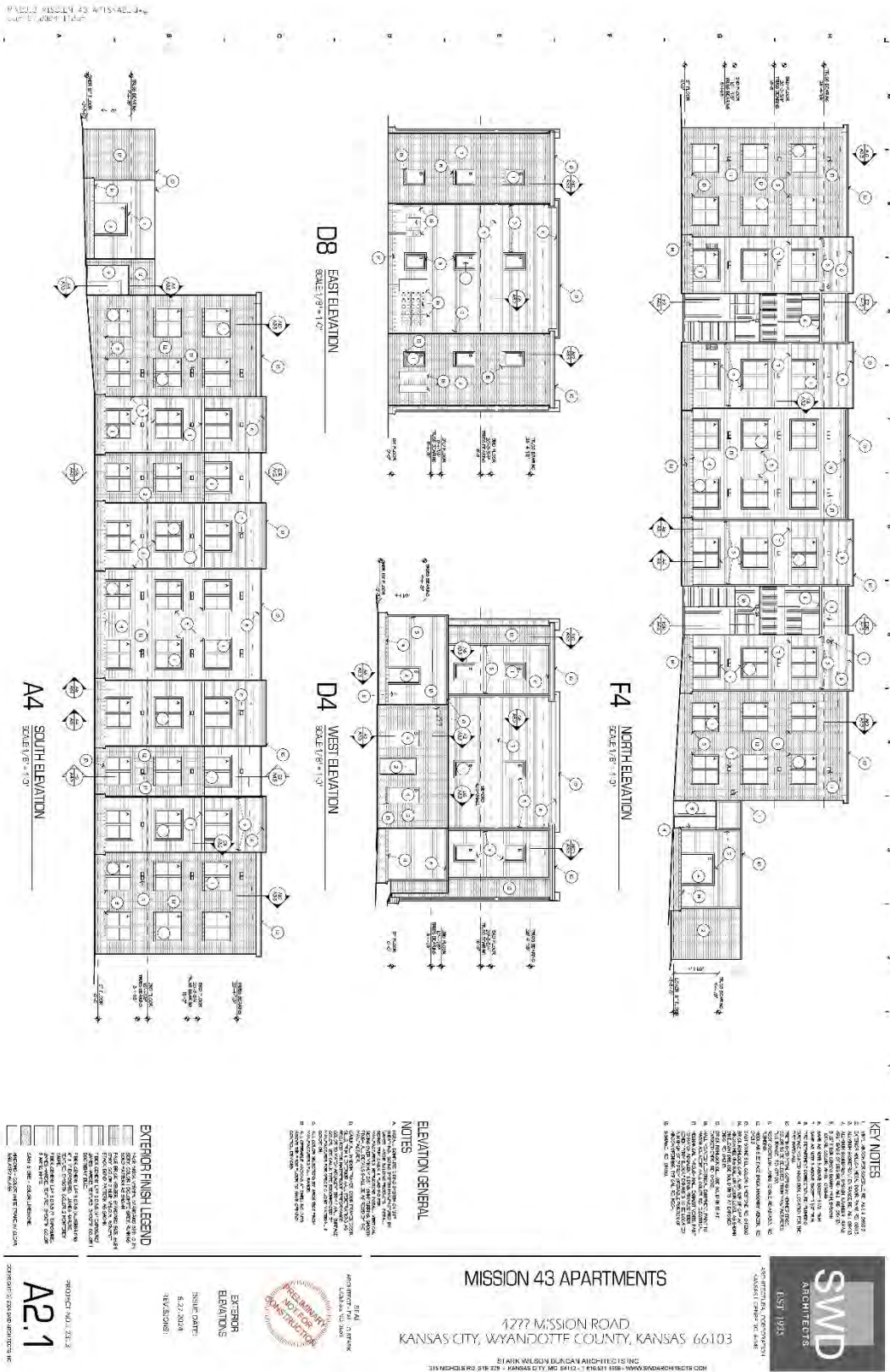
EST. 1995

ARCHITECTS

31

31

ELEVATIONS



SITE PHOTOS, TAKEN BY STAFF, DATED JULY 2024



PETITION TO THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY KS
IN SUPPORT OF DEVELOPING AFFORDABLE HOUSING IN ROSEDALE
 Date: September 28, 2024

On behalf of Community Housing of Wyandotte County (CHWC), we, the undersigned, petition the City Council of Wyandotte County, KS to address the issue of LACK OF AFFORDABLE HOUSING in Rosedale, KS by voting yes to approve the Traditional Neighborhood Design (TND) Zoning for the Mission 43 development. The development will bring 24 mixed income housing units to an area in need of new affordable housing stock.

	Name	Address	Signature
1	Anthony Frye	4417 Strong Ave Kc 66106	[Signature]
2	Gloria Franco	309 P. 14th St. K. 66102	[Signature]
3	Phillip [unclear]		[Signature]
4	Sean Schmitt		[Signature]
5	Daniel Canales	1523 29th Ave S 66102	[Signature]
6	Sharyl Thomas	4004 Springfield St 66103	[Signature]
7	Sam [unclear]	3026 So 63rd	[Signature]
8	Amber [unclear]		[Signature]
9	Elizabeth Rose	4313 Booth KC 11	[Signature]
10	Johnny Davis	4127 S Thompson St.	[Signature]
11	Andrea Johnson	9272 Minnesota Ave.	[Signature]
12	Emily [unclear]	4418 Booth KC 11	[Signature]
13	Dan Schowenicht	4449 Fisher Kc 11	[Signature]
14	Brink [unclear]	4452 Bunker	[Signature]
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	Name	Address	Signature
1	Abdi Hersi	320 South 4th St	
2	Carlos Marcado	1044 Forest Ct	
3	Kevin Stephens	4415 Mission Rd	
4	Monica White	1152 Countyline Rd	
5	Thanyabeyr	1821 S Gay St	
6	Dora M. Mullan	1855 So Gay St	
7	Jimmy Peters	3170 Woodview Ridge	
8	Kassandra Cruz	1218 W 18th St	
9	Jan Brooks	2133 S. 8th St	
10	Roy Martin	1607 Central 1616	
11	Johnny Reed	912 Woodard Ave	
12	Robert Clary	4319 Francis St	
13	Stephen Zimmer	4131 Adams St.	
14	Danae Yulech	2102 Chester Ct 66106	
15	Edgar J. Perdomo	4602 State Ln 66103	
16	Mukhtar Ali Zada	1016 Forest Court, KC, KS	
17	Nisa G.	1914 W. Lawrence Ct. KS	
18	Damatha M.	4017 S Thompson St	
19	Carol Slinker	2927 S. 9th St KC KS 66103	
20	Darius Evans	1036 Forest Ct	
21	Miguel Villa	1618 Lake Ave	
22	Rebecca Esparza	52 S 18th St - KCKS 66102	
23	SUSIE GARCIA	234 N Mill St - KCKS 66101	
24	John Brown	207 N THORPE ST	
25	Tara Staus	207 N Thorpe St	
26	Stacy Thomas	714 S Gay St	
27	Judy K. Toler	21 S. 25th	
28	C. J. Boyas	4027 Metro	
29	Sherrice Kratz	11038 Kaw dr. colwandsville KS	
30	Jullo Rodriguez	4916 Wiley rd	
31	Natasha Robles	2533 S. 18th St KCK	
32	Phyllis Thomas	3365 Woodlawn 66104 KCK.	
33	I. K.	1210 Anthony Ave	

ROBERT CLARY

10

10

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

Re: Mission 43 Rezoning Request

Dear City Council and Planning Commission,

I am writing to strongly endorse the Mission 43 project and the rezoning of land at the Northeast corner of 43rd and Mission Road in Rosedale, Kansas City, Kansas, to Traditional Neighborhood Design (TND). This flexible zoning standard is crucial for the project's advancement, aiming to significantly enhance the community's infrastructure, aesthetics, and overall livability.

This project is designed to provide better housing options at a price that people can afford, for people that already live and work in the Rosedale Neighborhood, including entry-level teachers and teacher's aides, bookkeepers, baristas, childcare workers, security guards, cooks and delivery drivers.

The adoption of TND zoning will attract further investment and development in Rosedale and will facilitate the transformation of underutilized land into vibrant, functional spaces that serve the diverse needs of our residents.

This project will boost the local economy and contribute to creating a thriving, dynamic neighborhood.

I urge you to support this rezoning application, which is pivotal for the future growth and prosperity of Rosedale. I am confident that with your support, we can achieve a meaningful and positive impact on our community.

Alexander Orellana

Name

2421 S Mill St Kansas City

Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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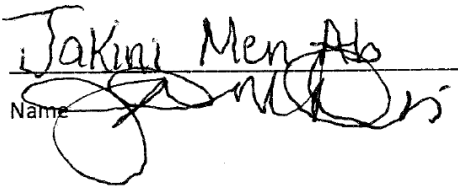
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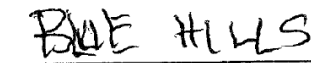
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Name


Neighborhood or Organization

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planninginfo@wycokck.org

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Elizabeth Cruz

Name

3115 S 7th Terrace KSKS 6610

Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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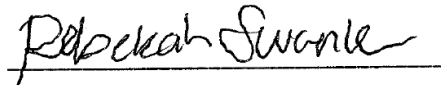
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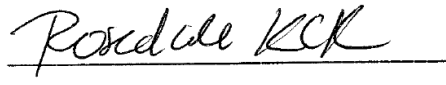
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Name



Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Claudia Aguilar Nain

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Rosedale

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Emily Hane, E Hane

Name

Missiondale (Rosedale)

Neighborhood or Organization

3121 W. 44th Terrace, KCK 66103

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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Ariana Bowers

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Rosedale

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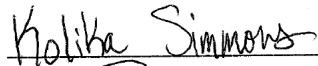
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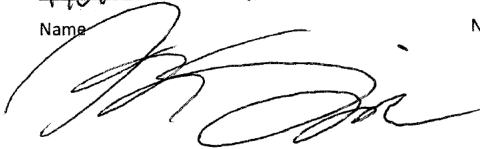
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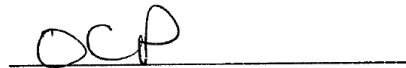
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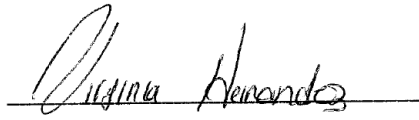
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Name

1148 County Line Rd Apt 14
Kansas City KS 66105

Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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Maribel Agama Villanueva

Name

1104 County Line Apt 24-

Neighborhood or Organization Kansas 66103

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planninginfo@wycokck.org

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Joseph Frogge

Name

Paul Furr
Neighborhood or Organization
Spring Valley (Rosedale)

u

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Chris Overfelt

Name

3121 W 44th Ter
KCK 66103

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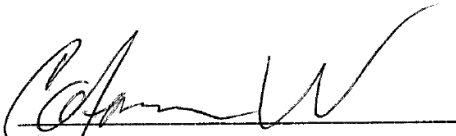
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4021 S Minnies
Neighborhood or Organization ST
KCKS 6/6/03

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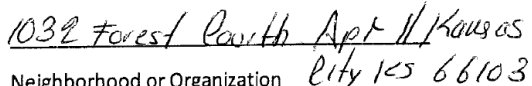
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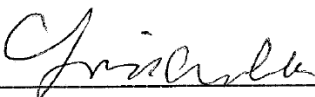
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4027 S mini street

Neighborhood or Organization

KCS 66103

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Lisa Larios

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Rosedale

Neighborhood or Organization

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Ebony Kimmins
Name

4404 Booth Street Kansas City KS 64103
Neighborhood or Organization

From: K. S. <kolikalove@gmail.com>
Sent: Friday, October 11, 2024 10:10 AM
To: PlanningInfo <Planninginfo@wycokck.org>
Subject: Re: Mission 43 - Great project!

Last night I went to the Fall festival that was thrown at 43rd and Mission here in Kansas City that was in favor of the mixed income housing project. I can't tell you how thrilled I was to hear about the project, and apparently the first round of local counselors give it a unanimous thumbs up, but it was vetoed at the state level. Word on the street is that people are vehemently against it, and I'm here to tell you that this is vastly untrue.

The thing about angry old bigots is that they have a lot of time on their hands, and that they are the very very loud majority in this neighborhood. I live very close to one of those loud old bigots I can only assume the reason that he's so involved in politics is because we as the collective neighborhood have ostracized him for being so insufferable. Everyone I have spoken to personally has been thrilled about the idea of a small apartment complex going up in that weird eyesore of a lot.

I also want to tell you that I recently came back from Seattle and I saw first hand what it is like to have a city where there is absolutely no affordable housing. The homeless popula there was not necessarily aggressive, but I saw at least twice an entire human [REDACTED] on the sidewalk.

I know it's not the most PC or polite thing to talk about, but I don't know how else to drive home the point that there was an entire shit. I don't think we want that in Kansas City. In fact, I know we don't want that in Kansas City, especially Rosedale.

Affordable housing is how we grow and increasing density is how we make a more diverse and affordable neighborhood. Affordable housing is actually why I came to this neighborhood in the first place, and I am a proud resident of Rosedale because of it. Affordable housing is who we - Rosedale - are.

It is imperative that we move the commissioners of Kansas City and Rosedale to approve this project. I assure you that everyone that is going to be alive and paying taxes for the next 20 years is going to be happy with this. We want to make Kansas City a real City, and you make real cities by giving dense and affordable housing.

Warm regards,

Kolika Simmons

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Susana Guerrero R
Name

1222 W 77th Terrace KS
Neighborhood or Organization 66112

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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Rodrigo Hernandez

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1222 North Terrace Ks

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Yafael Ortiz
Name

1104 county line #4
Neighborhood or Organization

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Sose Mender
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1109 county line
Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

Re: Mission 43 Rezoning Request

Dear City Council and Planning Commission,

I am writing to strongly endorse the Mission 43 project and the rezoning of land at the Northeast corner of 43rd and Mission Road in Rosedale, Kansas City, Kansas, to Traditional Neighborhood Design (TND). This flexible zoning standard is crucial for the project's advancement, aiming to significantly enhance the community's infrastructure, aesthetics, and overall livability.

This project is designed to provide better housing options at a price that people can afford, for people that already live and work in the Rosedale Neighborhood, including entry-level teachers and teacher's aides, bookkeepers, baristas, childcare workers, security guards, cooks and delivery drivers.

The adoption of TND zoning will attract further investment and development in Rosedale and will facilitate the transformation of underutilized land into vibrant, functional spaces that serve the diverse needs of our residents.

This project will boost the local economy and contribute to creating a thriving, dynamic neighborhood.

I urge you to support this rezoning application, which is pivotal for the future growth and prosperity of Rosedale. I am confident that with your support, we can achieve a meaningful and positive impact on our community.

Rafael Valverde
Name

1104 County Line #4
Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Galdino Brito

Name

1116 County

Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Angel Brito
Name

116 county line
Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Carlos & Angelica Flores

Name

1116 County Line Rd apt 6

Kansas City, KS. 66103

florangelica3085631@gmail.com

Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Jesus Aguirre Villanueva
Name

1104 County Linea #24
Neighborhood or Organization



PROPERTIES, LLC

4310 PEARL ST, KANSAS CITY KS 66103

October 12, 2024

RE: Mission 43 Apartments Rezoning

To: City Council and Planning Commission

I am writing to strongly endorse the Mission 43 project and the rezoning of the land at the Northeast corner of 43rd and Mission Road in Rosedale, Kansas City, KS.

I have owned Rosedale Ultra Wash Laundry at 4310 Pearl since 2003. My business is near the proposed Mission 43 Apartments, at 4225 Mission Road. Based on the site plans provided and conversations with Beachwood Holdings, I feel the building would be a positive addition to both the neighborhood and my business.

Sincerely,

Theresa I Potter, Owner
816-304-8096

4310 PEARL ST, KANSAS CITY, KS 66103
T (816) 304-8096 E POTTERTI@SPRINTMAIL.COM

Sparks, Monica

From: ClerkWest
Sent: Wednesday, October 30, 2024 10:21 AM
To: Sparks, Monica
Subject: FW: 43rd and mission road, non-traditional project

From: Thomas Curry <tjcurry17@yahoo.com>
Sent: Tuesday, October 29, 2024 4:56 PM
To: ClerkWest <ClerkWest@wycokck.org>
Subject: Fw: 43rd and mission road, non-traditional project

You don't often get email from tjcurry17@yahoo.com. [Learn why this is important](#)

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, October 11, 2024, 3:18 PM, Thomas Curry <tjcurry17@yahoo.com> wrote:

Good afternoon,

My name is Thomas Curry and I am the owner of a house located at 3223 W. 42nd Avenue. I am writing all of you to express my concerns and objections to the planned construction of a 3 story building at the corner of Mission and 43rd. This proposed project will cause even greater congestion and traffic on Mission. The parking spaces proposed are far too little to accommodate the amount of people who would be living there. Resulting in overflow on our streets. Furthermore, this project is touted as a traditional neighborhood design. I cannot tell you of any other 3 story building in the neighborhood.

Before approving any sort of project like this, I would hope our city would upgrade the surrounding infrastructure and improve the capacity of Mission road and the 43rd street area to accommodate the inevitable increase in traffic to an already overtaxed intersection and road system. If any of you intend to approve this project, as is. I would ask you to come to this intersection on a weekday around 5:30-6 pm and see what a complete mess it is and how far traffic is backed up. See how hard it is to get onto my street from Mission, heading north...

- Thomas J. Curry

Sent from Yahoo Mail for iPhone

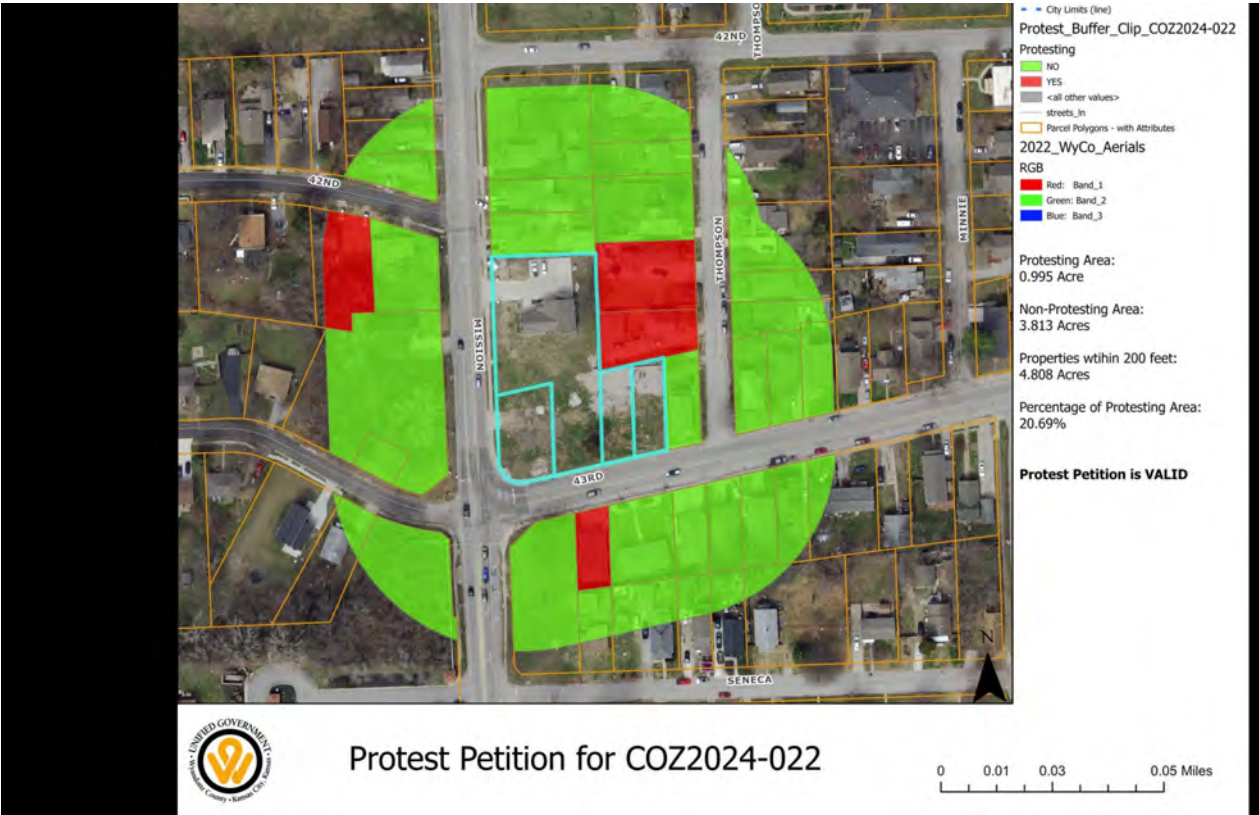
As a concerned resident of Wy Co. I'm most concerned about the congestion already at 43rd & Mission Rd. I wonder has the zoning commission taken into account all that needs to be considered? I understand this area @ 43rd & Mission Rd is the fourth most walkable neighborhood in KCKS and my understanding of this is having a walk score of 47 means that a car is needed to run simple errands.

What impact will those traveling north & south from the I-35 ramps and south onto Mission Rd., as well as traveling north from Mission Rd to enter onto I-35 North & South and S/W Blvd; also vehicles traveling from the east from Westport & Plaza areas; St. Lukes and KU Med Center? Has it been made public how many vehicles go past this intersection on Monday through Friday each week? I hear sirens from fire trucks & ambulances at least twice daily on Mission Rd. If someone would take the time to monitor how many vehicles yield to flashing lights & sirens in KCK they would be amazed at how many don't. **Add that to a street with only one lane dedicated to follow each direction; you are putting the public at risk; especially children and the many pedestrians. I don't know who came up with this plan but I pray to God you will reconsider.**

Frank Rushton School is at 2605 W. 43rd. and the S/E corner dwelling at 43Rd & Mission is 3111. The teachers actually teach our children to walk south on Mission Rd. and then up to 43rd to the school. Also, where are all the vehicles for this 3 story apartment building going to park? We use on street parking for home owners and visitors on one side only on 42nd St. and 43rd. Ave.

God help us if you allow this to go forward. There's plenty of vacant land in Wyandotte Co. that isn't this congested - I suggest you go back to the planning stages with your favored developers.

Deloris (Jean) Brown
3131 W. 43rd. Ave.





Amended
Department of Planning + Urban Design
Unified Government of Wyandotte County and 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

UG CLERK'S OFFICE
OCT 28 '24 4:08:16

Protest Petition

Prior to filing this Protest Petition, please refer to the attached Protest Petition Guidelines and ensure all of the required procedures have been followed. **If you have any questions or need assistance, reach out to the Department of Planning + Urban Design at (913) 573-5750 or planninginfo@wycokck.org.**

Contact Information of person submitting the protest.

The Protest Petition process frequently requires dialogue between Unified Government Staff and the protest petition representative. To properly facilitate this dialogue, please provide the following contact information.

Name: John Bouchey Street Address: 4224 Thompson St.
Telephone: 913 229-5053 Email: electricolive@live.com

Protest Petition

Protest Petition against Change of Zone or Special Use Permit Petition Case Number you wish to protest: COZ2024-022 (BOEA 2024-020 + PR 2024-017)

We, the undersigned owners of property, do hereby protest the above referenced application at the following address: 4225 Mission Rd.

We, the undersigned record owners of property, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within 14 days from the hearing date where the final recommendation of the City Planning Commission regarding this application was passed.

Further, we realize that this Petition is in opposition to the application and our signatures cannot be removed after filing, unless certain lawful actions are taken to remove the Protest Petition. This Petition may be pursuant to the laws of Kansas, K.S.A. 12-757, and of the Unified Government of Wyandotte County/Kansas City, Kansas 27-210(a)(8) and shall be subject to the rules contained therein.

We, the undersigned, are the owners of real property located within the statutory area of notification related to the area for which a zoning amendment is sought, whereby, our signatures shall hereafter be verified as true and correct signatures in order for this Protest Petition to be valid.

Protest Petition

Protest Petition Acknowledgement

Affidavit, Property Owner Consent Form

State of Kansas)
County of Wyandotte) SS: 512-94-2212
Comes now Rebecca Bouchey
(Protest Petition Representative)

being first duly sworn, under oath, depose and state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition, that I personally witnessed their signature, and that to the best of my knowledge the signers of the Protest Petition are the record owners of land located within the statutory area for this application.

Further affiant saith not.

Rebecca Bouchey
Affiant

Subscribed in my presence and sworn before me on this 24th day of OCT,
2024, in the County of Johnson, State of Kansas

My commission expires 16th of AUG, 2027

Notary Public: [Signature]
REX T. PAGE
Notary Public-State of Kansas
My Appl. Expires 06/16/27

Please note that all signatures, print, descriptions and contact information must be legible.

1

Petition Number:

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
	John Bouchey John P. Bouchey	4224 Thompson St. 112435	electricolive@live.com 913-289-5053	10/28/24
	Michael A. Ortiz	4224 Thompson St. 112435		
	Michael A. Ortiz	4224 Thompson St. 112433		
	Marilyn Ortiz	4216 Thompson St. 112433		
	Garrett Scarlett	4200 Thompson St. 112428	garrett.scarlett@gmail.com 785-640-5961	10/25/2024
	Ashley R. Scarlett	4200 Thompson St. 112428	ashleyrscarlett@gmail.com	10/23/24
	Old Glory Development Co	2941 W 43rd Ave 113394	georgiesmest@gmail.com 816-820-0085	10/24/24
	Stephen D. Smith	311 W 42nd Ave	smithwbros@aol.com 913-832-9171	10/24/24
	Stephen D. Smith			

Protest Petition

Petition Number:

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
Thomas M Wilson	THOMAS M WILSON	4221 S Thompson St.	TOM 3825 FUN @ 9 mail.com 913-593-3413	10/25
Thomas M Wilson	THOMAS M WILSON	4217 S Thompson St.	TOM 3825 FUN @ 9 mail.com 913-593-3413	10/25
Thomas M Wilson	THOMAS M WILSON	4207 S Thompson St.	TOM 3825 FUN @ 9 mail.com 913-593-3413	10/25
		2910 W 43rd St.		



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: November 7, 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, Kansas 66210

Subject Property:

1930 South 74th Street
Kansas City, Kansas 66106

Requested Action and Purpose:

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

Commission Districts:

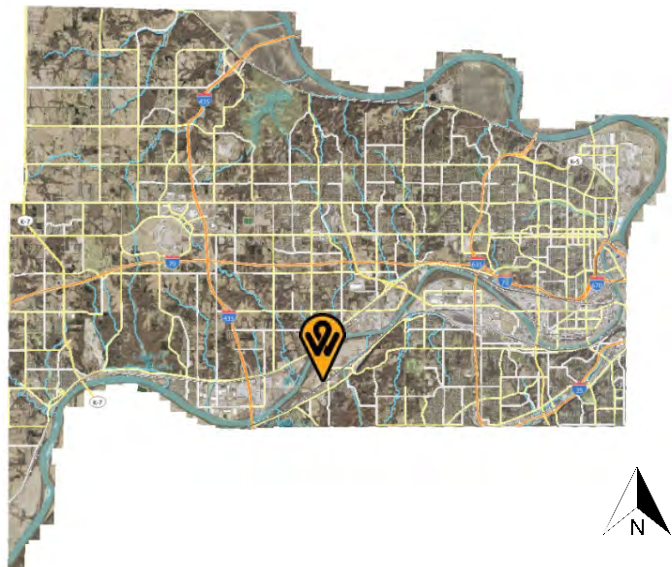
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Phillip Lopez

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:	<u>The Wyandotte Echo</u> – July 18, 2024 <u>Letters to Property Owners</u> – July 19, 2024 and September 7, 2024
Public Hearings:	August 12, 2024, August 29, 2024, October 14, 2024, and November 7, 2024.
Public Support:	None to date.
Public Opposition:	Two (2) people appeared at the October 14, 2024, City Planning Commission meeting.

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 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. *The 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 would 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 1 to recommend **APPROVAL** of Change of Zone Application COZ2024-023, subject to:

1. Drive aisles must be paved with asphalt or concrete;
2. The areas around the cul-de-sac on property may not be used for storage, unless millings are placed around the cul-de-sac;
3. No storage shall occur in areas not raised out of the floodplain;
4. The fencing shall be upgraded to floodplain compliant standards;
5. A sidewalk shall be provided along the South 74th Street frontage. This may be delayed until adjoining sidewalks are constructed;
6. Landscaping shall be provided along the eastern and western property lines, in addition to whereas shown on the landscape plan. A revised landscape plan shall be provided prior to publication of the ordinance;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. 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;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. 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;
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. 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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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

October 14, 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 (Approved) October 14, 2024 Approval	August 29, 2024 (Remanded to CPC) October 30, 2024

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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 40:00:

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 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 October 14, 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.

Planner Molloy 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

Questions were directed to the Applicant and Staff.

Present in Opposition:

- Sheila Bunnell, 7028 Berry Road, Kansas City, Kansas 66106
- Karen Schibi, 3101 South 54th Street, Kansas City, Kansas

Staff Recommendation starts at 55:51: Planning Director Hand stated that this case was heard in conjunction with Plan Review PR2024-018 before it was remanded, which was ultimately approved by the City Planning Commission. The request is to change the zoning from R-1 Single Family District to MP-2 Planned General Industrial District. He

stated with the planned zoning, any other project that was proposed in the future would be required to file a preliminary and final plan review. The property is in the PlanKCK area in the Turner/Morris neighborhood. Staff received no letters in support and there has been opposition. There were Notices of Violation on this site related to the trailers parked inside the fence and that is what triggered this Change of Zone Application. The last person that spoke in opposition mentioned another address and Code Enforcement is checking into that situation. This parcel has been industrial for decades. This area has never had an Area Plan and has fallen under the Comprehensive Plan. Most of the industrial zoning in this area is between the railroad tracks and Holliday Drive. Most of the rezoning that has occurred matches the land use that already exists approximate to Holliday. He stated in response to one of the land use designation questions from the opposition, outside storage requires an industrial zoning designation. Staff recommends approved, subject to the conditions in the staff report.

Motion starts at 59:05:

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

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1

Subject to:

- 1. Drive aisles must be paved with asphalt or concrete;**
- 2. The areas around the cul-de-sac on property may not be used for storage, unless millings are placed around the cul-de-sac;**
- 3. No storage shall occur in areas not raised out of the floodplain;**
- 4. The fencing shall be upgraded to floodplain compliant standards;**
- 5. A sidewalk shall be provided along the South 74th Street frontage. This may be delayed until adjoining sidewalks are constructed;**
- 6. Landscaping shall be provided along the eastern and western property lines, in addition to whereas shown on the landscape plan. A revised landscape plan shall be provided prior to publication of the ordinance;**
- 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building**

Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. 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;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. 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;
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. 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;
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. 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;

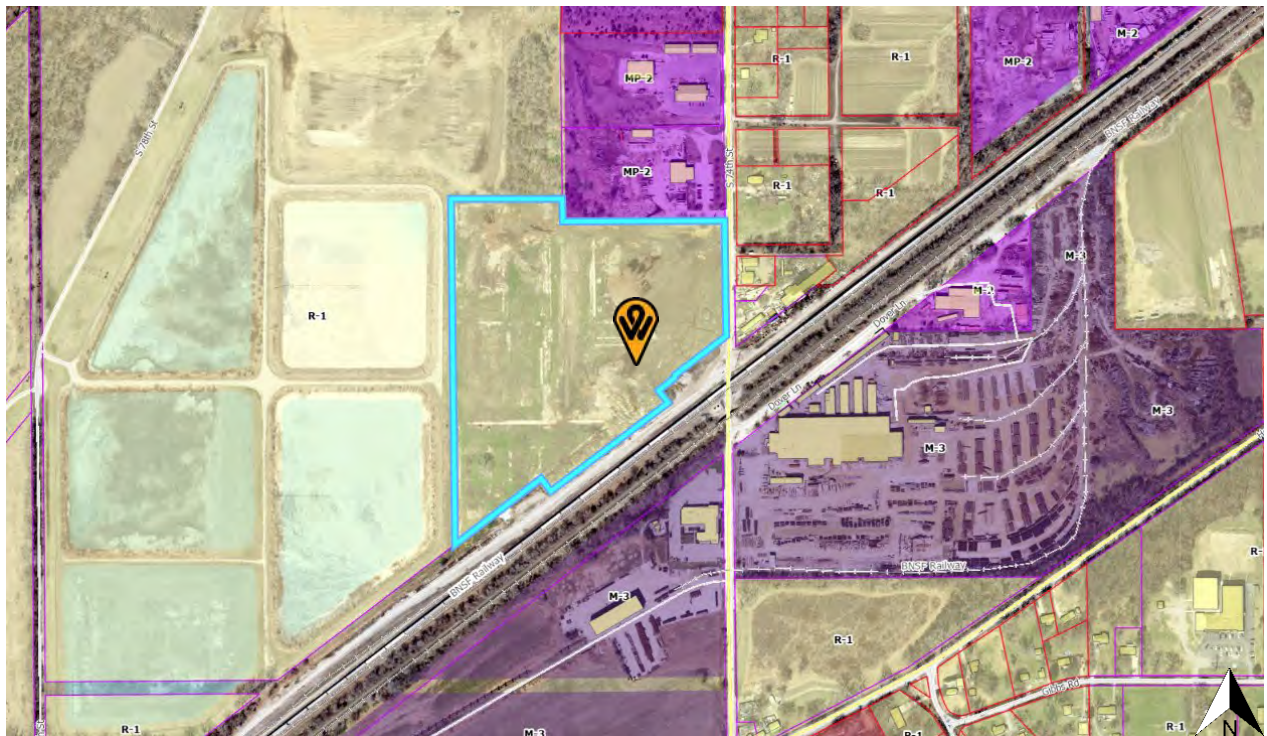
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty 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,
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.

ATTACHMENTS

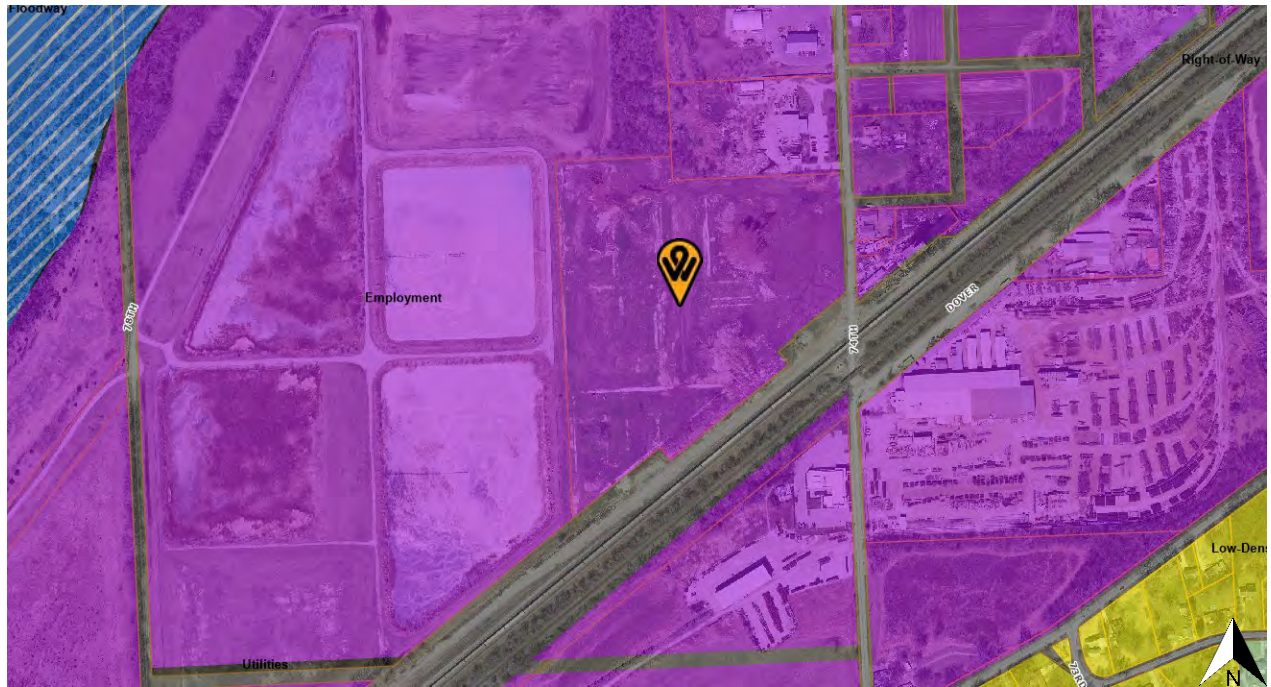
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

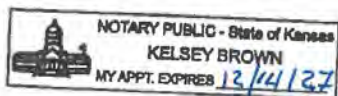
Comes now Brian J. Hochstein, of lawful age, sound mind and upon his/her oath states as follows:

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

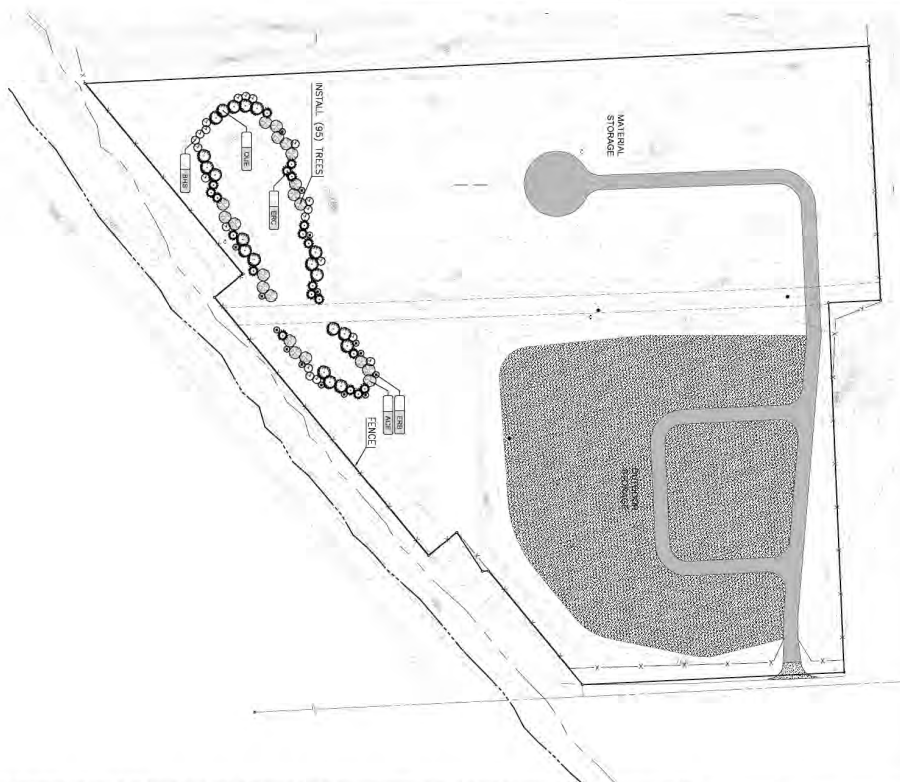
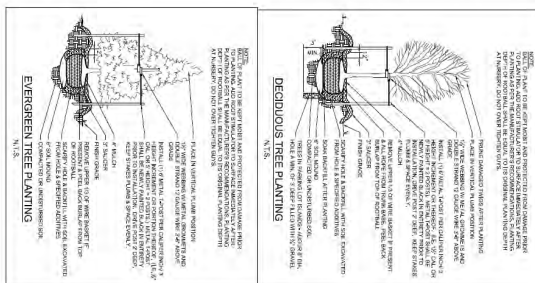
11827 W. 112th St., Ste. 200 • Overland Park, KS 66210 • T 913.317.9390 • F 913.317.9385 • MKEC.COM



CO2024-023



CO2024-023

[illegible][illegible]

REZONING & FINAL DEVELOPMENT PLANS FOR 1930 OUTDOOR STORAGE 1930 S 74th Street, Kansas City, KS			 Michael, Kempner & Eckert, P.C. 1930 S 74th Street, Kansas City, MO 64111
LANDSCAPE PLAN	PROJECT NO.: 24020100000000000000 SCALE: 1" = 80' DRAWING: 1930 OUTDOOR STORAGE JLB BJB BSH		
SHEET NO. L01	TOTAL SHEETS: 1		

LETTER OF MAP REVISIONS

Page 1 of 3	Date: November 28, 2023	Case No.: 24-07-0047A	LOMR-F
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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						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;">COMMUNITY</td> <td style="padding: 5px;">CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS</td> </tr> <tr> <td></td> <td style="padding: 5px;">COMMUNITY NO.: 200363</td> </tr> <tr> <td style="text-align: center;">AFFECTED MAP PANEL</td> <td style="padding: 5px;"> NUMBER: 20209C0134E; 20209C0145E DATE: 9/2/2015; 9/2/2015 </td> </tr> </table>	COMMUNITY	CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS		COMMUNITY NO.: 200363	AFFECTED MAP PANEL	NUMBER: 20209C0134E; 20209C0145E DATE: 9/2/2015; 9/2/2015	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	CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS						
	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: November 7, 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:

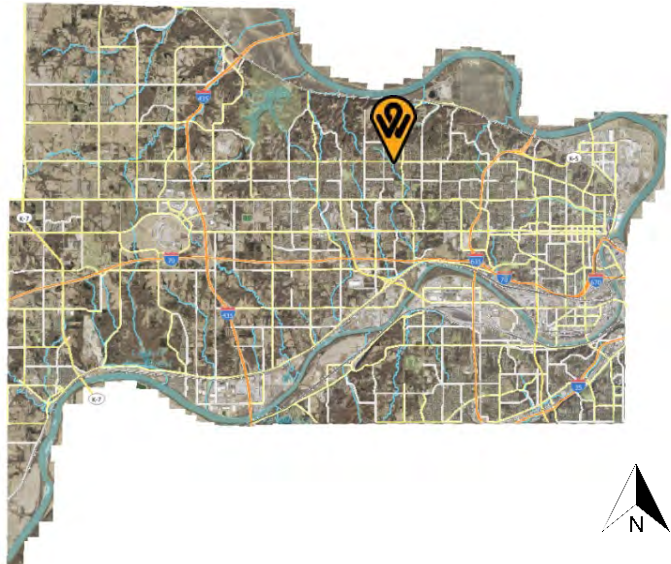
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

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 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 and September 7, 2024
Public Hearing:	August 12, 2024, August 29, 2024, October 14, 2024 and November 7, 2024
Public Support:	None to date.
Public Opposition:	No one appeared at the October 14, 2024, City Planning Commission Meeting. We received letters from the Leavenworth Road Association + members in opposition (attached).

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 – Pot Holes
 - g. 2010 – 10200-02005 – Environment – Pot Holes
 - 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 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 8 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-047, **for one (1) year**, 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 12:00AM on Friday and Saturday and no later than 6:00pm on Weekdays and Sunday;
12. Doors and windows must stay closed during any entertainment performance;
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 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;
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 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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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

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
Letters in Opposition from LRA + Members

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 (Approved) October 14, 2024 Approval	August 29, 2024 (Remanded) October 30, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:18:37:

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 October 14, 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;
7. The Notices to property owners;
8. The prior testimony at the City Planning Commission and Board of Commissioners meetings; and,
9. The communication from Lou Braswell with LRA in opposition.

Planner Molloy stated that the Planning Commission recommended approval of this application at the August meeting, and the Board of Commissioners referred it back to the Planning Commission at the August 29, 2024, meeting for rehearing regarding noise and operation of the event space and the conditions of Staff.

Planner Molloy asked if the Commission had any contact to disclose on this application. Commissioner Beth said he had contact with the Leavenworth Road Association and citizens in opposition.

Present in Support:

- Selena Umana, applicant, 21288 West 112th Terrace, Olathe, Kansas

Questions were directed to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:30:16: Planning Director Hand stated that this is a Special Use Permit for an event space with live entertainment. The property is in the PlanKCK area in North Midtown neighborhood just off Leavenworth Road. Staff received no letters in support and letters in opposition. There is a history of Notices of Violation

with previous owners, so Staff looks forward to new ownership and better management. Staff recommends approval for one (1) year subject to the amended conditions of approval.

Motion starts at 1:31:15:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-047 for one (1) year:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 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 12:00AM on Friday and Saturday**

- and no later than 6:00pm on Weekdays and Sunday;
12. Doors and windows must stay closed during any entertainment performance;
 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;
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 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;
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 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 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;
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

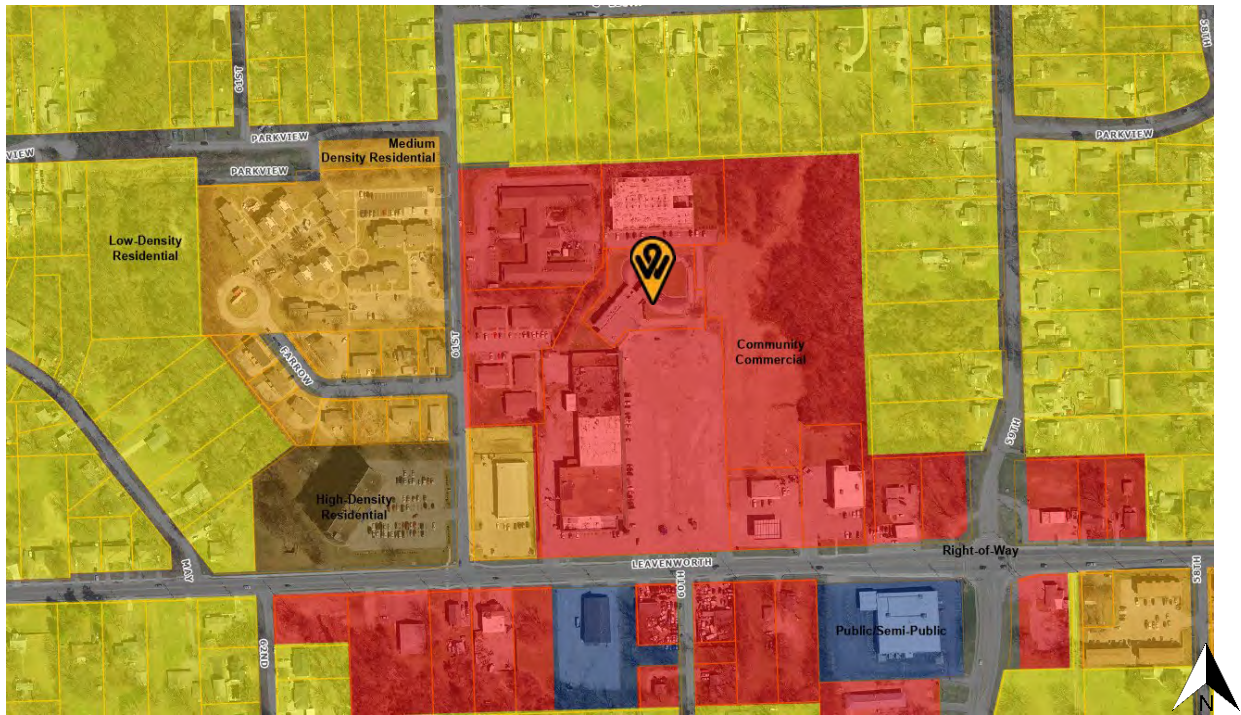
AERIAL IMAGERY



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 Umada 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.

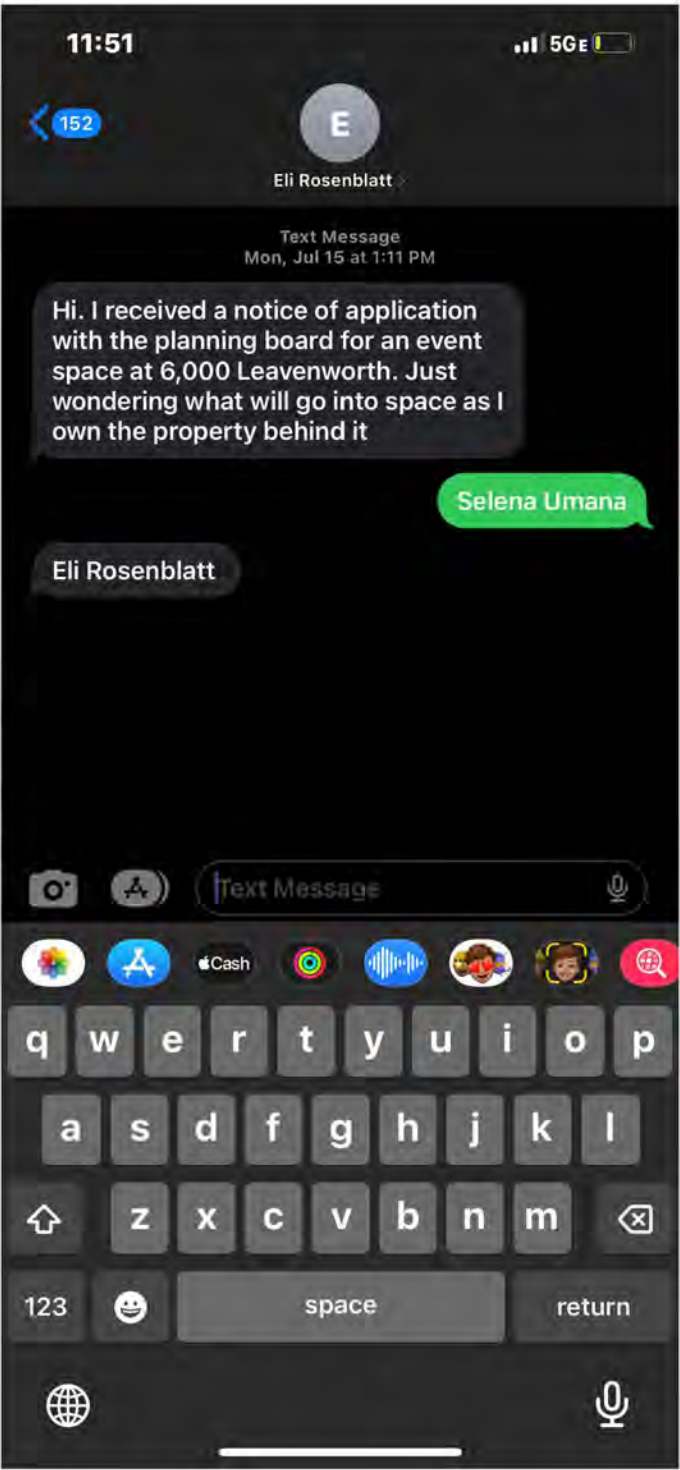
I look forward to seeing you at the neighborhood meeting. If you are unable to attend and would like to discuss any concerns or need further information, please **send a text message to 913-749-2632** to schedule a call or email me at selena@sightinv.com.

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.

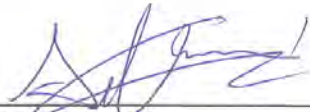
AFFIDAVIT – NEIGHBORHOOD MEETING

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, 2002024
My commission expires 15th of August, 2002025.



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



ARCHITECTURAL DESIGN
PARSONS GRADUATE
COLLEGE
XIS

333 SE Ashburn Dr.
 Lees Summit, MO 64063
 816-496-2677
lsadm@poearthlink.net

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



LRA Opposition

From: Lou Braswell (lrack@sbcglobal.net)

To: lrack@sbcglobal.net

Date: Wednesday, September 4, 2024 at 10:13 AM CDT

Please find attached Leavenworth Road Assn. documentation in OPPOSITION to the proposed Event Center at 6000 Leavenworth Rd.

Of our 11 member board, we have 10 opposed and 1 that did not vote.

Our reasoning::

Not a good fit

She continues with untruths in her answers

Note: at the 12 P&Z commission meeting she stated Leav. Rd. Assn. was in support of her project. She had not contacted LRA at any time. The 1st time she called was Aug. 30th. We did talk, I asked why she claimed LRA's support, her answer was "I never said that". Untruth!

I asked about security, her answer was she would have security at MOST events. Will it be licensed security? Answer was avoided completely; So I am thinking more like "bar bouncer" type security.

She states yes there will be alcohol, but only in the building. She also mentions food trucks but no one will go out with their drinks. Never the less food trucks brings loud music.

Still not a good fit, plus so many untruths will lead to possible broken guidelines.

She continues to use "we" but never answered who "we" are other than herself. Is there someone else that possibly would not pass any of the alcohol licensing?

Please pass this LRA opposition to the P&Z commissioners,

Louetta (Lou) Braswell
LRA Director

Together WE Can, Together WE Will

Re: [EXT]Re: Another RUSH request

From: Herman Lloyd (hlloyd@kckcc.edu)

To: flavender.fl@gmail.com; Irakck@sbcglobal.net

Cc: xquzme@att.net; jlbrownlee1721@gmail.com; jag3638@msn.com; jcantwell41@gmail.com; terrimurray99@gmail.com; mikerodina@gmail.com; bmurray880@gmail.com; dkaster54@icloud.com; cindi@varsitysportskck.com

Date: Tuesday, September 3, 2024 at 02:56 PM CDT

I oppose.

Herman Lloyd

From: Frank Lavender <flavender.fl@gmail.com>

Sent: Saturday, August 31, 2024 2:11 PM

To: Lou Braswell <Irakck@sbcglobal.net>

Cc: Louetta Braswell <xquzme@att.net>; Jeff Brownlee <jlbrownlee1721@gmail.com>; JOHN ZAWACKI <jag3638@msn.com>; John Cantwell <jcantwell41@gmail.com>; Terri Murray <terrimumray99@gmail.com>; Mike Rodina <mikerodina@gmail.com>; Bill Murray <bmurray880@gmail.com>; Herman Lloyd <hlloyd@kckcc.edu>; Dixie Kaster <dkaster54@icloud.com>; Jim Woods <cindi@varsitysportskck.com>

Subject: [EXT]Re: Another RUSH request

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

CAUTION: This email originated outside KCKCC. Do not click links or open attachments unless you know the content is safe. Please forward all suspicious emails to support@kckcc.edu.

I oppose, FrankLavender

On Sat, Aug 31, 2024, 12:27 PM Lou Braswell <Irakck@sbcglobal.net> wrote:

Please read & respond!

We have a proposal for a "Event center" to go in the former bank building at 6000 Lv. Rd.. It was before the Planning and Zoning August 12. Then it was before the Commissioners August 29. The Commissioners sent it back to P&Z. The person presenting the project at the P&Z meeting said she had the approval of Leavenworth Road Association (which definitely was an untruth, since the 1st and only time I have talked to her was today, August 31). She has not been able to answer questions presented to her or each time they get a different answer. Yes she plans to have alcohol at the events, yes some of the events will have security (but WILL NOT clarify IF it is licensed security) She would like to have food trucks, but no alcohol will ever be outside the building, yeah right. What I am saying is.....she is trying to say what sounds good at the time, but her hesitate answers changes accordingly. We have not been able to get names or partners who she is dealing with and from her vague answers and untruths I feel it is not her project alone, if at all. She has

implied it will be an event center with lots of music by the attendees. The Commissioners drilled her on trying to get answers, asked her why she has not contacted LRA and sent it back to P&Z.

This being the reason for this QUICK RESPONSE REQUEST, it goes back to P&Z on September 9. I would like for Board members to respond with their OPPOSE or SUPPORT vote by Sept. 5th so I can notify P&Z commission, the UG Commissioners and Selena Omana of LRA status on this project.

My vote will be to OPPOSE it, due to the type of facility and lack of accurate information and her claim that LRA was 100% supportive.

**PLEASE REPLY QUICKLY WITH YOUR VOTE OF
OPPOSE PROJECT or SUPPORT PROJECT by E-MAIL
OR TEXT BY THURSDAY SEPT. 5**

I know it is a holiday weekend but we need to act fast.

Lou

Re: [EXT]Re: Another RUSH request

Herman Lloyd

From: hllloyd@kckcc.edu

To: Frank Lavender, Lou Braswell

Cc: Louetta Braswell, Jeff Brownlee, JOHN ZAWACKI, John Cantwell, Terri Murray and 4 more...

I oppose.

Herman Lloyd

> Show original message

Reply. Reply All or Forward

9:31

100%



John >

Very good, very inspiring

Real sorry I missed it. I could
just hardly stand up.

I bet, you probably over
done yourself this week.

Tue, Aug 20 at 5:11 PM

Don't forget tonight's
special called board 

Saturday 1:07 PM

Read your email and VOTE
before the 5th. Good luck
with your surgery!!!

Saturday 2:45 PM

I am in opposition to this.



Thanks



Text Message



Archive Move Delete Spam ...

6

[Show original message](#)



Hide

> Show original message.



Due to the evasive answers and false claims of LFA, support I oppose the proposed event center.

X

From: Dixie Kaster (dkaster54@icloud.com)

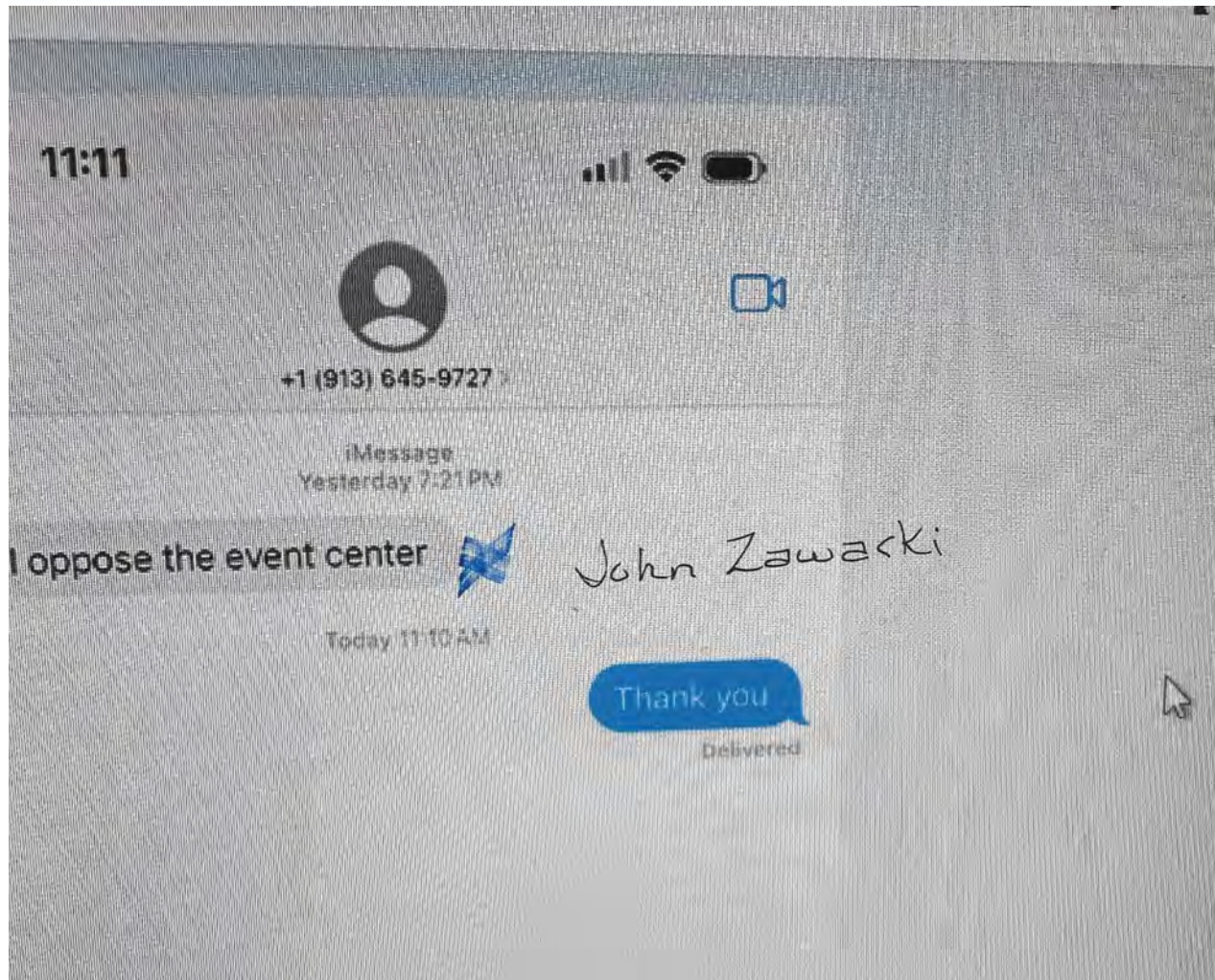
To: lrakck@sbcglobal.net; lrakck@sbcglobal.net

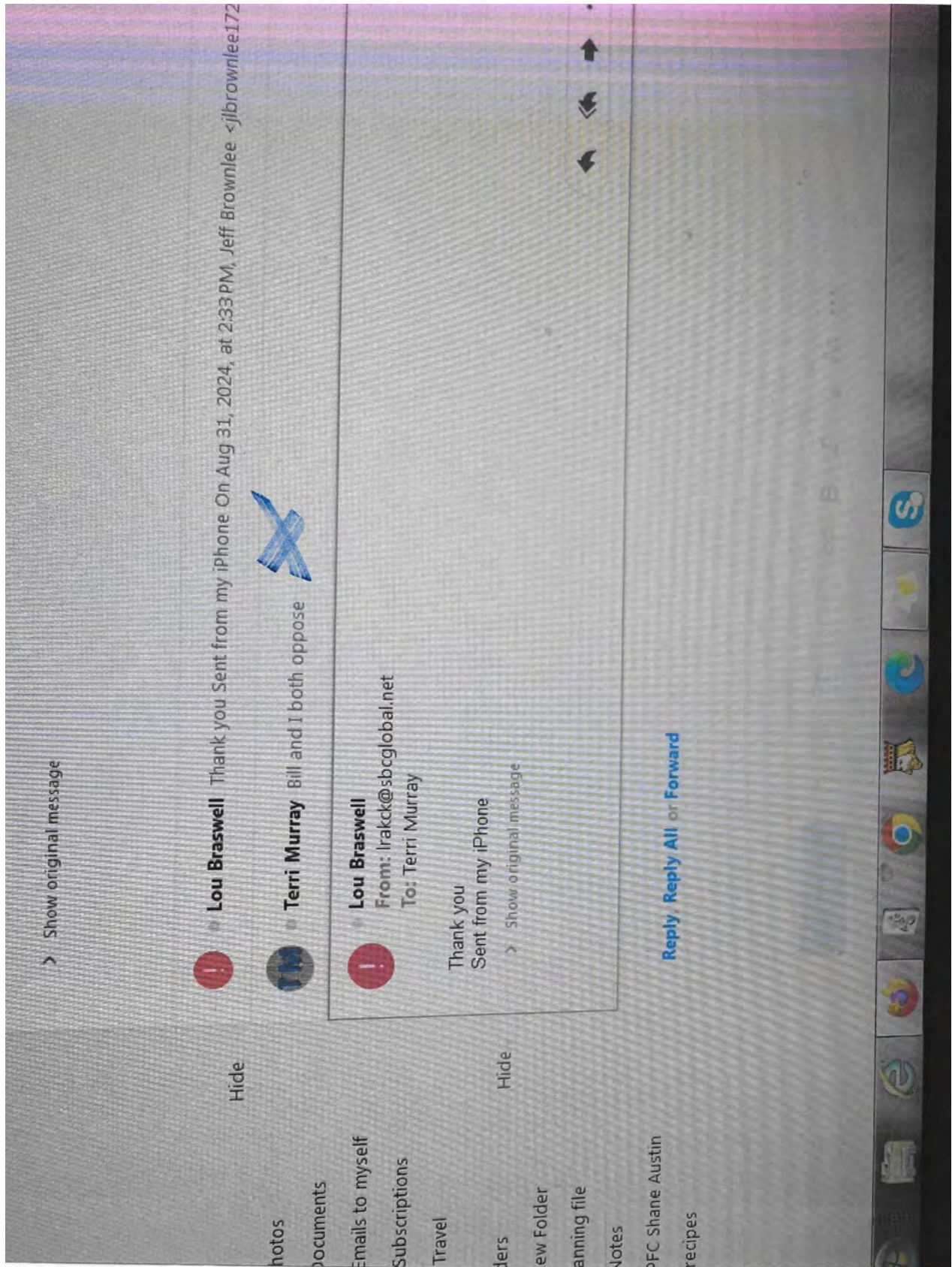
Date: Saturday, August 31, 2024 at 05:00 PM CDT



I oppose this project

Sent from my iPhone









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: November 7, 2024

Re: Special Use Permit Petition SP2024-064

GENERAL INFORMATION

Applicant Information:

Ublester Gonzalez
Owner, Elite Audio
1315 State Avenue
Kansas City, Kansas 66102

Subject Property:

1315 State Avenue
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of a Special Use Permit for
a car audio installation shop.

Commission Districts:

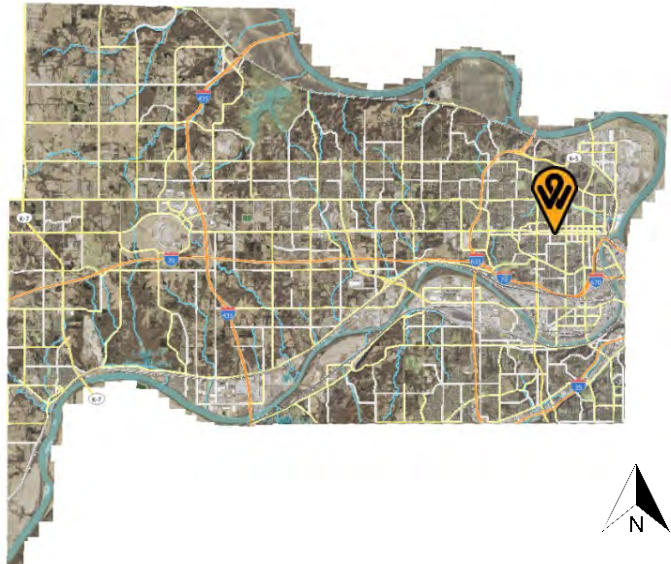
At-Large District #2:
Tom Burroughs
District #2 Commissioner:
William (Bill) Burns

Existing Zoning District(s):

C-3 Commercial Districts

Plan Area:

Downtown Area Plan



	Adjacent Zoning	Adjacent Uses
North	C-3 Commercial District	Restaurant
South	C-3 Commercial District	Commercial Business
East	C-3 Commercial District	Commercial Business
West	C-3 Commercial District	Car Repair Shop

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Downtown Area Plan designates this property as Urban Residential. This allows for higher density residential, typically attached units such as townhomes or stacked flats.

Major Street Plan: The goDotte Mobility Plan designates State Avenue as a Major Arterial.

Parking Requirement: 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. One (1) per every 25 spaces must be ADA accessible. One (1) out of every six (6) ADA spaces must be van accessible. The approximate size of the building is 1,205 square feet. Based on this assessment, four (4) spaces are required. The property provides six (6) 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”. There is 7,085 square feet of site area, which requires one (1) tree. Three (3) trees are provided.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition: One (1) person appeared in opposition at the October 14, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ublester Gonzalez, is requesting a Special Use Permit to operate a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023. The applicant's previous renewal attempt was denied by the Board of County Commissioners on September 28, 2023.

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 several calls for police service on the property, however, no calls appear to be routed to the subject address or business.

Building, Zoning, or Code Enforcement Complaints:

1. There are several Notices of Violation on the subject property, however, all but one (1) are related to the other business(es) on the subject property.
 - a. ZONE2022-052 – Zoning Citation – Unpermitted Feather Signs

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2020-100) for two (2) years in 2021 for a car audio installation business.
2. Denial of a Special Use Permit (SP2023-044) in 2024 for a car audio installation business.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the Strugglers Hill-Roots and Historic Northeast-Midtown neighborhood group. The character of the neighborhood is commercial in nature with several businesses along State Avenue. This portion of State Avenue is the commercial corridor between 7th Street Trafficway and 18th Street.

- 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 laid out above. The proposed use is expected to be compatible as the property is near several other higher intensity commercial businesses. The use, however, is discouraged as part of the Downtown Area Plan, in favor of mixed-use, pedestrian development.

- 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 is suitable for the use to which it has been restricted because it is in a commercial area along a Class B Thoroughfare. The removal of the restrictions will not detrimentally affect nearby property as long as the noise is mitigated, and the site is managed properly.

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

The property has been in operation with the proposed use since 2021. The proposed use has not been permitted since 2023.

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

The Downtown Area Plan designates this area as Urban Residential. The proposed use does not conform to the Downtown Area Plan because it is for higher density residential uses, rather than higher intensity commercial uses; The intent of the Downtown Area Plan, however, was to slowly transition State Avenue from a high intensity commercial corridor to a dense, mixed-use corridor. Thus, staff maintains that keeping the existing plan designation is appropriate, despite the existing conflict of its current and proposed use.

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

The proposed use is not expected to increase traffic above existing levels, nor does the traffic generated exceed the capacity of State Avenue, a Major Arterial.

- 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 the convenience of a car audio installation shop, but is not reasonably necessary for the welfare of the public. It may substantially or permanently injure the appropriate use, visual quality, or marketability of

adjoining property if noise is not kept at a reasonable level and if waste materials are not disposed of properly.

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

The proposed use may cause issues of noise, vibration, or illumination if not managed properly. Dust is not expected to be an issue with the associated use because all installation activities are to occur inside the building.

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

The proposed use may pollute the air land, or water if waste is not disposed of properly.

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

The proposed use is not expected to damage or destroy an irreplaceable natural resource as it is an existing building in a built-out neighborhood.

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

The relative gain to the public health, safety and welfare is minimal as it only provides the benefit of car audio services. If denied, the applicant would not be able to use the property as a car audio installation shop but could use the property for a different type of business.

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

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval, despite the business being on hold for a year.

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

The proposed use could result in the overcrowding of land if there are too many vehicles on the property at one time. The proposed use will not result in undue concentrations of population as it is commercial in nature.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Illumination
Noise
Parking
Vibration
Calls for Police Service
Code Enforcement Citation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2024-064, **for two (2) years**, subject to:

1. Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
3. Compliance with the following Commercial Design Guidelines Standards:
 - o The streets trees on site must be trimmed;
 - o Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - o Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, 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;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing

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

8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted

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

15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2024-064** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-064** 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 **SP2024-064**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:42:53:

SPECIAL USE PERMIT APPLICATION SP2024-064 – WENDY GONZALEZ – SYNOPSIS: Special Use Permit for a car audio installation business at 1315 State Avenue. *Detailed Outline of Requested Action:* The applicant, Ublester Gonzalez, is requesting a Special Use Permit to operate a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023. The applicant's previous renewal attempt was denied by the Board of County Commissioners on September 28, 2023.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Ublester Gonzalez, representing his wife, Wendy Gonzalez, 1876 Armstrong Avenue, Kansas City, Kansas

Questions were directed to Mr. Gonzalez.

Present in Opposition:

- Jerry Vest, 1313 State Avenue, Kansas City, Kansas

Mr. Gonzalez responded to the issues of Mr. Vest.

Staff Recommendation starts at 1:52:17: Planning Director Hand stated that the request is for a Special Use Permit for a car audio installation operation. A prior application was denied over a year ago, which is why the Applicant is now back to request another Special Use Permit. The property is in the Downtown Area Plan. Staff received no letters in support and no opposition until this evening. There is a history of Notices of Violation associated with this property, but this property is tied to numerous other businesses that have caused these infractions. When Staff reviewed all the violations, they did not see any directly related to this use. There were numerous related to the adjacent uses on this same parcel primarily the surface parking lot behind this building and the vacated alleyway, both of which are not associated with that business. Staff recommends approval subject to the conditions in the staff report for two (2) years.

Questions were directed to Director Hand.

Motion starts at 1:57:00:

On motion by Ms. Schwartz, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-064 for two (2) years:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 7 to 2

Subject to:

- 1. Vehicles shall not be parked on the right of way of State Avenue in front of**

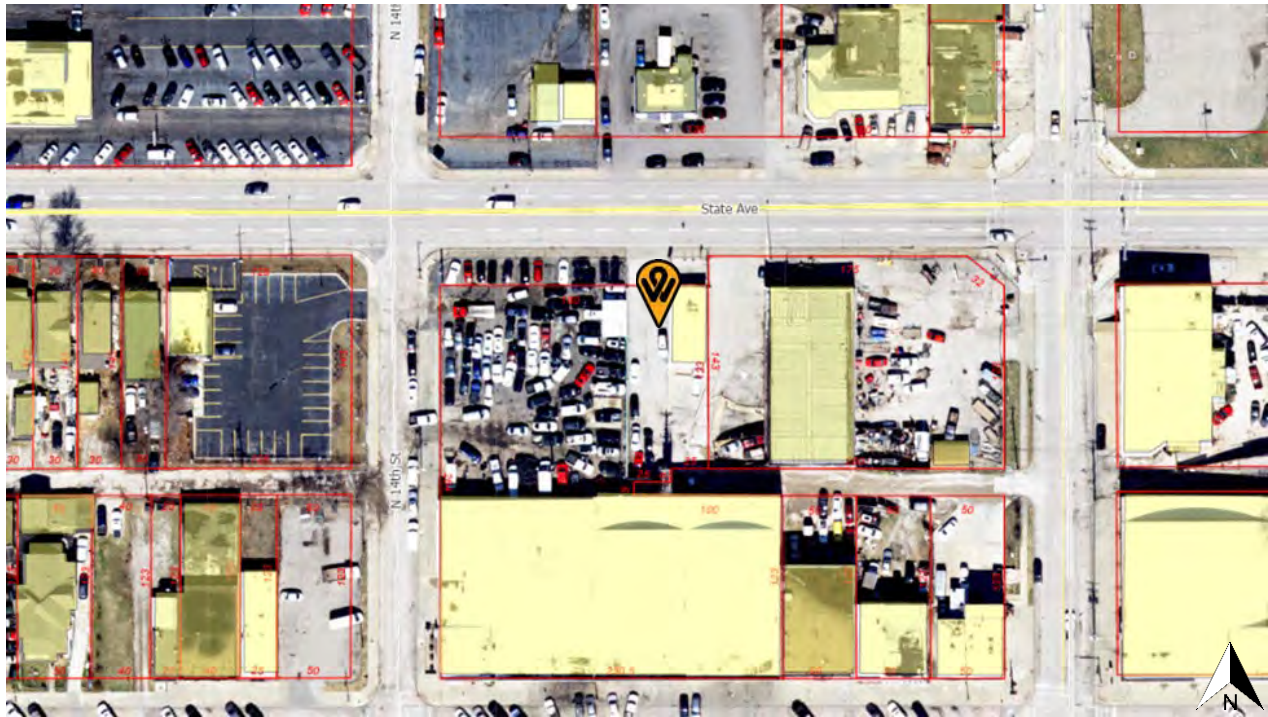
- the property. Vehicles shall not park on State Avenue at any time;
2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
 3. Compliance with the following Commercial Design Guidelines Standards:
 - o The streets trees on site must be trimmed;
 - o Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - o Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
 4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 6. If approved, 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;
 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle

storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

ATTACHMENTS

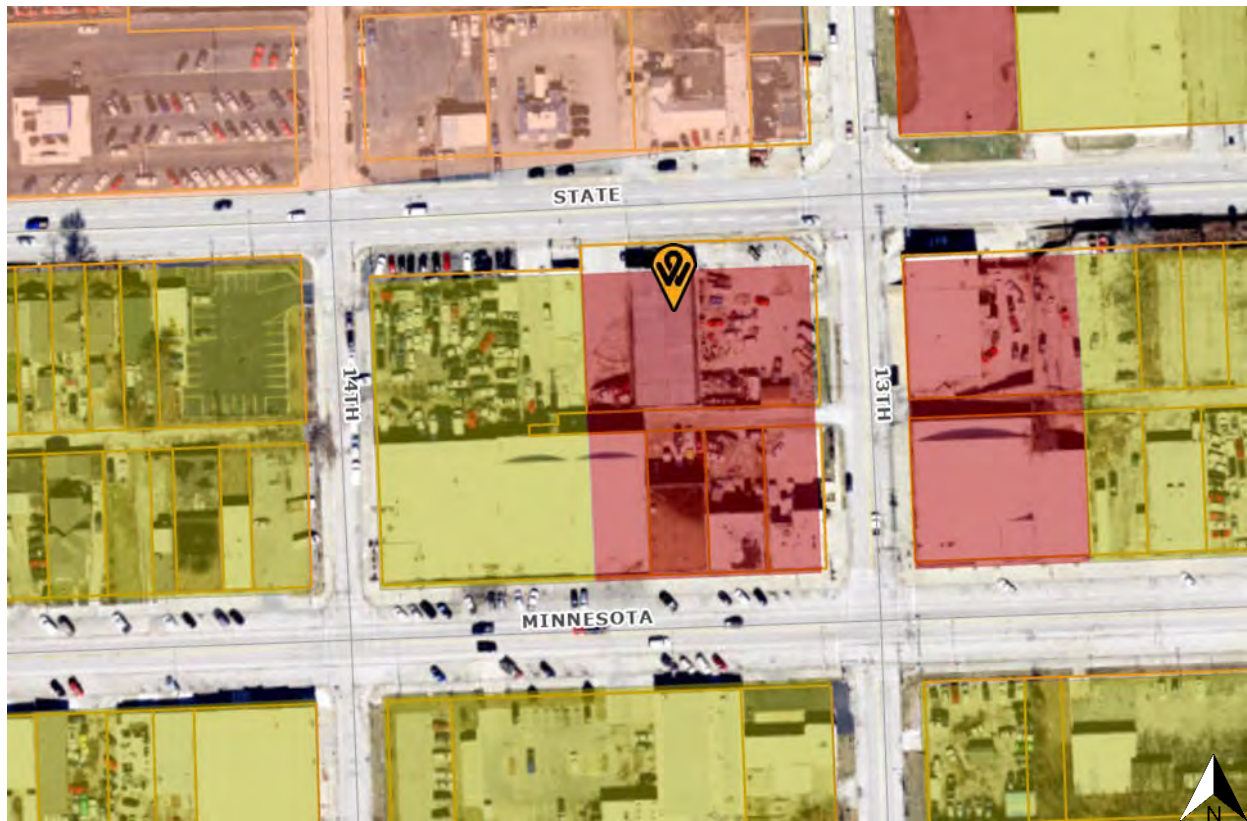
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte,) ss:

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

1. That I am the petitioner for Petition # SP2024-64
2. That I conducted a neighborhood meeting on 09-26-24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

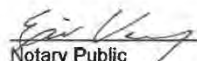
Further affiant saith not.



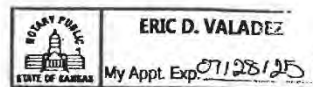
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of September 2024

My commission expires 28 of July, 2025.



Notary Public



09/27/24

meeting report

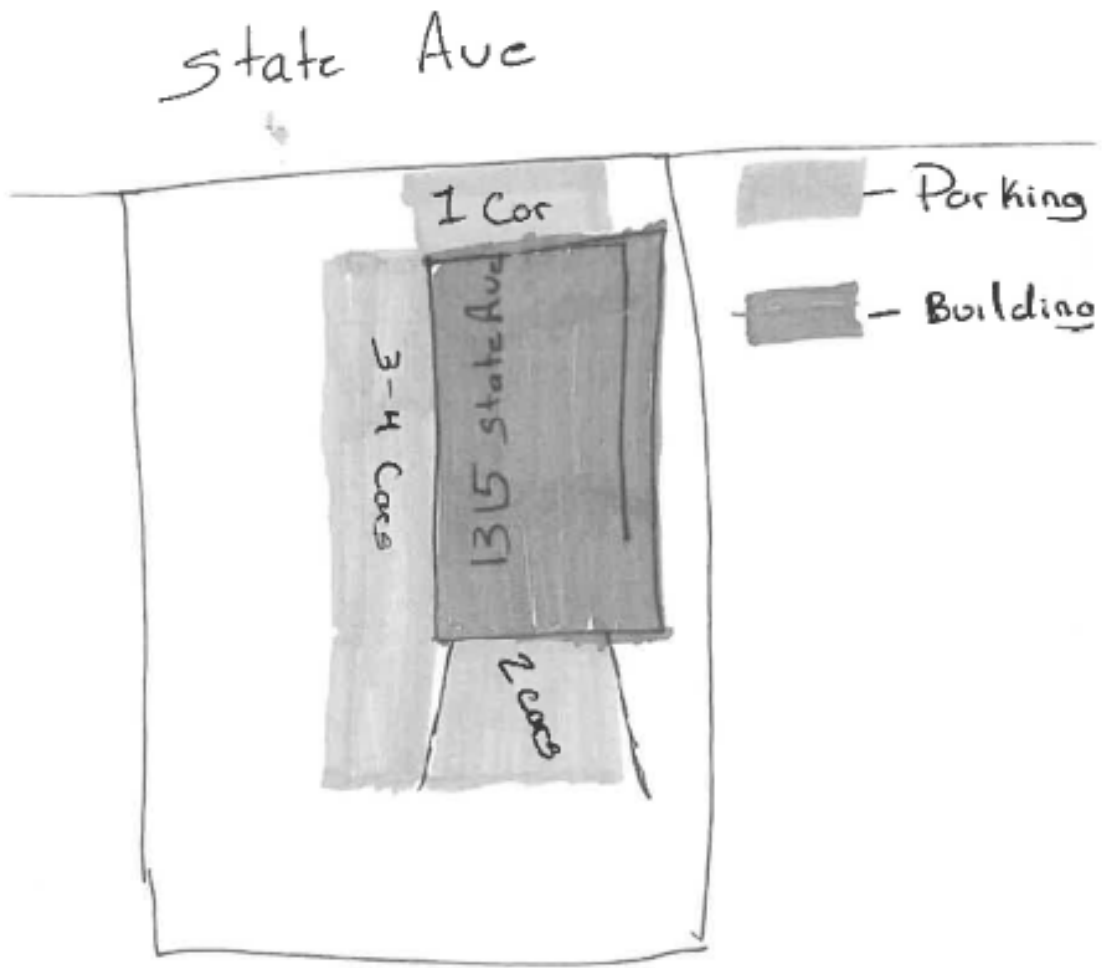
we had our neighborhood meeting on 09\26\24 from 5-6 only two persons attended

Mark shapiro 1300 state ave he said hes agree with as on reopenning our business and he wiil atend the zoom meeting next month to talk on aur favor he was here for about 10 min

Dales Auto Body 1310 state ave he said he also agree on reopening aur bussines and to call hem if we need anything from hem tha can help as on this prosses he was here for about 5 min

SITE PLAN

Diagram of Parking:



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-065

GENERAL INFORMATION

Applicant Information:

LaJoyce Calloway
Beautiful Beginnings Early Childhood
Center
3424 North 99th Street
Kansas City, Kansas 66109

Subject Property:

3424 North 99th Street
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of a Special Use Permit for
a daycare center.

Commission Districts:

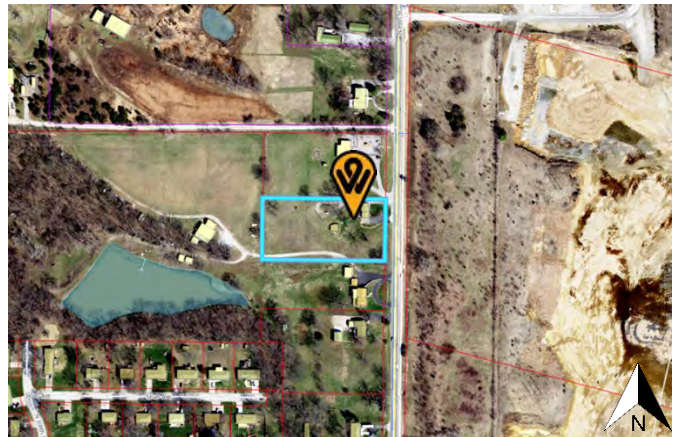
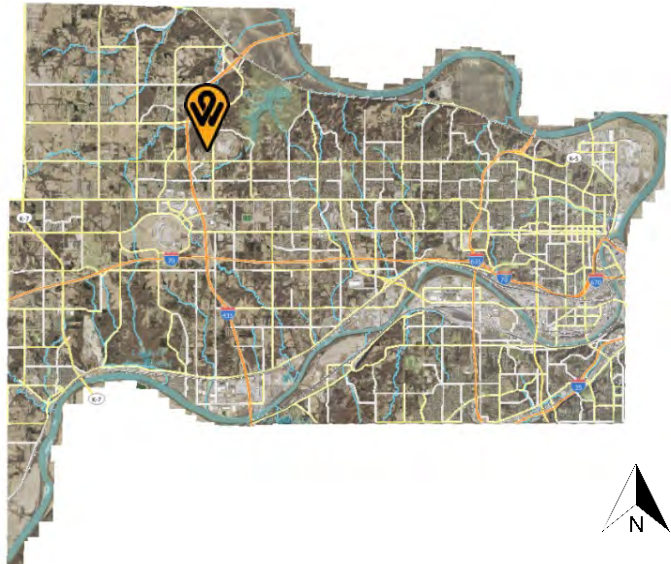
Commissioner At-Large, District #1:
Melissa Bynum
District #5: Mike Kane

Existing Zoning District(s):

A-G Agriculture District

Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	A-G Agriculture District	Daycare Facility
South	A-G Agriculture District	Single Family District
East	MP-2 Planned General Industrial District	Industrial Warehouse
West	A-G Agriculture District	Single Family District

Total Tract Size: 1.71 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Mixed Residential District, which allow patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. Public oriented uses such as schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship may also be planned within a mixed residential development.

Major Street Plan: The goDotte Mobility Plan designates North 99th Street.

Parking Requirement: Section 27-452(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”.

Section 27-668(b) states “Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the planning commission”. There are only four (4) spaces provided on property.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support:

There were three (3) persons in support at the October 14, 2024, meeting.

Public Opposition:

There were two (2) persons in opposition at the October 14, 2024, meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, LaJoyce Calloway, is requesting a Special Use Permit to operate a children's daycare at 3424 North 99th Street. This is a secondary facility to the already permitted facility directly north.

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 I-435 Statistical Neighborhood and the Leavenworth Road Association (LRA) group. The neighborhood consists of single-family residences and the I-435 Logistics Park warehouse complex. The property is north of Leavenworth Road, which runs west to Leavenworth County and east to Quindaro.

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 subject property is within the I-435 West Statistical Neighborhood and the Leavenworth Road Association (LRA) group. The area is dominated by the former Woodlands facility, now I-435 Logistics Park to the east. Other prominent features include large lot residences to the north and south, an established single-family neighborhood to the west and Wyandotte County Lake Park to the east. The applicant's existing daycare facility is also located directly north of the subject property.

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 may be reasonably suitable for the subject property with the proper modifications per local and state ordinance. The removal of restrictions is not expected to detrimentally affect nearby property.

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

The property is not vacant and has been used as a residence since construction in 1946.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Mixed Residential District, which allow patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. Public oriented uses such as schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship may also be planned within a mixed residential development. The proposed use conforms to the Area Plan designation with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, as it is a new business in an existing residence, however, it should exceed the capacity of North 99th Street, a Local Street, to accommodate it if managed properly. There are concerns, however, with on-site circulation, as it appears that the only egress/ingress onto the site is a driveway, rather than a purpose-built parking lot. The applicant shall submit a site plan showing improvements and circulation on the property.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as it provides additional childcare options for the public. It is unlikely that the use will substantially or permanently injure the use, quality, or marketability of nearby property, especially since nearby properties consist of another daycare and various industrial warehouses.

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

Noise and illumination are primary concerns with daycares, especially if the daycare facility operates earlier or later in the day. If managed properly, however, these issues should not create problems for nearby properties. Dust and vibration are not expected to be issues on the subject property.

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

The proposed use will not pollute the air, land or water as it is an existing, permitted structure. Any construction to the residence must be done in a manner that does not pollute air, land or water.

- 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, rural neighborhood.

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

The relative gain to public health, safety and welfare may be significant, as the use provides another childcare option for the community. If denied, the property owner may not use the property for a daycare, however, they can still use the building as a residence.

- 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 occupancy limits are not properly established and adhered too, and if site management is not maintained. If managed properly, however, these items should not be a major concern.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Site Plan
Floor Plan
Change of Occupancy
Amount of Children
Hours of Operation
On-Site Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-065, **for two (2) years**, subject to:

1. **The applicant is required to obtain a Change of Occupancy from the Building Inspection Division;**
2. **The applicant shall perform all required Local and State inspections as required. The applicant also, shall perform any upgrades required from other agencies;**
3. **The hours of operation shall be Monday-Friday 7:00 AM to 5:00 PM;**
4. **There shall be no more than 12 children on site. KCKFD and the Kansas State Fire Marshall will set the occupancy limit for the property, which may reduce the amount allowed;**
5. **The south driveway shall be marked with parking spots;**
6. **The north driveway shall be repaved, rather than having gravel;**
7. **The applicant shall ensure that children and activities occurring on property are setback from neighboring property lines;**
8. **A cross access agreement must be maintained with the property owner to the south/west, as their driveway crosses onto the subject property;**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

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

19. The Special Use Permit shall be valid for 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.

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 **SP2024-065** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Letters in Support
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	November 7, 2024

STAFF CONTACT:

James Molloy

jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-065** 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 **SP2024-065**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:58:41:

SPECIAL USE PERMIT APPLICATION SP2024-065 – LAJOYCE CALLOWAY WITH BEAUTIFUL BEGINNINGS EARLY CHILDHOOD – SYNOPSIS: Special Use Permit for a home-based daycare at 3424 North 99th Street. Detailed Outline of Requested Action: The applicant, LaJoyce Calloway, is requesting a Special Use Permit to operate a children's daycare at 3424 North 99th Street. This is a secondary facility to the already permitted facility directly north.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- LaJoyce Calloway, applicant, Beautiful Beginnings, 3440 North 99th Street, Kansas City, Kansas
- Monte Richardson, 3405 North 129th Street, Kansas City, Kansas 66109
- Janice Hampton, 12506 Parkview Avenue, Kansas City, Kansas
- Christy Kelsey, 10533 Kane Drive, Kansas City, Kansas

Present in Opposition/Questions:

- Taylor Aycock, 3510 North 99th Street, Kansas City, Kansas
- Gary Vestal, 3414 North 99th Street, Kansas City, Kansas

Questions were directed to the Applicant.

Staff Recommendation starts at 2:12:00: Planning Director Hand stated that Special Use Permits apply to the parcel and are specific to the use. For a children's daycare and/or nursery facilities, the following uses may be permitted under Special Use Permit in any zoning district except as specifically limited in the zoning code. He further stated that such limitations are silent for children's daycare and nursery facilities. With an approved Special Use Permit, a child's daycare can be located anywhere in the city. Regarding public comment, Special Use Permits are not indefinite, unless they are adopted as indefinite and that is rare. Director Hand stated that this Special Use Permit is recommended for two (2) years. At renewal, it can be approved for five (5) years and

then 10 years as per ordinance. During renewal any issues or expansions can be addressed through the public hearing process. Director Hand stated that this Special Use Permit is for an expansion of an existing daycare on a parcel directly abutting this property to the north. The property is in the Prairie-Delaware-Piper Area Plan. Staff had not received any letters in support nor opposition prior to this evening. There are no Notices of Violation on this property. Staff recommends approval for two (2) years subject to the conditions in the staff report including a parking plan. He stated that Mr. Aycock's point about the expansion of the commercial business onto this residential property is a valid question as to the character of the neighborhood and one to be considered in the decision-making that Staff also considered. There is CP-2 zoning further down the street and the Woodland Industrial Park across the street.

Questions were directed to Director Hand.

Motion starts at 2:20:13:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-065 for two (2) years:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1
Subject:

- 1. The applicant is required to obtain a Change of Occupancy from the Building Inspection Division;**
- 2. The applicant shall perform all required Local and State inspections as required. The applicant also, shall perform any upgrades required from other agencies;**
- 3. The hours of operation shall be Monday-Friday 7:00 AM to 5:00 PM;**
- 4. There shall be no more than 12 children on site. KCKFD and the Kansas State Fire Marshall will set the occupancy limit for the property, which may reduce the amount allowed;**
- 5. The south driveway shall be marked with parking spots;**
- 6. The north driveway shall be repaved, rather than having gravel;**
- 7. The applicant shall ensure that children and activities occurring on property are setback from neighboring property lines;**
- 8. A cross-access agreement must be maintained with the property owner to**

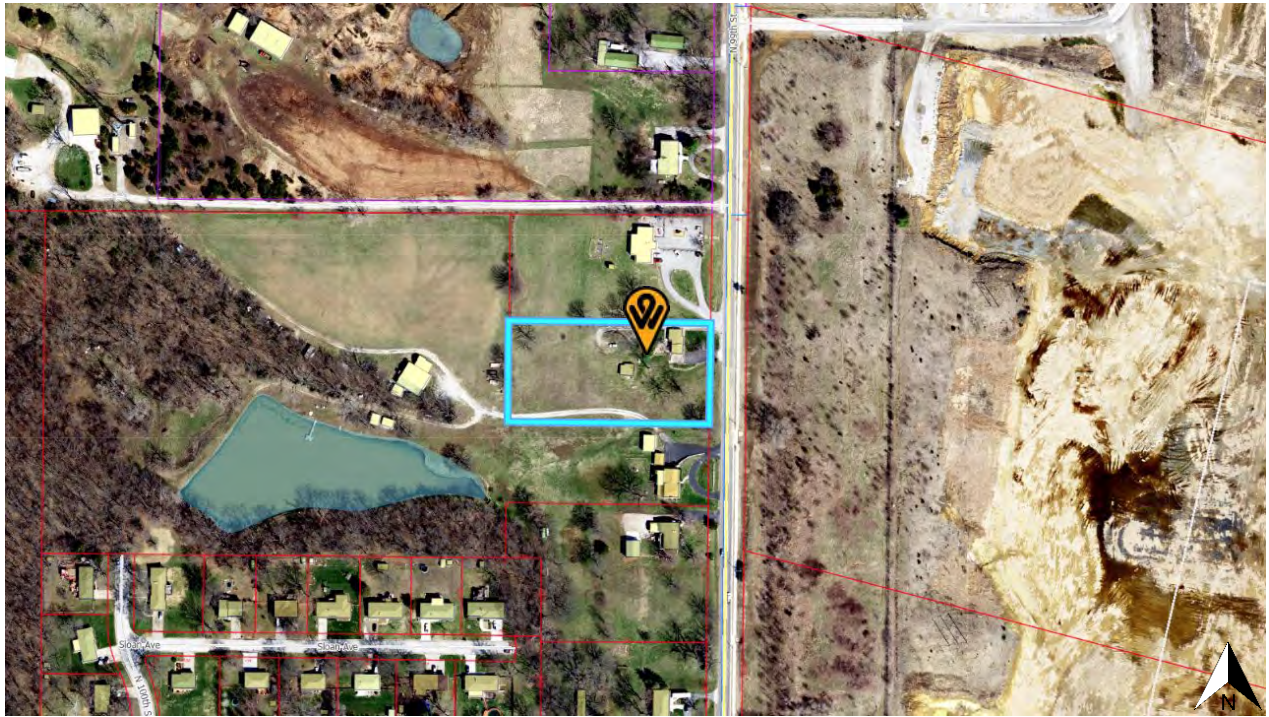
- the south/west, as their driveway crosses onto the subject property;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 10. All exterior lighting, 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;
 11. 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;
 12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 18. Approval of this case by the Board of Commissioners, and the conditions of

approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

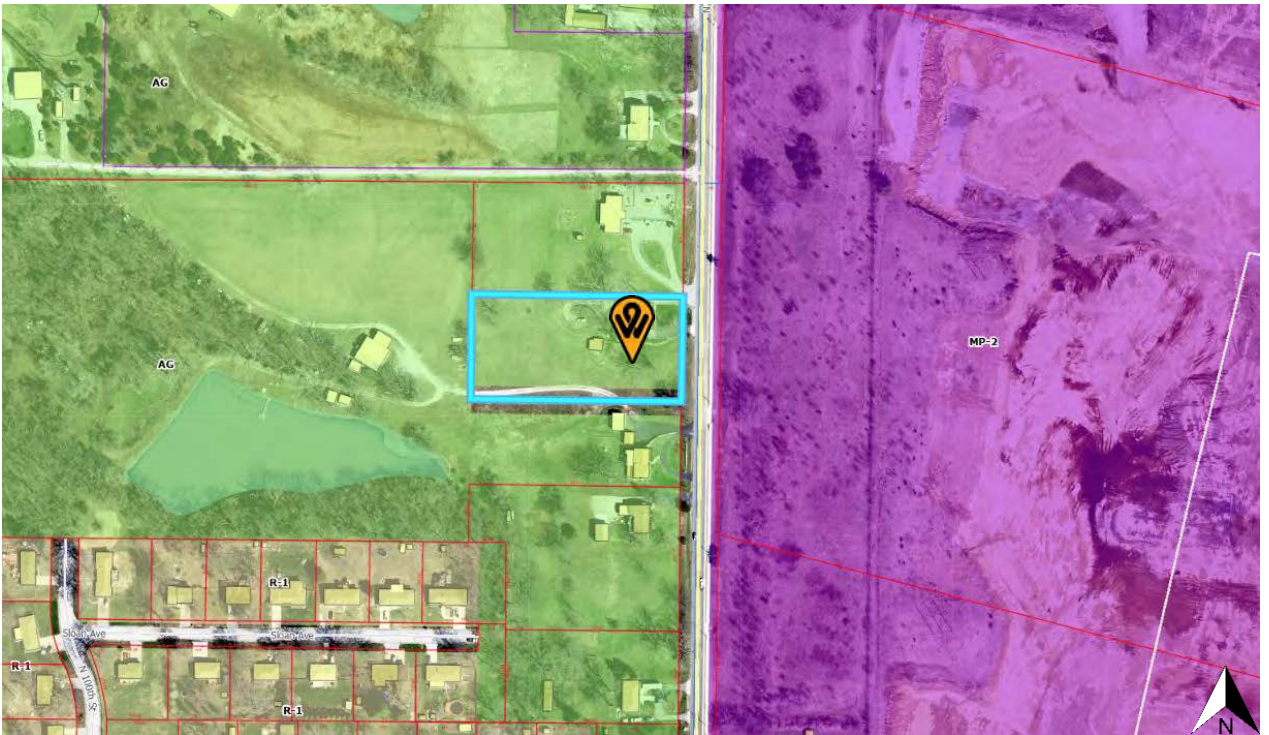
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

NEIGHBOR HOOD MEETING -SP 2024-05

Date: 09/25/2024

LOCATION: KCK PUBLIC LIBRARY 1737 N. 82nd Street Kansas City, KS 66109 Conference Room A

Meeting Called to Order at: 2:00 pm

Those in attendance (Sign In Sheet Attached)

1. LaJoyce Calloway
2. William Calloway
3. Gary Vestal
4. Bev Vestal
5. Verlinda McCarthy
6. Marsha Tribble
7. John Tribble
8. Gloria Pickens
9. Taylor Aycock
10. Mandy Aycock

INFORMATION/MATERIALS offered to attendees for review included:

1. Kansas Department of Health and Environment -Kansas Laws and Regulations for Licensing Family Child Care Homes.
2. Family Child Care Home Capacity Understanding Chart K.A.R.28-4-114
3. Copy of Letter date 9/11/2024 mailed to person listed on the mailing listed provided by the Department of Planning -Urban Design
4. Sign In Sheet

Introduction: LaJoyce Calloway introduced herself and spouse William Calloway, Thank you everyone for coming out. Explained the purpose of the meeting is to address questions or concerns regarding the application of a Special Use Permit to operate as a License Family Home Childcare at the address of 3424 N. 99th Street KCK.

Stated that the hours of operation: Monday-Friday 7:30 am-5:00 pm offering educational/childcare services.

Open for questions or comments:

Question-Taylor Aycock-What is the difference between a Family Day Care & Day Care Home

Answer by :LaJoyce Calloway the definitions and wording or determine by the KDHE (Kansas Department of Health and Service) as of 08/02/2024 there was an update of the status and regulations. Effective 08/02/2024. KDHE is responsible for the definition, Item

1 and 2 were offered for review (Taylor Aycock refused to review the material) I explained again that

lots of recent changes have occurred effective 08/02/2024 which allows Family Child Care Home more flexibility with capacity and staffing.

Question-Taylor Aycock- Why are you required to have a special use permit?

Answer by :LaJoyce Calloway, first to be in compliance with the local (UG) and State (KDHE) Governments. Second childcare is needed and nest if you're not living in the home to be in compliance with the lUnified Government we are required to file an application for a Special Use Permit.

Comment-Taylor Aycock-Kansas law says that you have to live their to be a Home Day Care

Reply-LaJoyce Calloway-no where does Kansas State law says you have to live at the address to be license for a Family Home Child a copy of Item #1 for your review. It is optional for an owner to live on the premises which is why we've filed for a special use permit.

Question-Verlinda McCarthy-How many of them will you have 22 ?

Comment-LaJoyce Calloway, please clarify them

Answer-Verlinda McCarthy-kids

Reply-LaJoyce Calloway, Thank you for the clarification offer item # 2 (Capacity Chart) explaining that a Family Child Care Home has the flexibility to care/have up to 12 children on the premises at one time.

Comment-John Tribble- does the school(referring to the adjuancent property at 3440 N.99th Street) still have rattlesnakes some shot a rattle snake in the hallway.

Reply-LaJoyce Calloway-we have offered services at the 3440 N. 99th address since 2007 and no signs of rattle snakes. Please keep in mind that the purpose of the meeting is regarding the property located at 3424 N. 99th ..next question.

Question-Gary Vestal-whats up with the fencing am I going to have to put a fence around my pond?

Reply-LaJoyce Calloway-to be in compliance with KDHE a fence just this week was installed, a fence is required for all childcare centers and family home child care programs. I do not belive the UG or KDHE has any intentions of requesting you or any of the other property owners to put up a fence..next question.

Question-Taylor Aycock-what about traffic you have a driveway?

Reply-LaJoyce Calloway-actually the property has two 2 driveways allowing acces to the property, a drive way on the south side and a second driveway on the north

side which allows vehicles to circle just as we do at the current location. A percentage of the families we serve have more than one child therefore we're project maybe 6/7 additional vehicles will access the property for arrivals and departures.

Comment-not sure who said it several people were speaking-Aycock there is a lot of traffic on the side street leading to your businesses located out back sometimes 25-30 cars and trucks throughout the day and you're not worried about traffic..what kind of businesses are you running back there?

Question-Taylor Aycock-How many people received letters and where did the list come from?

Reply-LaJoyce Calloway-the letters were address to individuals from the list provided by the Department of Planning & Urban Design future questions regarding the list should be directed to Planning & Urban Design..

Question-Gary Vestal-if they get loose and drown in my pond who is responsible for their death?

Question-LaJoyce Calloway-Please Clarify "they"are being referred to as they

Reply-Gary Vestal-they kids

Answer-LaJoyce Calloway-first I believe that it is important to be respectful we've been neighbors serving children/families at the 3440 address for over 17 years without incident. Students are supervised at all times. Someone drowning in your pond will not be on our watch. Children that live in the neighborhood that play outside unsupervised can wander into your pond. People walking the trail on 99th street can wander onto your pond.

Comment-Gary Vestal start point his finger at LaJoyce Calloway yelling from across the room that he has pictures of the children outside in the back lot....several people taking.

Reply-LaJoyce Calloway-so you have a problem with children, running, playing having fun on property that does not belong to you...so why are we here let's discuss the real reason that we're here because we've filed special use permits in the past and the last time you showed up Gary was 2007...next question

Question-Verlinda McCarthy-why did you put a sign in the yard saying daycare if its not a care?

Reply-LaJoyce Calloway -as I stated before the wording/definitions has recently updated effected 08/02/2024. It takes takes for local updates to take place. I did not make the sign it was prepared by the Planning and Zoning, I picked it up and placed it in the yard as per instructions.

Comment-Gary Vestal

Comments- Gary you are welcome to stay back after the meeting and the two of us can chat. Does anyone have additional questions or concerns, if you this concludes the meeting.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE _____)

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

1. That I am the petitioner for Petition # SP2024-065.
2. That I conducted a neighborhood meeting on 09/25/2024 @2:00PM KCK Public Library _____.
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.

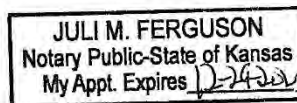
Further affiant saith not.


Affiant

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

My commission expires 29 of December, 2025


Notary Public



Sign In Sheet

Neighborhood Meeting -Special Use Permit (SP2024-065)

Date: 09/25/2024 Time: 2:00 pm

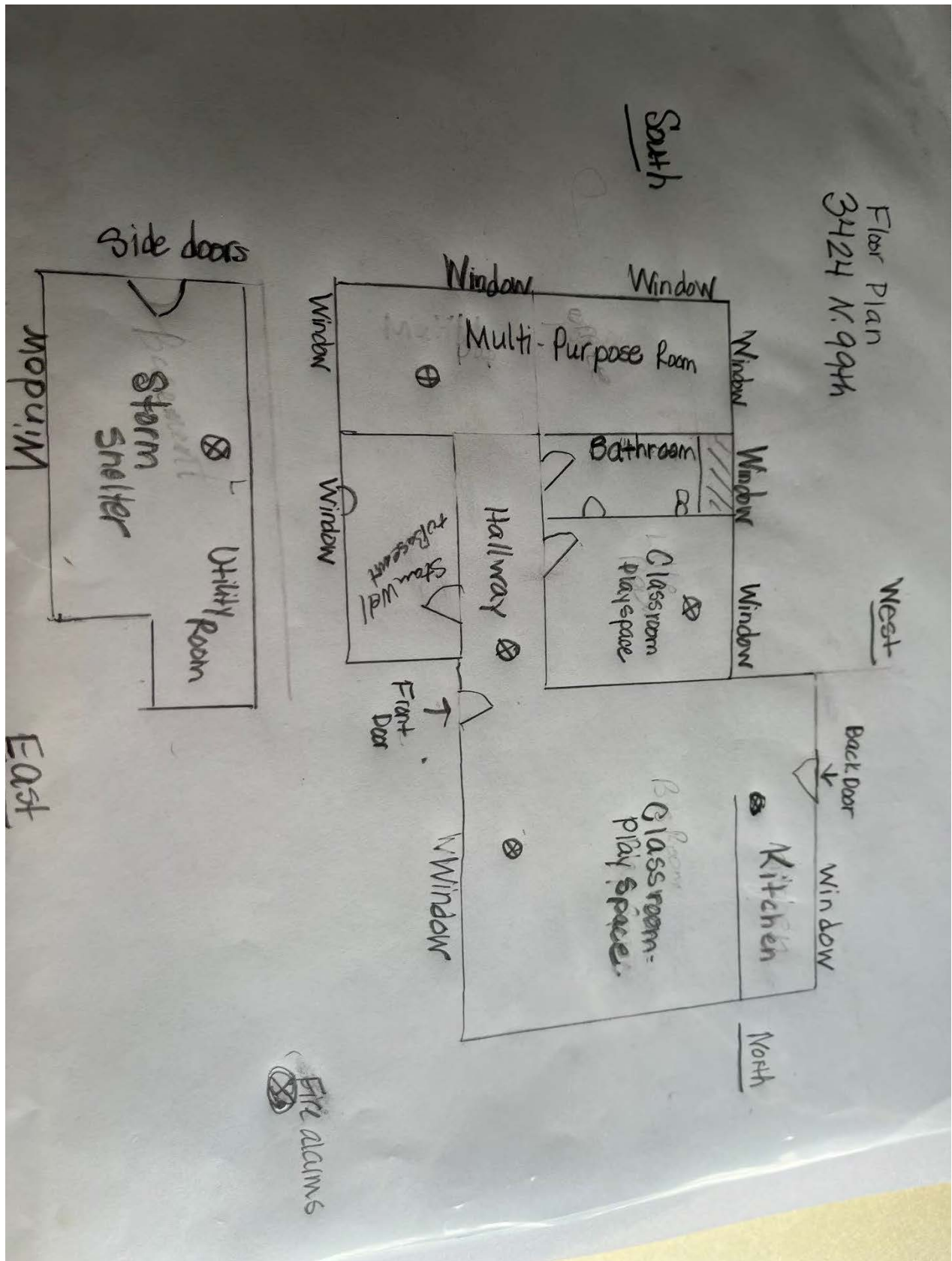
Location: West Wyandotte Library 1737 N. 82nd Street Kansas City, KS 66112 Conference Room A

Petitioner: Beautiful Beginnings Family Childcare/LaJoyce Calloway

Address: 3424 N. 99th Street KCK

1. LaJoyce Calloway
2. William Calloway
3. Gary VESTAL
4. BEV VESTAL
5. Velinda McCarthy
6. Marsha Tribble
7. John Tribble
8. Gloria Pickens
9. Taylor Ascock
10. Mandy Ascock

FLOOR PLAN



Name: DaMont Holloway

Address: 18516 E. Blackhawk Trail, Independence, MO 64056

I am writing to support of SP2024-065. My child has thrived there over the past two years, making incredible progress despite being born premature at 27 weeks.

At just 2 years old, she knows her alphabet, can count to 15, and identifies colors, all thanks to the caring staff. Her recent assessment shows her language skills are at the level of a 3 ½ year old. I trust Mrs. Calloway's promise that she will be able to read by the time she leaves.

My child feels safe and secure at Beautiful Beginnings, allowing me to focus on work without worry. This expansion will help even more children in our community receive the support and education they need.

Thank you for considering this important proposal.

Name: NeKisha Holloway

Address: 18516 E. Blackhawk Trail, Independence, MO 64056

I am in support of SP2024-065, Beautiful Beginnings expansion to 3424 N. 99th.

Over the past two years, my child has thrived in their care, and I believe this expansion will provide even more children with the nurturing environment they deserve.

As a parent of a premature baby born at 27 weeks, I have seen firsthand the incredible progress my child has made at Beautiful Beginnings. At just 2 years old, she knows her alphabet, can count to 15, and identifies colors—all thanks to the dedicated staff and enriching curriculum. Her recent developmental assessment indicates that her language skills are on par with those of a 3 ½ year old, which is a testament to the quality of education she is receiving.

Mrs. Calloway has assured me that by the time my child leaves Beautiful Beginnings, she will be able to read, and I wholeheartedly believe in her commitment. My child feels safe and secure in their care, allowing me to focus on my work without worry.

The expansion of Beautiful Beginnings is a wonderful opportunity to support even more young learners in our community. I fully support this initiative and believe it will greatly benefit our children and families.

Thank you for considering this important proposal.

Dear Ms. Parker,

I hope this message finds you well. I am writing in support of the approval of SP2024-065, which seeks the expansion of Beautiful Beginnings Daycare. As one of the original students at this daycare, now 31 years old and a professional actor, I can personally attest to the tremendous foundation it provided me at a young age.

Beautiful Beginnings was more than just a daycare—it was where I developed key skills and values that have shaped my life and contributed to my success in the real world. Expanding this daycare will offer even more children the opportunity to benefit from the same nurturing environment that laid the groundwork for my own journey.

I respectfully urge the Board of Commissioners to approve the motion for expansion. It will be an invaluable investment in the future of the community.

Thank you for your time and consideration.

Best regard,
Urian McHugh

Dear Ms. Parker,

I hope this message finds you well. I am writing in support of the approval of SP2024-065, which seeks the expansion of Beautiful Beginnings Daycare.

I respectfully urge the Board of Commissioners to approve the motion for expansion. It will be an invaluable investment in the future of the community.

Thank you for your time and consideration.

Best regards,
Killian's Workshop

Rosemary Gaskin

SUPPORT SP 2024-065, Beautiful Beginnings ECE, 3440 North 99th Street, Kansas City, Ks. 66109.. Mr & Mrs. Calloway are good people & have a wonderful love for all children & their ability to learn & strive to be of high standards going forward..

Bertha Thomas

I believe this project is a service that Wyandotte county needs. It is the education of our young children that will carry on the great future building of our strong community.

Please be advised that I am in support of the Special Use Application (SP2024-065) that allows for the expansion of the Beautiful Beginnings Child Development Center to include the property located next door (3424 N 99th). My grandchildren attend this facility, and I fully support the efforts of allowing more children to take advantage of this amazing program.

Sincerely,

Roger Latimer
1963 E Stratford Rd
Olathe, KS 66062

Mrs. Sharon Burnett
10620 Jefferson Apt 302
Kansas City Mo 64114

support of SP2024-065. My grand kids have been under the leadership of Mrs. Calloway and have thrived like never before, an expansion would be necessary and beneficial.

Whitney Vaughn
841 S 131st street Bonner Springs, KS 66012

I am in support of SP2024-065 as Mr. and Mrs. Calloway have an outstanding education program and this additional space will allow them to continue to offer an exceptional education for our youth.

I Cynthia Jackson , 7138 Parallel pkwy,am in support of SP2024-065

Jenise Hampton
12506 Parkview Ave Kansas City, KS 66109

Hello, I am writing In support of SP2024-065. My kids have been under the leadership of Mrs. Calloway for about 4 years now! This school is exceptional and people are knocking the doors down to get into her doors! My kids are reading early and scoring over the normal percentile amongst their peers, because of Beautiful beginnings! With this expansion she can reach more of our youth, and help them thrive!

Tia Patrick
12717 Walker Ave
Kansas City, KS 66109

Hello,

I am sending this email in support of Beautiful Beginnings Early Childhood Center. Please support this institution. Quality early childhood education is very important for the growth of our community. Mrs. Calloway has provided care and given excellent instruction to many. I support her expansion.

Thank you,
Tia Patrick

Good Day Ms. Parker and Wyco Staff,

My name is Kristi Kelsey and I am in support of Beautiful Beginning's initiative in reference. They are a respectable childcare facility in the community with no previous incidents of error to note. We have children currently at the facility and happy to send them to a safe, exciting, learning environment daily. We are excited about the possibility of expansion.

Address: 10533 Kane Dr. KCK 66109
Owner of property : 10942 Miller Lane KCK 66109

Hello Janet ,

I am in support of SP2024-065 as this will bring more value to the community in terms of expanding education .

Thanks so much !

Qiana Alabi

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: November 7, 2024

Re: Special Use Permit Petition SP2024-077

GENERAL INFORMATION

Applicant Information:

John Sil and Audrey Sil
Property Owners
8915 East Windwood Street
Wichita, Kansas 67226

Subject Property:

819 Southwest Boulevard
Kansas City, Kansas 66103

Requested Action and Purpose:

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

Commission Districts:

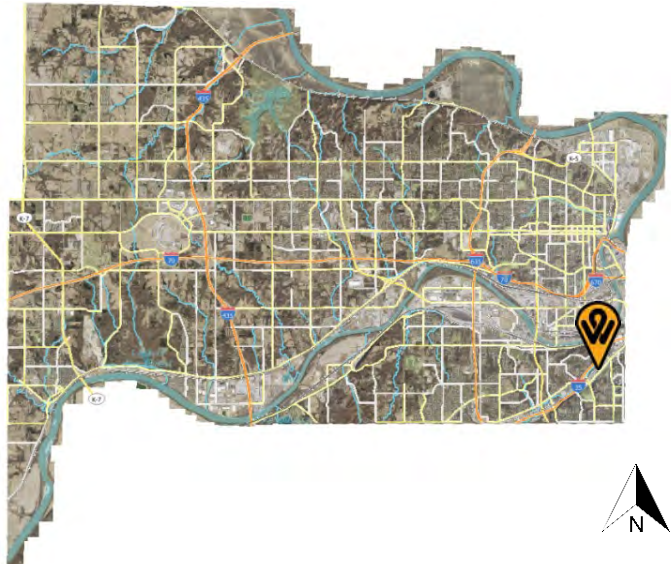
At-Large District #2: Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-2(B) Two Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-2(B) Two Family District	Duplex and Single-Family Residence
South	M-2 General Industrial District	Vacant Warehouse and Restaurant Equipment Supply Store
East	R-1(B) Single Family District and R-2(B) Two Family District	Duplex and Single-Family Residence
West	M-2 General Industrial District	Hardware Store and Sheetmetal Distributor (former Frank Rushton Bakery)

Total Tract Size: 0.17 Acres

Comprehensive Plan Designation: The Rosedale Area Plan classifies the subject property as Urban Mixed Use. The Urban Mixed Use land use designation allows for townhomes, small apartment buildings up to three (3) stories, multi-family apartments, institutional uses, and neighborhood convenience commercial uses.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Southwest Boulevard as a Major Collector.

Parking Requirement: Section 27-457(d) states “one (1) parking space for each dwelling unit shall be provided on the premises”. The subject property has three (3) off-street parking spaces, meeting this requirement.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and November 7, 2024

Public Support: None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Sil, is requesting a Special Use Permit to operate a short-term rental at 819 Southwest Boulevard. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Southwest Boulevard. While this property has had previous Special Use Permits for a short-term rental, the property has changed ownership, thus necessitating a new Special Use Permit.

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 have been no noise or disturbance complaints on the subject property since the prior approval in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. There have been two (2) Notices of Violation on the property since the previous approval:
 - a. 2024 – ENV24-2202 – Environmental – Open Case
 - b. 2022 – STR22-0551 – Structural – Broken Windows

Outstanding or Related Permit and Cases:

1. There is an active Notice of Violation for environmental violations:
 - a. 2024 – ENV24-2202 - Environmental

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2022-078) for a short-term rental for five (5) years in 2022.
2. Approval of a Special Use Permit (SP-2020-55) for a short-term rental for two (2) years in 2020.
3. Approval of a Special Use Permit (SP-2019-75) for a short-term rental for two (2) years in 2019.
4. Approval of a Change of Zone (COZ 3160) from M-2 to R-2(B) in 2018.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Rosedale Development Association (RDA) and the Hilltop Neighborhood Group. The neighborhood consists of primarily a mix of single-family residences

and duplexes, as well as a variety of industrial uses. The property is located along the Southwest Boulevard mixed used corridor, which runs west into Merriam, Kansas, and east into Downtown KCMO.

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

The zoning and uses are set out above. The subject property is surrounded by the R-1(B), R-2(B) and M-2 zoning districts. 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. 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 the aforementioned issues are properly managed.

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

The property is not vacant and has been used as a short-term rental since 2019.

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 classifies the subject property as Urban Mixed Use. The Urban Mixed Use land use designation allows for townhomes, small apartment buildings up to three (3) stories, multi-family apartments, institutional uses, and neighborhood convenience commercial uses. The proposed use conforms to the area designation with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Southwest Boulevard, a Major Collector, 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 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 will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to

number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

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 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 on September 30, 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 (Add "Dust" if unimproved driveway)
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-077, **for one (1) year**, subject to:

1. **All repairs identified above must occur prior to publication of the ordinance for SP2024-077. Failure to provide proof of repair will result in the ordinance not being published, nullifying any approval.**
2. **Maximum number of guests shall be no more than seven (7) in the upstairs between the units on the ground floor.**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance.**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations.**

8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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.
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION 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 **SP2024-077** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Floor Plan
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 31, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-077** 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 **SP2024-077**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:39:17:

SPECIAL USE PERMIT APPLICATION SP2024-077 – JOHN SIL – SYNOPSIS:

Special Use Permit for a Short-Term Rental at 819 Southwest Boulevard. Detailed Outline of Requested Action: The applicant, John Sil, is requesting a Special Use Permit to operate a short-term rental at 819 Southwest Boulevard. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Southwest Boulevard. While this property has had previous Special Use Permits for a short-term rental, the property has changed ownership, thus necessitating a new 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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- John Sil, applicant, 8915 East Winwood Street, Wichita, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:43:14: Planning Director Hand stated that this request is for a non-owner-occupied Short-Term Rental Special Use Permit. It was previously approved for a Short-Term Rental, and there was a change in ownership, so a new land entitlement is required. The property is in the Rosedale Area Plan. Staff received no letters in support nor opposition. All Notices of Violation have been addressed. Staff recommends approval for one (1) year with conditions in including a maximum of seven (7) people for each of the two (2) units for a total of 14 people and three (3) total off-street parking spaces. Applicant has discussed expansion and any expansion over seven (7) people per unit changes the definition as per the state and may require a State-certified inspection.

Motion starts at 2:45:54:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-077, for one (1) year:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1

Subject to:

1. All repairs identified above must occur prior to publication of the ordinance for SP2024-077. Failure to provide proof of repair will result in the ordinance not being published, nullifying any approval.
2. Maximum number of guests shall be no more than seven (7) in the upstairs between the units on the ground floor.
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
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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;
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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

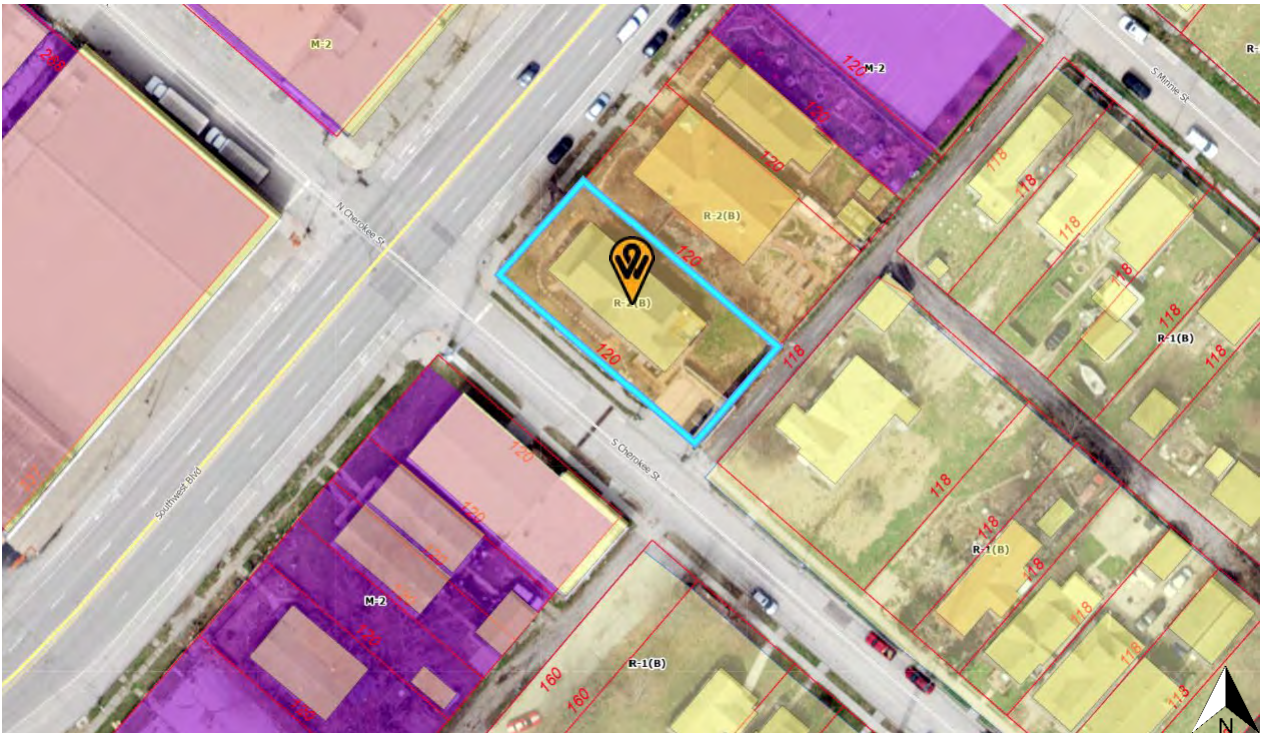
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition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

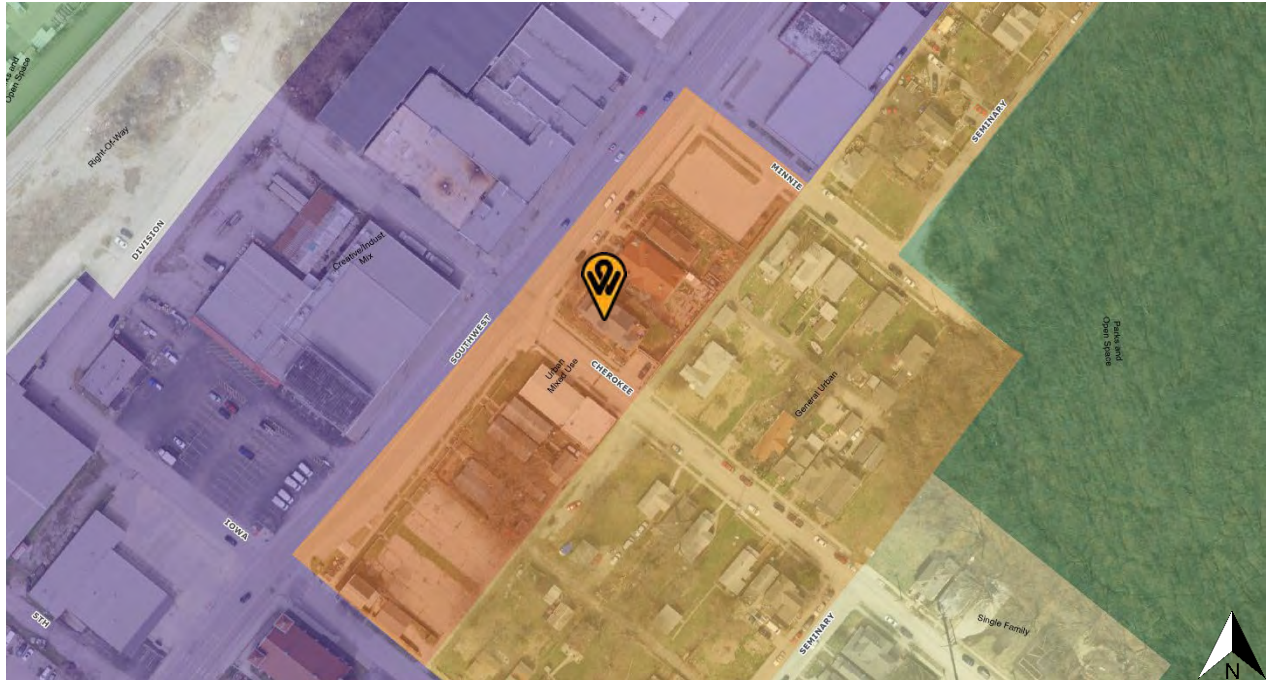
AERIAL IMAGERY



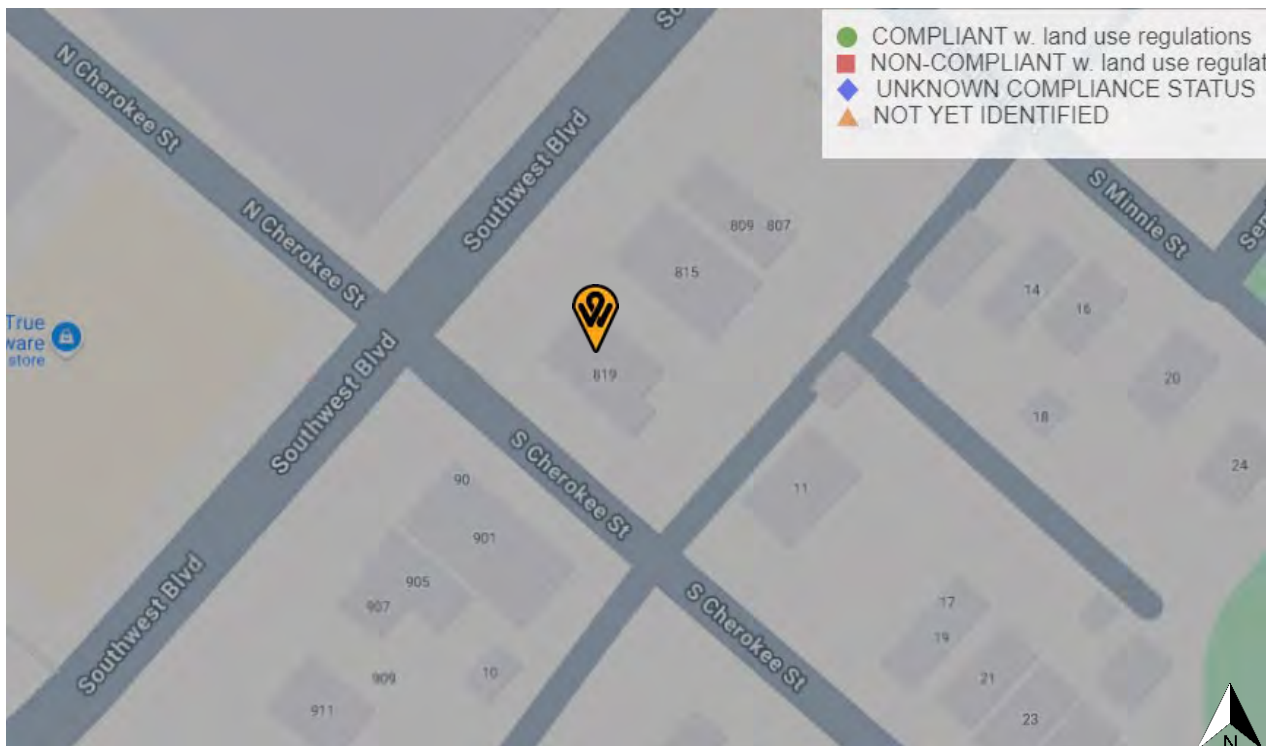
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

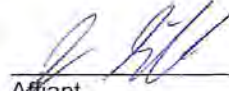
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

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

1. That I am the petitioner for Petition #SP2024-077.
2. That I conducted a neighborhood meeting on September 28, 2024 @ 3 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.

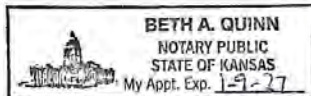
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of Oct, 2024.

My commission expires 9th of Jan, 2027.





Notary Public

MINUTES:

Application Number SP2024-077

Date and Location: September 28, 2024 @ 3 PM, 819 Southwest Blvd, KCK

Meeting called to order at: 3 PM

Names of people in attendance: Mike Coons, Christine Sciolaro

Introductions:

Property manager greeted guests, introduced self and family/property management background; Goals and vision for property was provided, plans to improve and address neighbor concerns (if any); Opened floor to questions from attendees; Performed a walk around of property and lot

Questions and answers (include the following):

- Christine asked about willingness to remove dying tree in front of house – I said I would get a quote and likely do it, seeking to leave wood for Mike to use;
- Mike asked about landscaping plans – I explained plans to hire lawn crew and would keep them away from his property line

Meeting adjourned at: 4:30 PM

Minutes taken by: _Sill

Date: September 13, 2024

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #SP2024-077. The purpose of this:

➤ special use permit

is for a short-term rental application

at the following address: 819 Southwest Boulevard, Kansas City, KS.

I am having a neighborhood meeting on Saturday, September 28, 2024 at 3:00 p.m. at the following address 819 Southwest Boulevard, Kansas City, KS.

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 email listed below with any questions/comments you might have ahead of the meeting.

Sincerely,

John Sill
chensationalproperties@gmail.com

HOME INSPECTION REPORT

819 Southwest Blvd

Chensational Properties LLC

2.4.3 Exterior Windows

STORM WINDOW - MISSING

One or more of the exterior storm windows were noted as missing.

2.6.1 Eaves, Soffits & Fascia

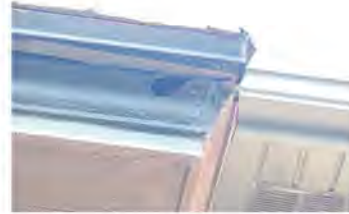
FASCIA/SOFFIT - ROT/DECAY

One or more sections of the fascia/Soffit are rotted. Recommend qualified siding company evaluate & repair.

Note that sufficiently damaged soffits and or fascia can become an entry point for a pests into the attic or living Spaces of the home.

Recommendation

Contact a qualified roofing professional.



2.6.2 Eaves, Soffits & Fascia

FASCIA/SOFFIT OPENING

There is opening, gap or hole in fascia/soffit which should be repaired. This can allow water intrusion and rodent infestation as well as deterioration of the surrounding material.

Recommendation

Contact a qualified siding specialist.



2.7.1 Porches

PORCH POST ROT

One or more of the supporting posts for the porch covering shows signs of rot and/or deterioration. Recommend repairs. In some cases the rot is only in the trim pieces, not the actual supporting posts.

Recommendation

Contact a qualified professional.



2.8.1 Decks

DECK - STAIN/SEALING RECOMMENDED

The deck is showing signs of weathering and/or water/moisture damage. We recommend water sealant/weatherproofing be applied to help preserve the decking materials.

[Here is a helpful article](#) on staining & sealing your deck. During this process any rotten boards should be replaced.

Recommendation

Recommended DIY Project

Inadequate clearance between siding materials and the ground was noted. We recommend a minimum clearance between bottom of siding materials and the ground of about 4" to 6". Siding that is closer to or in contact with the ground cover creates conditions conducive to termite activity and moisture damage.

Recommendation

Contact a qualified siding specialist.



2.3.2 Siding, Flashing & Trim

SIDING- WOOD ROT

Wood rot was noted at the exterior in the siding/trim. This condition is present on nearly all structures where the exterior siding or trim materials are made of wood. We recommend evaluation and repair cost be completed by a wood rot repair specialist. Where available it may be advantageous to replace the wood products with PVC or other hardboard materials to help prevent future decay.

This observation is made to inform you that the conditions exists on the structure at this time. It is not an exact or exhaustive list of every location where this condition is present or may develop in the future. Locating and determining the extent of the condition and the cost to correct the condition is for a wood rot repair specialist and is beyond the scope of this inspection.

Recommendation

Contact a qualified siding specialist.



2.3.3 Siding, Flashing & Trim

BRICK - CRACKING, REPOINT NEEDED

Joints in the masonry have deteriorated and should be repointed. (Repointing is the restoration of the mortar joints in the masonry). All cracked and/or damage brick should also be repaired at this time.

Recommendation

Contact a qualified professional.



2.3.4 Siding, Flashing & Trim

SIDING/TRIM- PAINT(STAIN)/CAULK

Some areas of the siding/trim are showing evidence of wear and are in need of routine paint and caulk maintenance. This maintenance is necessary to help protect the siding materials from moisture and future rot or decay. Some minor wood rot repair should be anticipated as part of this routine maintenance.

Recommendation

Contact a qualified painting contractor.



2.3.5 Siding, Flashing & Trim

REMOVE NEST - BEE/BIRD/ANIMAL

The nests should be removed as bees/birds/animals can do significant damage to the home and can be a safety hazard to small children or those with allergies.

Recommendation

Contact a qualified pest control specialist.



2.4.1 Exterior Windows

GLAZING PUTTY REPAIRS

Loose or damaged/missing glazing putty/bead should be repaired at this time. These repairs should be combined with routine paint and caulk maintenance of the windows.

Recommendation

Contact a qualified window repair/installation contractor.



2.4.2 Exterior Windows

STORM WINDOW REPAIRS NEEDED

The storm windows require routine repair and maintenance/adjustment in various locations around the home. This can typically be accomplished by a homeowner or handy person. Improvements can be made on a discretionary basis.

Recommendation

Recommended DIY Project

Due to the height of the roof (20 feet or greater from the ground) and or the pitch a "walk on" roof inspection could not be performed. Every effort is made to evaluate the condition of the roofing system from the visible portions of the ground and from the portions visible in the attic space below the roof however these conditions significantly limit our ability to assess the condition of the roof coverings/materials. Wet/damp/dew/snow covered shingles can mask pronounced wear and or damage. We recommend having a roofing contractor evaluate the roofing system prior to the end of the inspection period in your contract accordingly.

General

ROOF MATERIALS

We do not do "walk on" roof covering inspections on a roof constructed with wood shake/shingle, terra cotta, cement, plastic, steel or that is a brand new installation. These roofs cannot be walked upon due to insurance regulations prohibiting walking access due to the potential of damaging the roofing system. Recommend further evaluation by licensed roofer.

Coverings

ROOF HEIGHT/PITCH

Due to the height of the roof (20 feet or greater from the ground) and or the pitch a "walk on" roof inspection could not be performed. Every effort is made to evaluate the condition of the roofing system from the visible portions of the ground and from the portions visible in the attic space below the roof however these conditions significantly limit our ability to assess the condition of the roof coverings/materials. Wet/damp/dew/snow covered shingles can mask pronounced wear and or damage. We recommend having a roofing contractor evaluate the roofing system prior to the end of the inspection period in your contract accordingly.

Coverings

SPECIAL MATERIALS

We do not do "walk on" roof covering inspections on roof constructed with wood shake, terra cotta, cement, plastic or steel. These roofs cannot be walked upon due to insurance regulations prohibiting walking access due to the potential of damaging the roofing system. Recommend further evaluation by licensed roofer.

Recommendations

3.2.1 Coverings

ROOF - SHINGLES DAMAGED/MISSING

Shingles appear to be damaged/missing from area(s) of the roof. Recommend qualified roofing contractor evaluate and repair.

Recommendation

Contact a qualified roofing professional.



3.3.1 Roof Drainage Systems

DOWNSPOUT - DRAIN NEAR STRUCTURE

One or more downspouts drain too close to the structure foundation. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement. Recommend a qualified contractor adjust downspout extensions to drain at least 6 feet from the foundation.

[Here is a helpful DIY link](#) and video on draining water flow away from your structure.

Recommendation

Contact a qualified gutter contractor



3.3.2 Roof Drainage Systems

GUTTER - INSUFFICIENT SLOPE

Gutters are improperly sloped in areas, which can lead to improper drainage around the foundation. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement and/or leakage. Recommend qualified gutter contractor repair the slope to ensure proper drainage at this time.

Recommendation

Contact a qualified gutter contractor



One or more lights are not operating. New light bulb possibly needed. If new bulb doesn't work circuit could be in need of repairs.

Recommendation

Contact a qualified electrical contractor.



2nd Floor Stairs

6.5.2 Lighting Fixtures, Switches & Receptacles

RECEPTACLE UPWARD FACING

Upward facing (floor mounted) receptacles are required to have a cover in place when not in use. These covers are to help prevent debris or fluids from entering the receptacle and creating a short. Improvements are recommended at this time.

Recommendation

Contact a qualified electrical contractor.



1st Floor East Bedroom

6.5.3 Lighting Fixtures, Switches & Receptacles

LIGHT FIXTURE LOOSE

The light fixture was loose. Recommend repairs.

Recommendation

Contact a qualified professional.



3rd Floor

6.6.1 GFCI & AFCI

NO GFCI PROTECTION INSTALLED

No GFCI protection present in standard locations. Recommend licensed electrician upgrade by installing ground fault receptacles in all necessary locations.

Depending on the age and location of the property this observation may not be a requirement, however we still recommend the improved the safety of these devices.

Recommendation

Contact a qualified electrical contractor.



Safety Hazard



1st Floor Bath



1st Floor Bath

Previous repairs have been made to the foundation. Recommend consulting with current owner to obtain all work completed and warranty information.

Recommendation

Contact a qualified professional.



10.2.3 Foundation

FORM BOARDS STILL IN PLACE

The form boards for the concrete pour are still in place. Recommend removal of these boards to prevent potential future termite activity.

Recommendation

Contact a qualified professional.



10.4.1 Floor Structure

ADDITIONAL COLUMN FOOTING

There are supplemental supports (lally columns) installed in the basement/crawl space of the home. These additional supports are not installed over proper footings/piers and may cause some cracking in the floor below the new columns. These supplemental supports can provide support to sagging floors or for use below specific furniture/appliances to prevent floor sags. This area should be monitored going forward.

Recommendation

Contact a qualified professional.



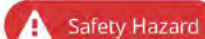
10.4.2 Floor Structure

MOLD/MILDEW

Observed signs of mildew/mold in one or more areas in the flooring structure. Recommend identifying source or moisture intrusion and sending samples to a lab for testing.

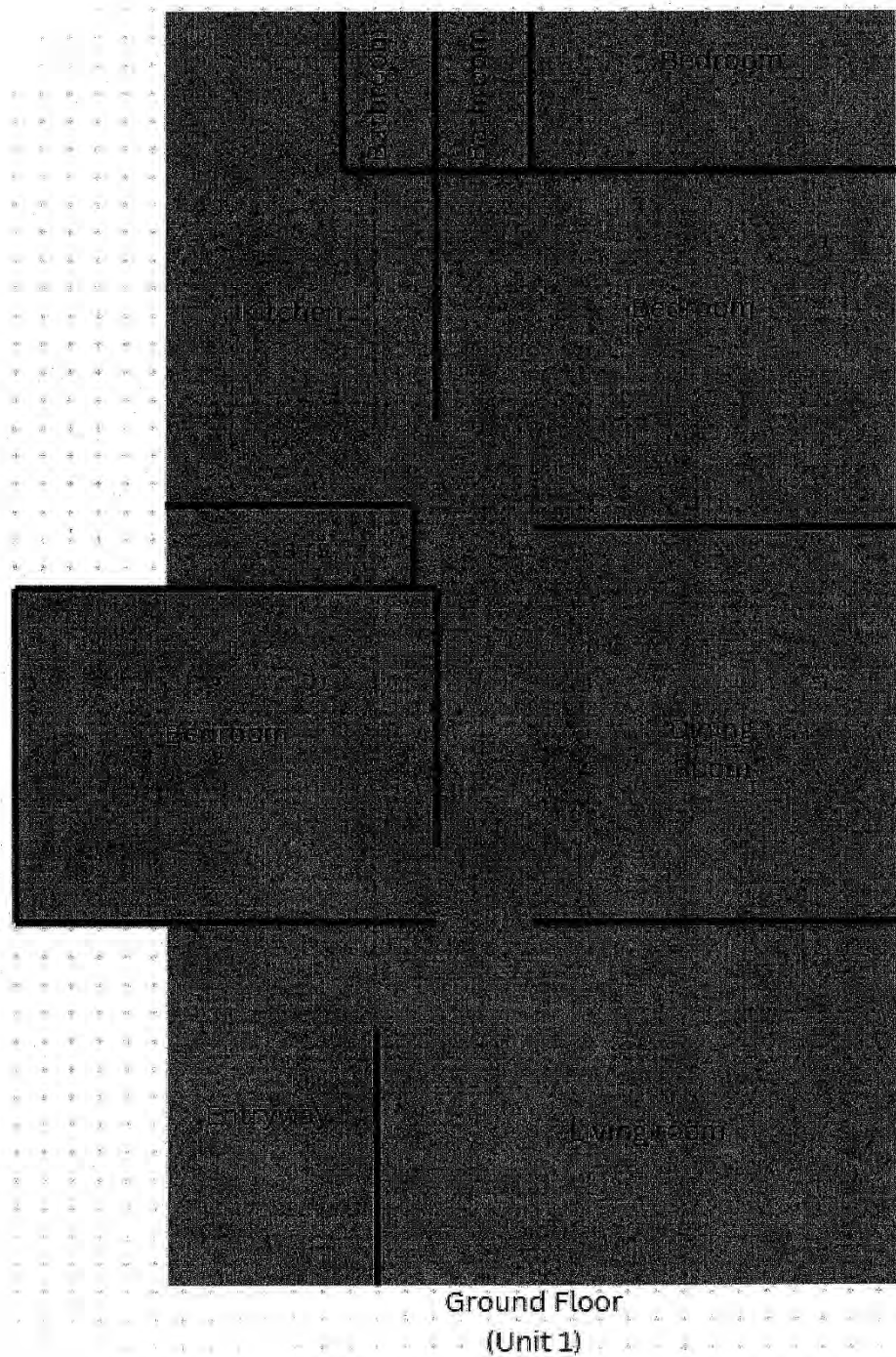
Recommendation

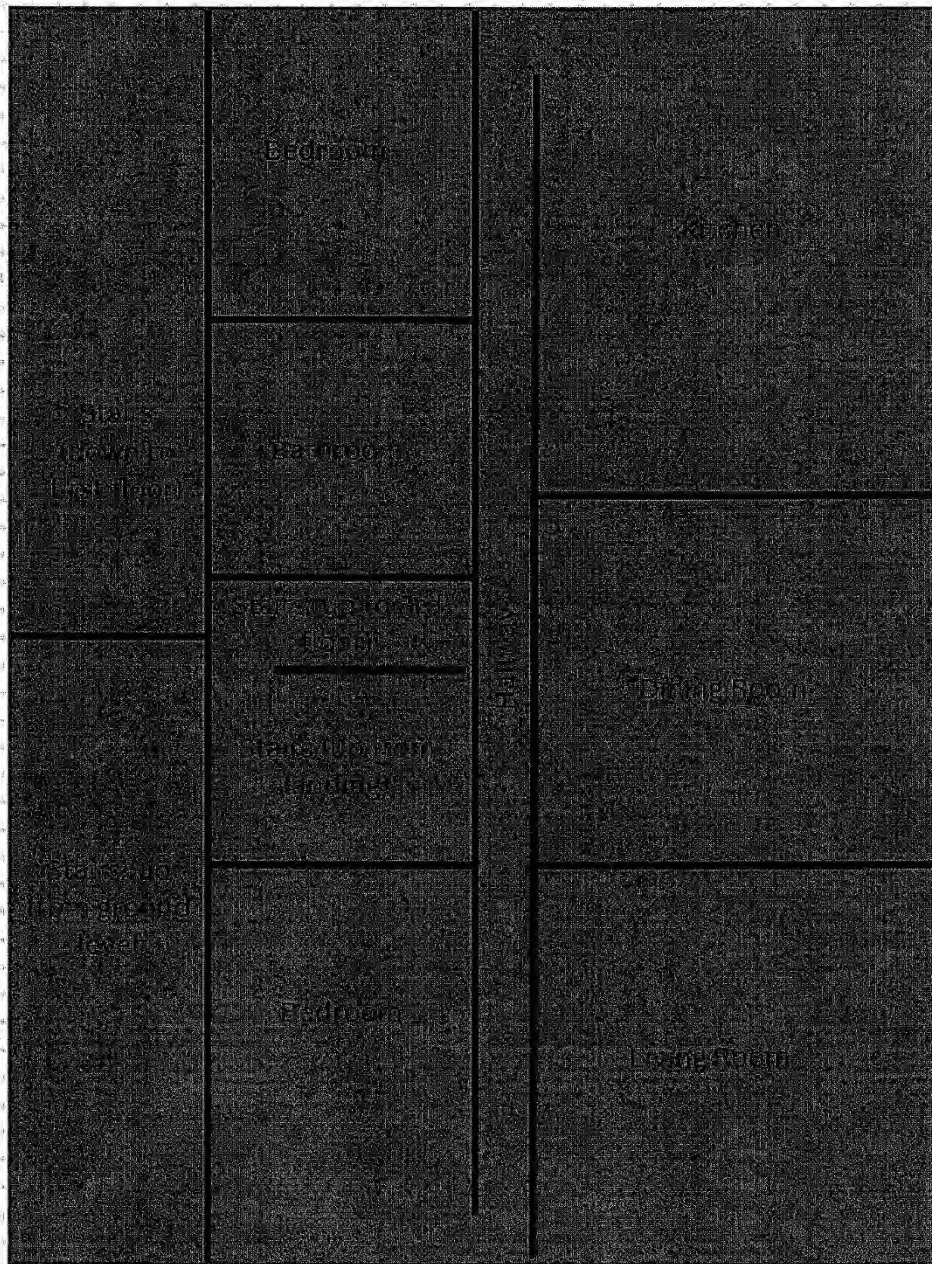
Contact a qualified mold inspection professional.



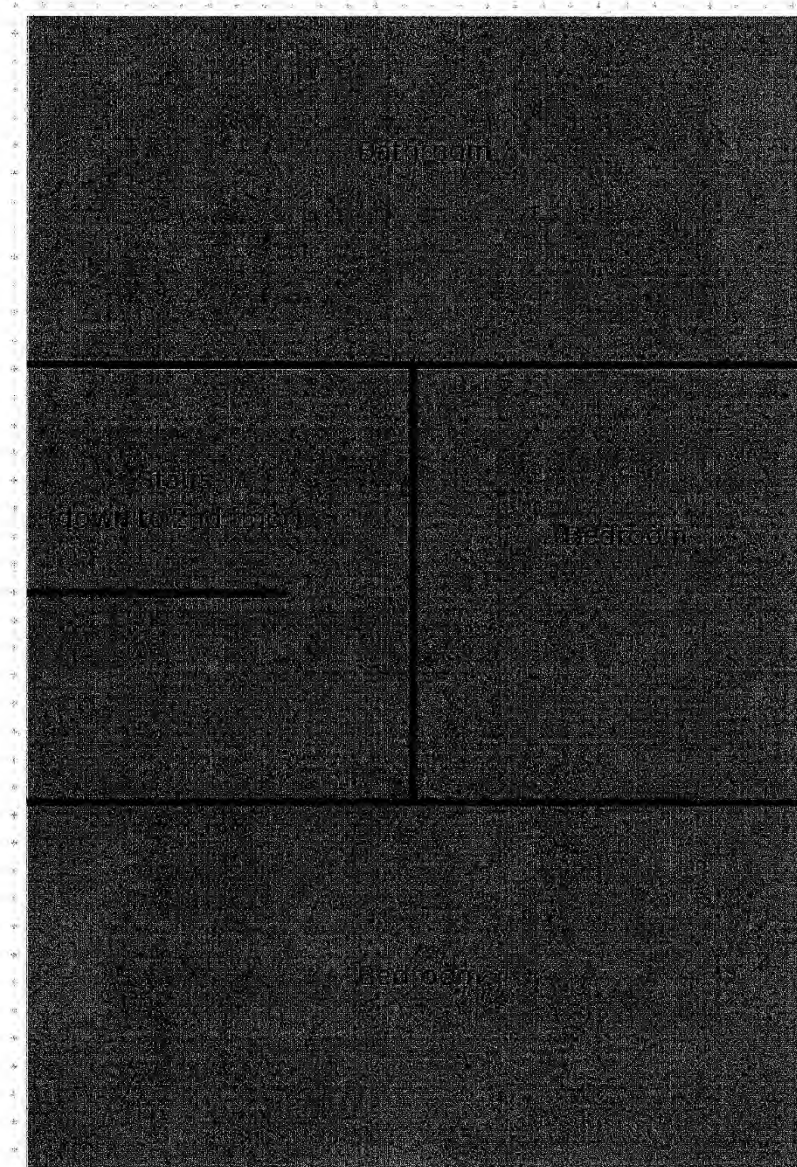


FLOOR PLAN





Second Floor
(Unit 2)



Third Floor
(Entry from
Unit 2)

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 2024





Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, lung cancer is the leading cause of cancer death among men and women in the United States and Kansas, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; and

WHEREAS, according to the Centers for Disease Control, there were 9,494 new lung cancer cases between 2017 and 2021 and 6,710 deaths due to lung cancer between 2018 and 2022 in Kansas; and

WHEREAS, the 5-year survival rate for localized lung cancer is ~60%, yet only ~24% of lung cancers are diagnosed at this stage; and

WHEREAS, screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest X-ray in the National Lung Screening Trial (3) and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial; and

WHEREAS, funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities; and

WHEREAS, lung cancer incidence is decreasing twice as fast in men as it is in women, each year more women die from lung cancer than breast cancer, and by 2035, more women will die from lung cancer than men; and

WHEREAS, African Americans have the highest lung cancer incidence and mortality of all races, and disparities in lung cancer screening, diagnosis, treatment, and mortality are well characterized among African Americans and other racial minorities; and

WHEREAS, lung cancer in individuals who never smoked is the 7th leading cause of cancer-related death and accounts for 17,000-26,000 deaths in the US every year (7), 60-70% of individuals diagnosed with lung cancer who never smoked are women (9,10), and the proportion of lung cancers diagnosed in people who never smoked is increasing in the US; (10,11). Whereas radon is the leading cause of lung cancer among individuals who never smoked and the second leading cause of lung cancer overall.; and

WHEREAS, the stigma surrounding lung cancer creates barriers to early diagnosis, treatment, and funding for research has a detrimental impact on the quality of life of people diagnosed with lung cancer, and hinders awareness of and research into lung cancer risk factors other than smoking; and

WHEREAS, lung cancer research is leading to breakthroughs in the identification of genetic alterations associated with lung cancer and in the development of lung cancer treatments, including immunotherapies and targeted therapies; and

WHEREAS, organizations working in Kansas such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase lung cancer screening rates in Kansas.

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

“Lung Cancer Awareness Month”

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

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

WHEREAS, Kansas City, Kansas, is a community that acknowledges that a special vibrancy exists within the community as a whole when its citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Kansas City, Kansas, is a community that encourages its citizens to maximize their contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their ambitions, family, friends, and community; and

WHEREAS, Kansas City, Kansas, is a community that chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” to make a difference and lift fellow members of their community; and

WHEREAS, Kansas City, Kansas, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2024.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim November 1, 2024, as:

“Extra Mile Day”

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

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the residents of Wyandotte County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and
- WHEREAS,** the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedom and way of life enjoyed by our citizens; and
- WHEREAS,** Wyandotte County seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and
- WHEREAS,** veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, and civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability, and compensation benefits each year; and
- WHEREAS,** approximately 200,000 service members transition to civilian communities annually; and
- WHEREAS,** an estimated 20 percent increase of service members will transition to civilian life in the near future; and
- WHEREAS,** studies indicate that 44-72 percent of service members experience high levels of stress during the transition from military to civilian life; and
- WHEREAS,** active military service members transitioning from military service are at a high risk for suicide during their first year after military service; and
- WHEREAS,** the National Association of Counties encourages all counties, parishes, and boroughs to recognize Operation Green Light for Veterans; and
- WHEREAS,** Wyandotte County appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim November 11, 2024, as:

“Veterans Day”

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

TYRONE GARNER, MAYOR/CEO



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Laura Cromwell LCromwell@kckpd.org	Police Department
AGENDA ITEM #		
RESOLUTION: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – KANSAS CITY KANSAS POLICE DEPARTMENT		
BACKGROUND		
• The FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program provides funding to state and local government agencies. Allocations are based on a formula that accounts for crime statistics and population data. • The PD has received a similar grant award for the past several years, dating back to at least FY2015. • The KCKPD has been allocated \$86,202 in federal grant funding through this grant program for FY2024. The project period for this award spans from 10/1/23-9/30/27. • The PD plans to spend this funding on the following items: 1. Virtual Reality Taser/De-escalation Training 2. In-house/In-Person Training Opportunities for Patrolmen		
RECOMMENDATION		
Approve The Police Department respectfully requests approval to apply for and accept funding under the FY24 Edward Byrne Memorial Justice Assistance Grant program.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
Both of the aforementioned projects will be 100% grant funded with no match requirement from the UG. The VR program is subscription-based; future subscriptions will be funded with future grant award dollars.		
IT/POLICY CONSIDERATIONS		
None.		
PROCUREMENT CONSIDERATIONS		
The VR program we are currently considering is part of the Axon Taser program. We currently have a contract with Axon for Tasers based on the Sourcwell RFP# 092722 for the State of Minnesota. This training is referenced in the Sourcwell cooperative agreement and would be co-termed with our current Axon contract.		
LEGAL CONSIDERATIONS		

As part of the grant application process, we will need the following forms reviewed by Legal and signed by the CAO:

1. Standard Form 424 (SF-424)
 2. Disclosure of Lobbying (SF-LLL)
 3. DOJ Certified Standard Assurances
 4. DOJ Certifications Regarding Lobbying; Debarment, Suspension and other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing
- Please note that these are the same forms required every year for this grant application process and, historically, have not caused any legal issues for the UG to maintain compliance. These forms have been provided to Legal for review.

ATTACHMENTS

Resolution - FY24 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation , Commission Action Report PW&S 10.28.24

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

10/16/2024

Approved: [Signature]

RESOLUTION NO. _____

A RESOLUTION authorizing the Kansas City, Kansas Police Department through the Unified Government of Wyandotte County/Kansas City, Kansas to accept a grant award for the FY24 Edward Byrne Memorial Justice Assistance Grant – Local Solicitation.

WHEREAS, the Byrne Memorial Justice Assistance Grant program provides funding to state and local government agencies; and

WHEREAS, an application has been submitted by the Kansas City, Kansas Police Department requesting grant funds for virtual reality taser/de-escalation training, in-house/in-person training opportunities for patrol officers and computer equipment; and

WHEREAS, the Kansas City Kansas Police Department has requested \$86,202 in grant funding, with no matching funds required.

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

Section 1. The County Administrator and/or his designee is hereby authorized to accept such grant if awarded, on behalf of the Unified Government and to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2024.**

Tyrone Garner, Mayor/CEO

Unified Government Clerk

Commission Agenda Item Report

Title: FY24 Edward Byrne Memorial Justice Assistance Grant

Proposed Agenda Date: October 28, 2024 PW/S Standing Committee

Presented by: Laura Cromwell; KCKPD

BACKGROUND:

- The FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program provides funding to state and local government agencies. Allocations are based on a formula that accounts for crime statistics and population data.
- The PD has received a similar grant award for the past several years, dating back to at least FY2015.
- The KCKPD has been allocated \$86,202 in federal grant funding through this grant program for FY2024. The project period for this award spans from 10/1/23-9/30/27.
- The PD plans to spend this funding on the following items:
 - Virtual Reality Taser/De-escalation Training
 - In-house/In-Person Training Opportunities for Patrolmen

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- Both of the aforementioned projects will be 100% grant funded with no match requirement from the UG.
 - The VR program is subscription-based; future subscriptions will be funded with future grant award dollars.

POLICY CONSIDERATIONS:

- None

PROCUREMENT CONSIDERATIONS:

- The VR program we are currently considering is part of the Axon Taser program. We currently have a contract with Axon for Tasers based on the Sourcewell RFP# 092722 for the State of Minnesota. This training is referenced in the Sourcewell cooperative agreement and would be co-termed with our current Axon contract.

LEGAL CONSIDERATIONS:

- As part of the grant application process, we will need the following forms reviewed by Legal and signed by the CAO:
 - Standard Form 424 (SF-424)
 - Disclosure of Lobbying (SF-LLL)
 - DOJ Certified Standard Assurances

- DOJ Certifications Regarding Lobbying; Debarment, Suspension and other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing
- Please note that these are the same forms required every year for this grant application process and, historically, have not caused any legal issues for the UG to maintain compliance.
 - These forms have been provided to Legal for reference.

RECOMMENDED ACTION:

- The Police Department respectfully requests approval to apply for and accept funding under the FY24 Edward Byrne Memorial Justice Assistance Grant program as outlined in this report.

COUNTY ADMINISTRATION COMMENTS:

-

MAYOR AGENDA DIRECTION:

-



Report to

Tracking ID: 21409

MEETING DATE	PRESENTER	DEPARTMENT
	Phillip Lockman, Director plockman@wycokck.org x8099	Community Corrections
AGENDA ITEM #		
RESOLUTION: KANSAS FIGHTS ADDICTION GRANT FISCAL YEAR 2025		
BACKGROUND		
This grant would allow us to expand treatment, emergency housing, transportation, and defense services for those offenders in our behavioral health and drug courts.		
RECOMMENDATION		
Approve Fast Track Approve staff to apply for the Kansas Fights Addiction Grant Program for FY25t and if awarded, authorize the County Administrator to execute all necessary documents.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
No match required and includes no personnel costs.		
IT/POLICY CONSIDERATIONS		
No IT purchases or impact.		
PROCUREMENT CONSIDERATIONS		
All services would be provided by existing contracted services in compliance with the Unified Governments Purchasing Policy and grant requirements.		
LEGAL CONSIDERATIONS		
No legal services impact.		
ATTACHMENTS		
Reso to Apply for Kansas AG Substance Abuse Grant, KFA App SS		

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

10/21/2024
Approved by Mayor and Administrator

RESOLUTION NO. _____

A RESOLUTION authorizing the Unified Government of Wyandotte County/Kansas City, Kansas Department of Community Corrections to apply for and accept a grant award for the FY25 Kansas Fights Addiction Grant.

WHEREAS, the Kansas Fights Addiction Grant Program is a competitive grant program overseen by the Kansas Attorney General's Office; and

WHEREAS, an application has been submitted by Unified Government of Wyandotte County/Kansas City, Kansas Department of Community Corrections requesting grant funds in the amount of **\$143,321.94** for substance use disorder abatement programs with no matching funds required.

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

Section 1. The County Administrator and/or his designee is hereby authorized to accept such grant if awarded, on behalf of the Unified Government and to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS 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:

Legal Counsel

AUGUST 2, 2024



UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS -
DEPARTMENT OF COMMUNITY
CORRECTIONS

RESPONSE TO KANSAS FIGHTS ADDICTION GRANT REQUEST FOR
PROPOSALS FOR SUBSTANCE USE DISORDER ABATEMENT
PROGRAMS

STEPHEN SAGE
FISCAL OFFICER

ONLINE APPLICATION TEXT

To assist your planning, the questions from the online application and the evaluation criteria are provided below. Please note that the questions below are only provided to assist in offline planning. All applicants who wish to apply must do so through the online system. Application will be available for online submission on June 17, 2024, at https://ksfightsaddiction.fluxx.io/user_sessions/new.

Please ensure your responses are brief, concise, and clear. While there are no length limitations for responses, please keep responses to three paragraphs or less for each question.

A. ORGANIZATION OVERVIEW (10 points)

1. Provide a brief description of your organization, including a brief overview of the organization's history, key programs and services. The Wyandotte County Adult Drug Court Program has served the 29th Judicial District since 2008. The program provides judicial oversight and intensive supervision for probationers convicted of non-violent felony offenses who have been assessed as high-risk for recidivism due to substance-abuse issues. The Wyandotte County Adult Behavioral Health Court began in 2017 and serves high-risk/high-need adults who reside in Wyandotte County, are on felony probation in Wyandotte County, and are diagnosed with Severe and Persistent Mental Illness. Most Behavioral Health Court Program participants also struggle with substance use.

Our Adult Specialty Court Programs are designed to reduce time in the criminal justice system, reduce recidivism rates, and protect public safety. We provide access to a continuum of services, including inpatient and outpatient drug and mental health treatment, sober living environments, group and individual therapy, medication-assisted treatment, and relapse-prevention services. Our Intensive Supervision Officers provide case management for treatment, health, and community linkages to program participants. Violations of probation contracts are sanctioned in a variety of ways including jail time, increased reporting/court appearances, assignment of self-reflection reports, and community service work. Incentives include verbal recognition, sobriety coins, phase promotion, travel permits, and curfew extensions.

2. Describe your organization's capacity to implement the proposed project and any relevant experience with similar projects or programming, including past achievements and evidence of impact. The proposed project represents an enhancement of a program with a fifteen-year track record of success involving collaboration between the 29th Judicial District Court of Kansas, the WyCo/KCK Department of Community Corrections, the Wyandotte County Sheriff's Office, the Wyandotte County District Attorney's Office, and a local network of mental health professionals. Those who have completed the program have shown a dramatic decrease in criminogenic risk indicators as assessed by the Level of Service Inventory-Revised, the Level of Service Case Management Inventory, and/or the Women's Risk/Need Assessment, particularly in the domains of substance abuse, companions, attitudes, and leisure/recreation. Our vendors and collaborators, Wyandot Center, A Connecting Pointe, Mirror, Inc., Oxford House, Village Initiative, and Connections to Success have years of experience in delivering effective services to clients and have expressed their ability to serve our needs as we increase our caseload.

3. Describe how your policies and practices will align with the National Culturally and Linguistically Appropriate Services (CLAS) standards. The Specialty Court Programs employ racially diverse, bilingual staff and offer documentation in multiple languages. Unified Government staff attend Diversity, Equity, and Inclusion training as part of the onboarding process. Our employees and vendors are dedicated to equitable and culturally sensitive delivery of services. Program referrals, evaluations, supervision, treatment, rewards, and sanctions are performed in an equitable manner that does not discriminate on the basis of race, ethnicity, color, creed, religion, gender identity, sexual orientation, national origin, language, age, disability status, or genetic information.

B. PROJECT OVERVIEW AND NEED (40 points)

1. Describe the purpose of your proposed project, types of services to be provided, and how services will be delivered. Please also include a description of how your proposed project is science and data driven. The purpose of this project is twofold: 1) to expand the Drug and Behavioral Health Court Programs to include more participants and 2) to provide new services to participants and alumni. While our new Drug Court ISO position will be locally funded, we will use KFA grant funds to shoulder the added operational costs of the larger caseload, viz. psychiatric medication, medication-assisted treatment, individual and group drug and mental health treatment sessions, transitional housing, attorney fees, and SCRAM devices.

In terms of new and expanded services, our project will 1) create a Program Store that offers free personal and household items to clients on the basis of need and larger items as an incentive for meeting and exceeding expectations; 2) expand our clothing stock for clients to wear to job interviews or court appearances; 3) arrange and pay for transportation so that our clients don't have to take public transportation; and 4) fund, organize, and provide services for the alumni support group. We will track the impact of our expanded services via program outcome data, quarterly questionnaires designed to gauge client needs, yearly LSCMI/WRNA evaluations to measure criminogenic risk.

2. Describe the population to be served by this project, including an estimated number of individuals to be served and any relevant demographic information related to individuals to be served. The Wyandotte County/Kansas City, Kansas metropolitan area is home to about 165,000 people. The population is approximately 37% White, 34% Hispanic, 21% Black, and 5% Asian. Approximately 17% of Wyandotte County is foreign-born. Roughly 66% of the population older than 16 is in the civilian labor force, and roughly 20% of the population older than 25 has a Bachelor's degree or higher.

Estimated number anticipated to be served: The Drug Court Program currently serves 24 people, and the Behavioral Health Court Program currently serves 7. We expect 8-12 new probationers to be taken into our Specialty Court Programs, representing a caseload increase of roughly 33%. All current participants will be able to take advantage of the new transportation services, clothing closet, and Program Store. There are currently 5 Drug Court alumni trying to organize an Alumni Support Group that could potentially recruit 132 other Specialty Court Program alumni.

3. Provide a description of the need for the proposed project, including quantitative and/or qualitative data as appropriate, how the proposed project will address the need, and what your organization is currently doing to address the need.

Our Adult Specialty Court Programs predominantly serves populations that are both high-risk and high-need. Many program participants, in addition to having documented substance use issues, also experience mental health and trauma issues, economic insecurity, housing insecurity, compulsive sexual behaviors, and are un/underinsured. Probationers often report a need for common, essential items, e.g. articles of clothing and toiletries due to cost or because their belongings are in a location they are trying to avoid. We currently offer some limited clothing options to help probationers dress appropriately for job interviews, but there is a need for more. Additional funding will allow us to offer more items that our probationers struggle to afford, which will allow them to more easily pay their court-assigned restitution fees.

Probationers also report a need for an alternative to public transportation due to the presence of triggering people or behaviors at bus stops or on buses. In taking public transportation, probationers sometimes see people they know whom they are trying to avoid or people engaging in the use or distribution of drugs. We also have a few clients who live in areas not frequently served by public transportation. We currently have no process in place to solve these problems for our clients as they try to get to job interviews, meetings, or court appearances. Additional funding for our Specialty Court Programs would allow us to pay for Uber rides for our clients for approved purposes, which would allow them to attend more meetings, job interviews, etc.

Currently our Specialty Court Program graduates are attempting to organize a support group that has regular meetings for alumni, Specialty Court Program participants, and other probationers. They face difficulties with respect to meeting location, communication with other Program graduates, and transportation to meetings. Currently Wyandot Center's Community Corrections and Court Services Liaison is working with graduates to organize and provide space for meetings.

As we allow more participants into our Specialty Court Programs and we provide access to services for more people, our operational costs will increase. Additional funding will allow us to provide more people access to legal services, medication, transitional housing, and inpatient and outpatient drug and mental health treatment.

4. Describe how the proposed project is innovative in its approach to addressing substance use disorder and community needs. Currently the Special Court Programs lack systematic data collection. This project will implement new data collection efforts via surveys and evaluations, sampling at a higher frequency to create more granular information by which to track probationer status and needs. These programs have never offered transportation alternatives to public transportation; the new project will help address the need for probationers trying to avoid the criminogenic environments associated with public transportation. This project is the catalyst for pursuing more transitional housing options for our clients (via Village Initiative) and the development of a new alumni support group.

5. Identify potential barriers to project implementation and how your organization will work to mitigate them. One factor that could limit project implementation is lack of communication with probationers and alumni. Probationers need to know about the new transportation options, Program Store, and clothing closet in order to take advantage of them. Alumni need to know about the activities of the alumni support group in order to get involved. To overcome this potential limitation, we will notify all program participants and alumni of the changes made to the program and try to generate excitement around these improvements.

C. GOALS (20 points)

1. Identify reasonable goals with a timeline for completion for your proposed project. Goals should be specific, measurable, achievable, relevant, and time-bound (SMART). (If awarded, your organization will be expected to report progress based on the identified SMART goals.)

Implementation timeline: we want to expand our Specialty Court Programs to include 40 participants during Q1 of 2025. The project will fully implement alternative transportation services, Program Store, and supplemental clothing options during Q1 of 2025.

The project has the following goals:

- 1) Improve the risk profiles of Specialty Court Program participants compared to 2024 by 5% by end of Q2 2025 and 10% by end of Q4 2025.
- 2) Increase the retention rate of the program compared to 2024 by 10% by end of Q2 2025 and 15% by end of Q4 2025.
- 3) See improvement in the self-assessed needs of our clients with respect to housing, transportation, and basic household items as they progress through the program.
- 4) Increase probationers' payment of court-assigned fees.
- 5) Increase probationers' attendance of meetings and activities.
- 6) Facilitate the creation of Specialty Court Program Alumni Support Groups and grow to at least 20 participants by end of Q2 and 40 participants by end of Q4.

2. Describe the process(es), plan(s), and/or project activities you will complete to meet your goal(s) and to deliver the proposed project/services.

A. Clothing Closet: First, we will evaluate and document clothing inventory. Then we will evaluate client needs via in-person conversation and quarterly questionnaires asking about their needs. There is currently a need for more big and tall options, undergarments, winter clothing, and work attire. We will find low-cost clothing options, particularly from secondhand stores. Our staff are responsible for periodically cleaning the clothes.

B. Program Store – Incentive and Needs-Based: We will evaluate and document clients' needs for everyday items via in-person conversation and a quarterly questionnaire. Clients sometimes experience a lack of everyday essential items (e.g. shower soap, toilet paper, laundry soap, toothbrushes, razors) or a lack of access to their belongings (e.g. their items are in a house they wish to avoid). We will keep a store of such items that will be freely available to clients upon request or identification of need. More expensive or larger items in the Program Store will be

made available as incentives for meeting or exceeding expectations (e.g. doing UAs, attending extra treatment groups).

C. Transportation: We will evaluate and document clients' transportation needs via in-person conversation and a quarterly questionnaire. There is currently a demand for alternatives to public transportation due to the presence of triggers at bus stops or on buses; some of our clients live in areas not served by public transportation; some clients' lack of access to transportation may make them dependent on individuals they would do best to avoid, including other program participants. We will create an Uber account and arrange trips for clients for approved purposes (e.g. job interviews, court appearances, probation meetings, treatment groups meetings) upon request. We will create guidelines and protocols for this program and make them known to clients, implementing a cap on transportation spending per individual per year. We will use cheaper UG Transit options as available to keep our transportation spending to a minimum. As probationers work their way through the program, they should become more self-sufficient and less dependent on us to arrange transportation.

D. Program Expansion: As we expand our Specialty Court caseload, operational expenses will increase, but this does not represent a major change to our processes. Our vendors and service providers can accommodate our additional clients. Though we in the Department of Community Corrections do not solely determine how many cases to take on, we expect caseload to increase gradually throughout late 2024 and early 2025.

E. Alumni Peer Group: There are currently 5 Specialty Court Program graduates who are attempting to organize an alumni support group. This group could potentially recruit 132 other Specialty Court alumni. The 5 Alumni Board members currently meet weekly, and the alumni support groups will meet once every two weeks. While we plan for the alumni group to rely on public libraries, the Wyandot Center, community centers, or their own houses for regular meetings, we would like to offer funding for event space rental for occasional larger meetings or celebrations. Alumni Board members must be off probation for at least six months and be willing to report to Wyandot Center's Community Corrections and Court Services Liaison. Our staff can arrange transportation options to Specialty Court Program graduates interested in attending group meetings in order to facilitate attendance and grow the group.

3. List what project outcome(s) you would like to see and how you plan to measure. Explain how you plan to evaluate your project and how you will measure whether your project did or did not achieve the goal(s) outlined above. What evaluation methods, tools, or other resources will be used?

Goal 1) The project will aim to improve the risk-profiles of Specialty Court Program participants by 5% at the end of Q2 and 10% at the end of Q4. To evaluate criminogenic risk, we will use the Level of Service Case Management Inventory and/or the Women's Risk/Need Assessment.

Goal 2) While our probationers' compliance with their contract is out of our control, it is conceivable that the enhancements of our Specialty Court Programs described above will incentivize probationers to stay in compliance and ultimately complete the program. Our hope is

that we can improve our program retention rate by 10% by the end of Q2 and 15% by the end of Q4.

Goal 3) Our quarterly survey will evaluate the state of our clients' needs with respect to clothing, transportation, housing, and access to basic household goods. We want to see a noticeable improvement in self-assessed client needs over the course of the program, especially in those probationers who are in earlier phases of the program.

Goal 4) We will track the rate at which probationers pay their court-assigned fees and compare it to previous years, allowing us to determine whether our provision of basic household items, transportation, and clothing has alleviated some of their economic hardship.

Goal 5) We will track our probationers' attendance of various meetings and participation in activities, hoping to show an improvement over 2024. This will show us whether our efforts to incentivize participation and facilitate transportation to meetings have had the desired effect.

Goal 6) We will track participation in the Specialty Court Program Alumni Support Group with the hope that we will reach 20 participants by the end of Q2 and 40 by the end of Q4.

D. PRIORITY ELEMENTS (10 points) *Optional

1. Tell us how you are including in your project the priority elements (if any) listed under subsection H on page 8. Our Adult Drug Court Program serves a population in the highest quintile of risk according to the 2024 Kansas County Composite Index (item G). Our program will implement and enhance data collection and analysis processes to evaluate our probationers' needs and criminogenic risk (item C). Our program will increase the capacity and implementation of drug courts (item H4). Our program will collaborate with our service providers (Mirror, Inc., A Connecting Pointe, Wyandot Center, Oxford House, Village Initiative) and the Unified Government Public Health and Transportation Departments to avoid duplication of services (item H1).

E. RESOURCES (20 points)

1. List the key staff that will be responsible for the project and describe what role each of them will play, including their relevant experience.

Calvin Johnson: Criminal Justice Programs Administrator

Responsibilities: Oversees daily operations of Special Court Programs; coordinates with judges, legal professionals, treatment providers, and other stakeholders; manages case flow; monitors participant progress; maintains program records; secures and manages funding; develops partnerships; facilitates communication; ensures compliance with legal and regulatory requirements; maintains data collection and reporting.

Experience: Bachelor's Degree in Criminal Justice, 25 years in addiction services, 21 years in Community Corrections, and 16 years in Specialty Courts.

Ashley Brown: Drug Court Program Supervisor

Responsibilities: Coordinates Adult Drug/Alcohol Specialty Courts; supervises staff; provides direct services to offender population; coordinates intake, review, and daily management of probationers; collects and analyzes data; acts as liaison with all programmatic partners; covers partial caseload as needed; will make purchases related to Clothing Closet and Program Store; will administer new Client Needs Assessments; will arrange Uber rides for clients.

Experience: Bachelor's Degree in Developmental Psychology, WyCo/KCK Community Corrections Juvenile Diversion Officer, Adult Drug Diversion Officer, SB123 ISO, SB123 Field Services Administrator, Behavioral Health Court Program Coordinator, and Drug Court Program Supervisor 2014-2024.

Joslyn Brewer: Intensive Supervision Officer

Responsibilities: Supervises adult felons on Drug Court probation; attends court to provide testimony on participant progress; prepares weekly court reports and recommendations; monitors and verifies participant compliance with court orders; works with participants and providers to identify areas of risk/need.

Experience: Bachelor's Degree in Criminal Justice, Missouri Probation and Parole Officer 2023-2024, WyCo/KCK Community Corrections Drug Court ISO 2024-present.

Ariana Sanchez-Ruiz: Intensive Supervision Officer

Responsibilities: Supervises adult felons on Drug Court probation; attends court to provide testimony on participant progress; prepares weekly court reports and recommendations; monitors and verifies participant compliance with court orders; works with participants and providers to identify areas of risk/need.

Experience: Master's Degree in Forensic Psychology, WyCo/KCK Community Corrections Drug Court ISO 2020-2021, Legal Assistant with brewer law Group 2023-2024, WyCo KCK Community Corrections Drug Court ISO 2024-present.

Alicia Johnson: Behavioral Health Court Program Supervisor

Responsibilities: Manages daily operations of the BHC Program; pays for medications and housing; ensures client participation; handles program documentation and data collection; manages screening and referral process; attends and leads weekly court hearings; oversees weekly court report; completes assessments; provides support to BHC ISO and BHC clients as needed.

Experience: Bachelor's Degree in Criminal Justice (working toward Master's), 20 years working in mental health case management, 5 years of supervisory experience, WyCo/KCK 2022-present.

Michael Klyce: Intensive Supervision Officer

Responsibilities: Monitors and manages client participation in BHC program; teaches clients new skills; communicates with social service and treatment providers; completes required documentation; transports clients to treatment, RSI, and detox; complete assessments.

Experience: Bachelor's Degree in Criminal Justice, Master's Degree in Business Administration, behavioral therapist/specialist at Exceptional Children's Foundation, worked with youth and people of diverse backgrounds, WyCo/KCK Community Corrections ISO 2022-present.

Stephen Sage: Fiscal Officer

Responsibilities: Grant application process; data design and analysis; fiscal planning, review, and reporting.

Experience: Bachelor's Degree in Philosophy; Deputy Clerk and Election Officer of Linn County, Kansas 2022-2023; WyCo/KCK Community Corrections Fiscal Officer 2024-present.

Ellen Knocke: Community Corrections and Court Services Liaison (Wyandot Center)

Responsibilities: liaises between Wyandotte Behavioral Health Network and Community Corrections to facilitate probation for specialty courts and connect clients with mental health services, runs Seeking Safety support group, coordinates with Specialty Court alumni to organize meetings, receives reports from alumni to keep accountability.

Experience: Bachelor's Degrees in Criminal Justice and Psychology, Intensive Case Manager through Wyandotte Center for Behavioral Health Court, Wyandot Center Liaison and alumni contact 2020-present.

2. Describe any additional resources and/or funding that will be used to support this project or related projects. Please list any relevant funding sources your organization receives for SUD programming, like funding from sources such as KDADS, KDHE, SOR, OD2A, DEC/DECK, Block Grant, SB123, SPF Rx, SAMHSA, CDC, HRSA, BJA, or other SUD-related funding sources. The Unified Government of WyCo/KCK Department of Community Corrections Adult and Juvenile Divisions are funded by KDOC block grants but receive no SUD-related grants. Our Specialty Court Programs are locally funded.

3. Due to 2024 being a year in which some of these major grants mentioned above are up for bid, if your organization were to lose funding from a major funding source such as these, how would that impact the proposed project? *(Not factored into scoring for this section but may be considered by the KFA board in the review process). N/A

4. Describe how the organization is/will collaborate with other organizations to accomplish implementation of this project, including any entities funded through the Municipalities Fights Addiction Fund (Counties/Cities) and/or partners working on SUD issues in your community, including activities funded by the above funding sources. The WyCo/KCK Department of Community Corrections will collaborate with our Public Health and Transit Departments, which both offer some transit services, to avoid duplication of services and minimize transportation costs. We have communicated with our vendor to ensure that they can provide services to more clients and sought out additional sober housing providers.

Is your organization receiving funding from the Municipalities Fights Addiction Fund (opioid settlements for Counties/Cities)? Yes No If no, skip questions 4a.

Yes

- a. If yes, what is your organization using funding from the Municipalities Fights Addiction Fund for? The Unified Government of WyCo/KCK is receiving MFA money, but it is

currently unknown whether any of those funds will be made available to the Department of Community Corrections.

5. Have you received a previous KFA grant? Yes No If no, skip questions 5a and 5b. No.

a. If yes, how is the project different from the previously funded project? N/A

b. If yes, how is the project complementary or similar to the previously funded project? N/A

6. Please describe how your organization will ensure project activities are not duplicative of other services offered by your organization or partner organizations in the community. *KFA funds should not supplant other funding sources, so please ensure that activities included in your proposal are not funded by other sources. The Adult Drug Court's current funding source is Wyandotte County Special Alcohol Tax money; our use of County funds will not decrease because of KFA funds. We will use KFA funds on new operational expenses associated with the higher caseload and new services. We will communicate with the UG Transportation and Public Health Departments to avoid duplication of services they provide.

F. SUSTAINABILITY (5 points)

1. Tell us your plans for sustaining your project after the grant period ends. As a result of the grant funding, what work will be sustained, enhanced or expanded? If this project is successful, how will you sustain it? The UG is currently undergoing budget cuts, so it is doubtful that the UG would fund expanded Specialty Court Programs after the grant period ends. At that time, limited elements of the project, e.g. a smaller transportation program, might be fiscally sustainable, but in general the Specialty Court Programs will either take on fewer participants, cut the transportation program, or seek further grant funding.

2. If the board were to fund your project at a lower amount, how would your proposal change? *(Not factored into scoring for this section but may be considered by the KFA board in the review process). Our project can be scaled up or down proportionately to funding because we have some discretion over the number of participants in our Specialty Court Programs. If we receive KFA grant funds in an amount lower than our budget request, we can adjust our goals with respect to the number of probationers in our program. The transportation program is our largest budget line item and represents an estimated maximum of \$1500/client once our caseload is full; if we receive less funding, we can enforce a lower per client maximum.

G. BUDGET (5 points)

The budget section will include a standardized budget form and associated budget narrative. The maximum indirect rate shall not exceed 10% of the total budget. The budget template also includes a technical guide to aid in completion. See standardized budget form for more information. See attached.



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Troy Shaw, County Engineer/ Interim Director of Public Works tshaw@wycokck.org x5416	Public Works
AGENDA ITEM #		
RESOLUTION: APPROVING EPA CHANGE GRANT SC055		
BACKGROUND		
• The Integrated Overflow Control Plan (IOCP) consent decree program requires a combined sewer overflow (CSO) reduction project known as CSO55 to be completed by year end 2032 • The CSO55 project is the largest regulatory combined sewer overflow (CSO) reduction project. The CSO55 Phase I Grant Project begins 2025 and ends 2027. The IOCP consent decree mandates that the CSO55 project begin no later than 2032 and be completed no later than 2037 per Table 2.1 CSO Control Measures. The minimum design criteria scope of this project is to separate sewer line and install green infrastructure (Natural Based Solutions, NBS) to provide stormwater wet weather storage for 1.4" rainfall event, or approximately 35 Million Gallons of stormwater. Public Works project required tasks include communications (engagement, outreach, education, notification, coordination), design, inspection, and construction services. If awarded the grant, it is expected the CSO55 Phase I Grant Project would commence upon grant award and would be completed per the grant criteria, in approximately 36 months. • CSO55 project includes required grant tasks of communication, design, inspection, and construction services. • The sewer long range plan is funded by the sewer rate payers and relies on annual rate increases. • Funding opportunities, to include grants, are needed to minimize future rate increases while funding regulatory and mandatory project programs. If funding opportunities are not awarded or secured, all costs of the programs relies on the sewer rate payers. • Through EPA's Environmental and Climate Justice Community Change Grants program (Community Change Grants), Congress has appropriated approximately \$2 billion dollars in Inflation Reduction Act funds in environmental and climate justice activities to benefit underserved and overburdened disadvantaged communities. More information can be found at Inflation Reduction Act Community Change Grants Program US EPA (https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program). • The EPA Change grant is a minimum \$10 Million - maximum \$20 Million opportunity per application, with a maximum of two applications per lead applicant. The UG is competitively positioned within the regulatory combined sewer overflow reduction project boundary. • The Unified Government would be the lead agency, but is only eligible if there is a partner Community Based Organization (CBO) included in the grant application and administration. Minimum eligibility is achieved by 1) Community Based Organizations that partner together, or 2) Community Based Organizations that partner together with one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of		

partnerships for eligibility purposes are known as Statutory Partnerships. In this case, the Unified Government is proposing a partnership with a CBO.

- Through Livable Neighborhoods, Public Works went out for a solicitation "Call for Interest" to community-based organizations recognized by the Unified Government. CABA was the only neighborhood group that responded to the call for interest. Livable Neighborhoods confirmed that this as a partner who can support the project and the grant application efforts as a CBO who meets the grant criteria.
- CABA as the statutory partner would conduct the engagement, education and outreach components of the grant program criteria and project needs. The sub-award contract for this work would be presented to the commission for review and approval. All payment requests would require documentation to the UG and the federal government for work completed and actual services performed.

RECOMMENDATION

Approve
Fast Track

- Requesting the support of the grant program by authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant with statutory partners for SCO55 by signing the MOUs and if awarded, authorizing the County Administrator to sign all related documents to execute the grant, noting that the MOU with the statutory partner will be presented to the Commission prior to execution.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

No match is required.

IT/POLICY CONSIDERATIONS

N/A

PROCUREMENT CONSIDERATIONS

- The design and construction of the project are subject to the Unified Government's Purchasing Policy.

LEGAL CONSIDERATIONS

- Attached MOU is required as part of the grant application packet and has been reviewed by legal and signed by CABA

ATTACHMENTS

MOU_EPA COMMUNITY CHANGE GRANT_CABA, EPA-R-OEJECR-OCS-23-04 - 10.03.24, EPA-community-change-grants-nofo-faq-2.1.2024 (1), Commission Resolution - CSO55 EPA Change Grant, Commission Action Report - CSO55 EPA Change Grant

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

DOF 10/16/2024
APPROVED: [Signature]
[Signature]

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE CENTRAL AREA BETTERMENT ASSOCIATION FOR THE PURPOSE OF APPLYING FOR A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

WHEREAS, the Unified Government of Wyandotte County/ Kansas City, Kansas ("Unified Government") is subject to a Consent Decree with the Environmental Protection Agency ("EPA"); and

WHEREAS, the Consent Decree contains an Integrated Overflow Control Program ("IOCP") that requires the Unified Government to improve its sewer and storm water systems; and

WHEREAS, the EPA has a grant program to fund activities required by the IOCP; and

WHEREAS, the grant requires the Unified Government, as the Lead Applicant, to partner with one or more entities and submit a signed Partnership Agreement; and

WHEREAS, the Central Area Betterment Association ("CABA") has agreed to enter into such a Partnership Agreement with the Unified Government, creating the UG/CABA Stormwater Control System Grant Partnership; and

WHEREAS, the parties have reached and prepared a Partnership Agreement to cooperate in the improvements required by the IOCP, and the Unified Government desires to enter said agreement.

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

Section 1. The Unified Government Board of Commissioners hereby approves the Inter-departmental Grant Coalition Proposal to pursue grant funding for the above-described projects

Section 2. Further Action. That the Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby authorized to execute said Memorandum on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of this 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/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2024.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Acting Chief Counsel

EPA COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT
BY AND BETWEEN
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
AND
THE CENTRAL AREA BETTERMENT ASSOCIATION

This Partnership Agreement ("Agreement") is made and entered into this ____ day of August 2024 ("Effective Date"). The "Partners" in this Agreement are as follows:

The Lead Applicant is the Unified Government of Wyandotte County/Kansas City, Kansas ("UG").

The Statutory Partner is the Central Area Betterment Association ("CABA").

I. NAME

The partners are executing this document to create a Partnership. This partnership will be known as **UG/CABA Stormwater Control System Grant Partnership** ("Partnership").

II. PURPOSE AND LOCATION

The Partners wish to become partners for the purpose of applying for and if awarded, executing an Environmental Protection Agency ("EPA") Community Change Grant ("CCG"). The Partnership's primary place of business will be 701 North 7th Street, Kansas City, KS 66101.

III. PROJECT DESCRIPTION

The Community Change Grant project will develop a design for the CSO-55 project to meet the IOCP consent decree, include community engagement, and implement phased construction to reduce heat island effect and improve air quality through urban reforestation, enhance local mobility through trail and right-of-way improvements, decarbonize through innovative community connections, and improve water quality through pollution reduction and stormwater management techniques.

IV. THE PARTNERSHIP

A. The Partners Agree to the following:

1. The terms and conditions of their Partnership will be outlined in this Agreement.
2. The Partnership will be in effect as of the date entered above.
3. The Partnership will only be terminated as outlined in this Agreement.
4. The Partnership will be governed by and construed under the laws of the State of Kansas.

V. ROLES OF PARTNERS (if the CCG is awarded)

A. UG Responsibilities. The UG is responsible for:

1. Overall management, performance, oversight, and reporting under the grant, and for making subawards to Collaborating Entities.
2. Making a subaward to CABA in the amount consistent with the final EPA approved grant budget.
3. Making sure all subawards comply with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in EPA's Subaward Policy and related guidance.
4. Receiving federal funds from EPA and ensuring the proper expenditure of these funds. UG will bear liability for unallowable costs.
5. All compliance, legal issues, and managing risks associated with the project.
6. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
7. Share decision making authority with CABA and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
8. Upon award, enter into a grant agreement with the EPA.

B. CABA Responsibilities. CABA will be responsible for:

1. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
2. Share decision making authority with the UG and other parties as specified in the Collaborative governance Structure that is submitted to EPA as part of the CCG application.
3. Upon award, enter into a subaward agreement with the UG.

VI. GENERAL PROVISIONS

A. Term of Partnership.

1. This partnership will commence and be in effect upon notification of EPA Community Change Grant Award and will terminate, unless overridden by a new written agreement, in one of the following ways:
 - a. When CABA is replaced under the procedure listed in Paragraph VI.D. below,
 - b. When the CCG is completed as determined by EPA,
 - c. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application, and
 - d. When the Partnership is informed that their resubmitted application is rejected.
2. Both Partners agree to be bound by the terms of this Partnership Agreement and agree that the Partners have received due consideration for entering into this contract.

B. Dispute Resolution.

1. In the event a dispute arises between the Partners regarding the rights or duties created by this Agreement, or in the event of a breach of this Agreement by either party, the Partners agree to meet and confer in a good faith effort to resolve the dispute. In the event the Partners are unable to informally resolve the dispute within thirty (30) days after the dispute has arisen, the Partners agree to non-binding mediation with a mediator approved by both Partners prior to any litigation.
2. Both members of this partnership recognize and acknowledges that EPA is not a party to this Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
3. This Agreement and the rights and obligations of the parties hereunder are to be governed by and construed and interpreted in accordance with the laws of the State of Kansas applicable to contracts made and to be performed wholly within Kansas, without regard to choice or conflict of laws rules. The parties hereto submit to the exclusive jurisdiction of and venue in the state courts located in Wyandotte County, Kansas, or the U.S. District Court, District of Kansas, for purposes of any suit arising hereunder instituted by any party.

C. Assignment and Replacement of CABA as Statutory Partner.

1. If it becomes necessary to replace CABA as the Statutory Partner, the UG will give CABA written notice transmitted by (a) registered or certified mail, return receipt requested, with Notice deemed to be given upon receipt; postage pre-paid, (b) delivered by hand or by nationally recognized courier service, or (c) if sent by facsimile or email transmission with confirmed receipt, and addressed as follows:

Central Area Betterment Association
Contact: Edgar Galicia, Executive Director
Address: 1303 Central Avenue
Kansas City, Kansas 66102

2. The UG will interview potential replacement Statutory Partners to ensure the replacement Statutory Partner has the comparable expertise, experience, knowledge, and qualifications of CABA to ensure successful grant completion within 3 years.
3. If CABA cannot perform for any reason, including, but not limited to, performance issues or other unforeseen reason under the terms of this Agreement, CABA will assist the UG in finding a replacement with due haste and will assign all its rights and obligations to the newly selected Statutory Partner.
4. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).

- D. **Costs.** The Partners will share programmatic funding consistent with the application budget submitted for the EPA Community Change Grant program and any EPA approved revisions.
- E. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year or (b) funds made available from any lawfully operated revenue producing source.
- F. **Accounting, Retention, and Access to Records.** The Partnership will maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.
1. Both Partners will maintain and allow complete access to all books, records, documents, papers, and letters that are made or received by the Partners or Partnership in connection with this Agreement (collectively, "Records").
 2. All accounts related to the Partnership, including contribution and distribution accounts, are subject to audit.
 3. The Partnership will retain all Records applicable to this Agreement for a period of five (5) years after grant closeout, as required under 2 CFR§300.334, or until all audit questions have been resolved, whichever period of time is longer.
 4. Each partner will be responsible for their own tax returns.
 5. Accounting records will be kept on a cash basis.
 6. The fiscal year will end on December 31st each year.
- G. **Ownership.** The Partners shall be joint owners with all property rights, including publication rights, in all interim, draft, and final reports and other documentation, including machine-readable media, produced by or in connection with the work pursuant to this Agreement.
- H. **Profits.** There are no anticipated profits from the grant agreement.
- I. **Modification to Partnership Agreement.** This Agreement and other documents specifically referred to herein constitute the entire partnership agreement and there are no verbal agreements between the Partners. This Agreement may only be revised or modified by a written amendment signed by authorized representatives of both Partners.

- J. **Independent Contractor Relation.** The parties agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The parties agree that no persons supplied by CABA are employees of the Unified Government and that no right of the Unified Government's civil service, retirement, or personnel rules accrue to such persons. The Unified Government shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the Unified Government to the Contractor.
- K. **Circumstances Beyond Control (Force Majeure).** The Partners shall not be responsible or liable for (i) special, consequential, indirect or punitive damages or (ii) any failure or delay in performing its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including: acts of God, earthquakes, fires, floods, wars, terrorist acts, civil or military authority or disturbances, sabotage, epidemics, pandemics, quarantine, riots, interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service, accidents, labor disputes, governmental actions or omissions, changes in laws or regulations, or generalized lack of availability of raw materials or energy.
- L. **Severability.** If any terms of this Agreement or its application to any person or circumstances shall, at any time or to any extent, be determined invalid or unenforceable, such as the inability to enter into a grant agreement with the EPA, the remaining provisions shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

Lead Applicant

Unified Government of Wyandotte County and Kansas City Kansas

David W. Johnston
Wyandotte County Administrator

Statutory Partner
Central Area Betterment Association



Jose Rodriguez
CABA Board Chair

FEDERAL AGENCY AND OFFICE: U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)

FUNDING OPPORTUNITY TITLE: Environmental and Climate Justice Community Change Grants Program

ANNOUNCEMENT TYPE: Notice of Funding Opportunity (NOFO)

FUNDING OPPORTUNITY NUMBER: EPA-R-OEJECR-OCS-23-04

ASSISTANCE LISTING NUMBER: 66.616

ACTION: Modification No. 4 to the NOFO

DATE: October 2, 2024

SUMMARY: This modification revises and clarifies the NOFO, which was originally issued on November 21, 2023. This version of the NOFO supersedes previous versions of the NOFO. The revision made by this modification is as follows:

1. The paragraph on page 2 of the NOFO under “Deadline” was revised to add a citation to 41 Fed. Reg. 36,907 and clarify that applicants may assert a CBI claim and EPA will treat any information claimed as CBI consistent with our regulations.

FEDERAL AGENCY AND OFFICE:	U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)
FUNDING OPPORTUNITY TITLE:	Environmental and Climate Justice Community Change Grants Program
ANNOUNCEMENT TYPE:	Notice of Funding Opportunity (NOFO)
FUNDING OPPORTUNITY NUMBER:	EPA-R-OEJECR-OCS-23-04
ASSISTANCE LISTING NUMBER:	66.616
IMPORTANT DATES:	
November 21, 2023	NOFO Opening Date
November 21, 2024	Application Closing Date
July 2024	Initial Award Selections Made
November 2024	Anticipated Start of Period of Performance for Initial Selections

DEADLINE: Application packages will be accepted on a rolling basis, as further explained in the NOFO, until November 21, 2024, at 11:59 PM (Eastern Time) through Grants.gov. Applications received after the closing date and time will not be considered for funding.

In alignment with EPA's commitment to conducting business in an open and transparent manner, copies of applications selected for award under this NOFO may, as appropriate, be made publicly available on the OEJECR website or other public website for a period after the selected applications are announced. Therefore, applicants should clearly indicate which portion(s) of the application, if any, they are claiming contains confidential business information. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant. See 40 CFR 2.203(a), 41 Fed. Reg. 36,907.

Notice To Applicants: The revisions to the grant regulations in [2 CFR described at 89 FR 30046-30208](#) (April 22, 2024) will apply to awards made under this NOFO, including the change to the de minimis indirect cost rate.

NOTE: Prior to naming a contractor (including consultants) or subrecipient in your application as a "partner," please carefully review Section IV.d, "Contracts and Subawards," of EPA's Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements as well as EPA's rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor's role in preparing an application or a firm or individual's "unique" qualifications.

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Section I. Funding Opportunity Description

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A. Background: Inflation Reduction Act and Executive Orders

The Environmental and Climate Justice Community Change Grant program (Community Change Grants) – the subject of this NOFO – offers an unprecedented opportunity to transform disadvantaged communities across the United States into healthy, climate resilient, and thriving communities for their current and future residents. The Community Change Grants will fund community-driven projects that address climate challenges and reduce pollution while strengthening communities through thoughtful implementation. The historic levels of support provided by these grants will enable communities and their partners to overcome longstanding environmental challenges and implement meaningful solutions to meet community needs now and for generations to come.

The Inflation Reduction Act (IRA) created the Environmental and Climate Justice Program (ECJP)—the largest investment in environmental and climate justice in U.S. history—when it was signed into law by President Biden on August 16, 2022. The ECJP is now contained in Section 138 of the Clean Air Act (CAA), 42 U.S.C. § 7438. Under this program, EPA was provided \$2.8 billion to award grants to help disadvantaged communities address a wide range of environmental and climate justice issues, and \$200 million for technical assistance related to these grants. This historic investment advances [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, which established a whole-of-government approach to advancing equity and opportunity, and [Executive Order 14008](#), *Tackling the Climate Crisis at Home and Abroad*, which created the government-wide [Justice 40 Initiative](#) that established the goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Awards under the ECJP also support core goals of [Executive Order 14091](#), *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and [Executive Order 14096](#), *Revitalizing Our Nation's Commitment to Environmental Justice for All*.

The Community Change Grants are the final and most comprehensive piece of EPA's implementation of ECJP IRA funding. The Community Change Grants will complement grant programs that EPA launched in 2022 and 2023, including those for the Collaborative Problem-Solving, Government-to-Government, and Thriving Communities Grantmaker programs. Collectively, these programs will empower communities and their partners to design, develop, and implement multi-faceted community-driven projects. These programs will address the diverse and unique needs of disadvantaged communities by:

1. Reducing and preventing pollution;
2. Building resilience to climate change and mitigating current and future climate risks;
3. Enhancing meaningful involvement in government processes related to environmental and climate justice;
4. Expanding access to high-quality jobs and economic opportunity through workforce development; and
5. Bolstering community strength by ensuring that local residents receive the benefits of investments and have the opportunity to build on them for current and future generations.

Through the approximately \$2 billion to be awarded under the Community Change Grants, and the technical assistance that will be available to eligible applicants related to the grants, EPA will advance the goals of these Executive Orders (EO) and the agency's environmental and climate justice priorities. [Environmental justice](#), as defined by EO 14096, means the just treatment and meaningful involvement of all people,

regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

B. Statutory and Regulatory Authority

The authority for the awards under this NOFO is Clean Air Act (CAA) § 138, codified at 42 U.S.C. § 7438. Of the \$2.8 billion appropriated, approximately \$2 billion will be awarded for the Community Change Grants under this NOFO. As provided in 42 U.S.C. § 7438(a)(1) and (b)(1), all the funds must be awarded by September 30, 2026, the grants cannot be longer than three years in duration, and no extensions will be granted.

Eligible entities and eligible activities are defined in 42 U.S.C. § 7438(b)(2) and (3) and are further described below and in [Section I](#) and [Section III](#) of this NOFO.

Section 138(b)(2) of the CAA specifies that an eligible entity may use a grant awarded under this NOFO for:

1. community-led air and other pollution monitoring, prevention, and remediation, and investments in low and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions¹ and other air pollutants;
2. mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;
3. climate resiliency and adaptation;
4. reducing indoor toxics and indoor air pollution; or
5. facilitating engagement of disadvantaged communities in state and federal advisory groups, workshops, rulemakings, and other public processes.

In addition, Section 102(2)(I) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(I) is applicable to international work, if any, under this NOFO. Further, all funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the Federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.

¹ “Greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

C. Community Change Grants Objectives

The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.

Designed with meaningful community, Tribal, and other stakeholder involvement, the investments EPA makes through the Community Change Grants are intended to achieve the following objectives:

1. Provide resources for community-driven projects to address environmental and climate challenges in communities facing disproportionate and adverse health, pollution, and environmental impacts, and suffering from generations of disinvestment.
2. Invest in strong cross-sectoral collaborations with partners who bring a robust commitment to working with and for communities with environmental and climate justice concerns.
3. Unlock access to additional and more significant resources to advance environmental and climate justice goals from across the federal government and other sources.
4. Empower communities and strengthen their capacity to drive meaningful positive change on the ground for years to come.
5. Strengthen community participation in government decision-making processes that impact them.

D. NOFO Competition Features

EPA anticipates awarding approximately \$2 billion in funding through this NOFO, depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. EPA will consider applications under two separate tracks.

- **Track I applications – Community-Driven Investments for Change** will focus on multi-faceted applications with Climate Action and Pollution Reduction Strategies to meaningfully improve the environmental, climate, and resilience conditions affecting disadvantaged communities. Awards under Track I are expected to be \$10-20 million each. EPA expects to award approximately \$1.96 billion for approximately 150 Track I awards, including those under the Target Investment Areas described in Section II.B.
- **Track II applications – Meaningful Engagement for Equitable Governance** will facilitate the engagement of disadvantaged communities in governmental processes to advance environmental and climate justice. Awards under Track II are expected to be \$1-3 million each. EPA will award approximately \$40 million for approximately 20 Track II awards.

The number of Track I and Track II awards are estimates, and EPA reserves the right to increase or decrease the total number of awards and dollar amounts for each track, contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, agency priorities, programmatic considerations, or a combination of these.

Target Investment Areas for Track I Applications: EPA has identified five Target Investment Areas (TIA) to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding (see [Section II.B](#)). Applicants applying under a specified TIA will compete against other applicants under the same TIA, as opposed to the broader application pool. Please note that applicants applying for the TIA for Alaska Tribal lands should review Appendix H for additional guidance pertaining to the Climate Action and Pollution Reduction Strategies to include in their application, including those related to the Alaska Native Claims Settlement Act (ANCSA).

Eligible Applicants: Eligible applicants for the Community Change Grants include a partnership between two community-based non-profit organizations (CBOs), or a partnership between a CBO and one of the following: a Federally recognized Tribe, a local government, or an institution of higher education (IHE), including Minority Serving Institutions as further described in [Section III.A](#). Other organizations and entities may participate in the Community Change Grants as Collaborating Entities through subawards, or as contractors selected in accordance with competitive procurement requirements. Further details about applicant eligibility, partnership requirements, Collaborating Entities, subawards, and procurement contracts are in [Section III](#).

Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and may receive up to two awards, if they demonstrate the capacity and capabilities to effectively perform, manage, oversee, and complete the awards within the three-year grant period of performance. The two applications may be two Track I applications, two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

In addition, EPA is introducing several features to enhance community involvement and ease the application process. Unless otherwise noted, the following applies to both Track I and Track II applications:

- **Rolling Applications.** EPA will allow applications to be submitted on a rolling basis over a 12-month period, through November 21, 2024, and will permit applicants to resubmit an unsuccessful application after a debriefing with the agency. Further details about the rolling application and resubmission process are in Sections II and V.
- **Fast-Tracked Approach.** EPA will review and select high-quality applications to fund on a rolling basis to deliver results and benefits to disadvantaged communities.
- **Indirect Costs Limitation.** As further described in Appendix G, there is a 20% cap on indirect costs for certain recipients and subrecipients.

E. Technical Assistance

Under the IRA, EPA received \$200 million for technical assistance to eligible entities in connection with the ECJP. Technical assistance will be available for pre-award technical assistance including but not limited to designing a project, preparing an application, or facilitating partnerships, and for post-award technical assistance to help grant recipients manage, oversee, perform, and report on the grants. Further details about technical assistance can be found [here](#), and additional information on technical assistance that may be available through EPA's technical assistance contractor can be found [here](#). Receiving technical assistance does not guarantee that applicants will be selected for funding.

F. Community or Tribal Relocation Resources

Projects for community or Tribal relocation activities are not eligible for funding under this NOFO and will not be reviewed. For purposes of this NOFO, relocation activities generally include activities intended to plan or assist the moving of an individual from their residence or a business from its place of business.² EPA is working with other federal agencies on a separate and tailored effort to develop a support mechanism for communities that want to implement community-driven relocation plans. EPA intends to share relocation assistance information in future guidance [posted on the Community Change Grants website](#). In the interim, information related to Federally-assisted relocation can be found on [FEMA's webpage](#) and in the [HUD Climate Resilience Implementation Guide for Community Driven Relocation](#). Any questions about whether an activity is considered a relocation activity should be sent by email to CCGP@epa.gov prior to applying.

G. Funding Track I: Community-Driven Investments for Change

1. Track I Objectives

Track I is the primary emphasis for the Community Change Grants. These projects will be implemented through strong collaborations to achieve sustained impacts related to climate resilience, pollution reduction, community health, economic prosperity, and community strength. This approach catalyzes change by focusing on the following objectives:

- **Increase community resilience through climate action activities:** Implement comprehensive Climate Action Strategies and infrastructure that build the resilience and adaptive capacities of communities, reduce greenhouse gas (GHG) emissions, and better prepare for and reduce the impacts of climate change.
- **Reduce local pollution to improve public health:** Reduce and remediate quantifiable health-harming pollutants to improve public health.
- **Center meaningful community engagement:** Conduct robust community engagement throughout the project – from design to implementation.
- **Build community strength:** Develop strategies to increase the likelihood that benefits of the investments accrue to existing residents of disadvantaged communities, both immediately and sustainably beyond the grant period.
- **Reach priority populations:** Support people within the Project Area as described in Appendix A who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities to the impacts of environmental pollution.³
- **Maximize integration across projects:** Ensure that the projects and activities within the Project Area are integrated and complement each other to maximize benefits.

² The Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. § 4601 et seq. (URA) would apply if a construction project funded through a Community Change Grant has an incidental effect of permanently displacing residents or businesses.

³ This may include populations of concern as identified in [The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment \(2016\)](#) that “experience disproportionate, multiple, and complex risks to their health and well-being in response to climate change,” such as children and pregnant women, older adults, and those with low incomes, limited-English-proficiency, disabilities or chronic medical conditions, or other risks that may put them at greater vulnerability.

2. Track I Community Vision Description

Track I applications should be rooted in addressing specific, community-driven environmental justice challenges. Accordingly, Track I applications should begin with a Community Vision Description that, at a minimum, provides an overview of the Project Area (as described in Appendix A) to benefit from the grant, a clear description of the challenges the Project Area faces, and a vision for how the grant will respond to those challenges to advance environmental and climate justice in the Project Area. This description should provide essential context for the rest of the application, informing how the Climate Action and Pollution Reduction Strategies were selected and the positive impact the applicant envisions the grant will have in the Project Area. The Community Vision Description is further described in [Section IV.B: Content of Application Submission](#).

3. Track I Application Requirements

Track I applications must address the following six requirements, as further described below. Additional information about the contents of the Project Narrative for Track I applications can be found in [Section IV.B: Content of Application Submission](#) and information about how applications will be evaluated can be found in [Section V.C: Track I Application Review Process and Evaluation Criteria](#).

Requirement 1. Climate Action Strategy: Applications must include at least one project aligned with at least one of the Climate Action Strategies as described below. The Climate Action Strategies focus on strengthening the community's climate resilience and / or reducing GHG emissions. Climate Action Strategies should be responsive to the community challenges described in the Community Vision Description.

Requirement 2. Pollution Reduction Strategy: Applications must include at least one project aligned with at least one of the Pollution Reduction Strategy as described below. The Pollution Reduction Strategy can include monitoring, prevention, reduction, and remediation activities that support community efforts to address quantifiable and health-harming pollutants. Pollution Reduction Strategies range broadly depending on the type and pathway of pollution (e.g., indoor, or outdoor air pollution, water pollution, soil pollution). Pollution Reduction Strategies should be responsive to the community challenges described in the Community Vision Description.

Requirement 3. Community Engagement and Collaborative Governance Plan: Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

Requirement 4. Community Strength Plan: Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing

community members receive the benefits of these investments and can build on those benefits for future generations.

Requirement 5. Readiness Approach: Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe how they will be able to initiate grant performance upon award, or generally no later than 120 days after award, so they can successfully complete the grant within the three-year period of performance.

Requirement 6. Compliance Plan: Applicants must submit a Compliance Plan that describes how they will: (1) ensure compliance with the grant's terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (2) manage broader legal and compliance risks.

Details of Track I Application Requirements

Requirement 1. Climate Action Strategies: Applicants must include at least one project aligned with at least one of the Climate Action Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Climate Action Strategy(ies) and associated project(s) will address those challenges. Each Climate Action Strategy outlined below is focused on building short-term and long-term climate resilience, reducing GHGs, and providing additional co-benefits so that impacted communities can adapt to the changing climate. Applicants are also encouraged, as applicable, to integrate processes that minimize burdens to human health and the environment while maximizing benefits to the Project Area through such means as integrating nature-based solutions, utilization of low-carbon building materials, or sourcing sustainable products and materials to perform the projects. When selecting a Climate Action Strategy and designing their climate action projects, applicants may refer to the [National Climate Resilience Framework](#) released in September 2023.

Examples of project activities and guidelines associated with the strategies can be found in Appendix C. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Climate Action Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

Strategy 1: Green Infrastructure and Nature-Based Solutions

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.⁴ Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and

⁴ Applicants may use the White House's [Nature-Based Solutions Resource Guide](#) as a resource for integrating nature-based solutions.

economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.

Strategy 3: Energy-Efficient, Healthy, and Resilient Housing and Buildings

Residential and commercial buildings are a significant source of GHG emissions due to the large amounts of electricity consumed for heating, cooling, lighting, and other similar functions. Many disadvantaged communities also face a disproportionately high energy burden, defined as the percentage of gross household income spent on energy costs. Many factors can influence high energy burden, including higher-cost fuels, such as propane or other bottled fuels, and energy-inefficient homes due to a lack of insulation in older homes or older appliances. Strategy 3 supports investments in low- and zero-emission technologies and energy efficiency upgrades that can help decarbonize residential and commercial buildings, decrease energy burden, and increase resilience for communities. Many of these activities also contribute to positive public health outcomes by improving indoor air quality and the safety and comfort of buildings. Co-benefits associated with this strategy can be maximized by combining additional Climate Action and Pollution Reduction Strategies to improve indoor air quality and / or produce additional resiliency benefits. This strategy can support a range of residential and commercial buildings, including single-family homes, multi-family housing buildings, small businesses, community health facilities, community centers, nonprofit offices, schools, and other similar community-serving buildings.

Strategy 4: Microgrid Installation for Community Energy Resilience

Many disadvantaged communities suffer from unreliable access to electricity, a problem that is becoming more acute due to increased heating and cooling demands during extreme weather events driven by climate change. Strategy 4 supports the installation of microgrids powered by low- and zero-emission renewable energy to improve electric reliability, enhance overall energy efficiency, reduce emissions of GHG and other air pollutants, and build a community's capacity to prepare for and withstand power disruptions. The U.S. Department of Energy [defines](#) microgrids as "a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid." A microgrid can operate autonomously when disconnected from the grid or when there is no grid to connect to, such as in some remote communities. When connected and operated with the grid, a microgrid can provide grid ancillary services.

Strategy 5: Community Resilience Hubs

Many disadvantaged communities lack the resources to evacuate in a safe and timely manner when disaster strikes or is imminent. Strategy 5 supports the creation of, or upgrades to, community-level resilience hubs, which are public-serving spaces that provide shelter and essential services during extreme weather, natural hazards, or other events causing or contributing to an emergency or disaster, such as dangerous wildfire woodsmoke, toxic releases, industrial fires, or similar hazardous chemical incidents. These community-level resilience hubs can also serve as community-convening spaces that provide educational activities and related emergency and disaster preparedness resources to community residents year-round.

Strategy 6: Brownfield Redevelopment for Emissions Reduction and Climate Resilience

Many disadvantaged communities contain brownfield sites that impede economic development. Redeveloping brownfields provides an opportunity to make investments that contribute to community revitalization, resilience, and GHG emissions reduction. Redeveloping brownfield sites also supports infill development that significantly reduces residential vehicle use and the associated GHG emissions. Strategy 6 supports the redevelopment of brownfield sites that have already been cleaned up, or where a site assessment indicates that cleanup is not necessary for reuse. These projects should seek to improve energy efficiency through investments in low- and zero-emission technologies, integrate climate resiliency, and / or mitigate climate change impacts while also promoting economic development and improving public health for residents. Examples could include construction of a public park or partnering on a LEED Certified low-income housing project on a former brownfield site.

Note: Projects funded under this Climate Action Strategy must be performed on sites where, at the time of application submission, the applicant demonstrates that cleanup is complete or that the site does not require any cleanup activities for the intended use or reuse of the site. See Section III.D.8 and Appendix C section on this Strategy.

Strategy 7: Waste Reduction and Management to Support a Circular Economy

Disadvantaged communities often bear the brunt of environmental contamination from improper disposal of physical waste, or from disposal in landfills adjacent to those communities. This strategy supports circular economy⁵ activities and promotes sustainable use of natural resources to keep materials and products in circulation for as long as possible, resulting in the reduction of GHG emissions and other pollution across a product's lifecycle. Examples of these projects may include efforts to reduce food waste (e.g., composting, anaerobic digestors), or to promote the reduction, reuse, and recycling of disaster debris, construction and demolition debris, and other materials and products. Project activities should demonstrate that they will result in materials being diverted from end-disposal facilities (e.g., landfills, incinerators) to reduce GHG emissions, toxic air pollution, and soil and water pollution.

Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.

⁵ A circular economy keeps materials, products, and services in circulation for as long possible.

Requirement 2. Pollution Reduction Strategies: Applications must include at least one project aligned with at least one of the Pollution Reduction Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Pollution Reduction Strategy(ies) will address those challenges. Each Pollution Reduction Strategy outlined below is focused on pollution monitoring, prevention, and remediation of quantifiable and health-harming pollutants.

Applications that include activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.

Examples of project activities and guidelines associated with the strategies can be found in Appendix D. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

Strategy 1: Indoor Air Quality and Community Health Improvements

Disadvantaged communities often face high levels of indoor air pollution from several sources, including mold, lead paint, radon, asbestos, fossil fuel combustion, and pollution from outdoors that seeps inside. These pollutants can have a detrimental impact to human health, particularly for vulnerable populations including children, the elderly, and people with health conditions like asthma and heart disease.⁶ Activities under Strategy 1 can include education on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach strategies, public education activities) and direct assessment and remediation to reduce harmful air pollution (e.g., installation of filtration systems, building retrofits that address multiple sources of pollution, replacement of wood heaters that do not meet EPA standards, asbestos abatement in schools).

Strategy 2: Outdoor Air Quality and Community Health Improvements

Outdoor air pollution from mobile and stationary sources can compromise human health and the environment in many ways, including by triggering asthma attacks and heart attacks, exacerbating respiratory disease, and causing children and adults to miss school and work on bad air days. Activities funded under Strategy 2 could include: funding the purchase, upgrade, and / or maintenance of equipment and technology to allow for the inspection, testing, monitoring, and sampling of air pollution; purchasing equipment that limits community exposure to outdoor air pollutants; and reducing exposure to near-road pollution, pollution from airports and ports, and mobile source pollution. This could include land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas. These activities can be bolstered by educating the public on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach, public education), and communication of air pollution assessment results to reduce exposure, including during environmental emergencies or events where the risk of pollution exposure is high.

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused

⁶ Indoor Air Quality (IAQ).

infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA's Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste

Disadvantaged communities are disproportionately exposed to solid and hazardous waste, which negatively impacts public health. This strategy supports pollution prevention, recycling, and disposal activities related to the management of solid and hazardous waste, such as discarded electronics, tires, single-use plastics, and other disposable items. Community-level responses to these challenges could include, for example, the purchase of equipment and the development of facilities to manage solid and hazardous waste to improve public health outcomes. Brownfields cleanup is not contemplated under this strategy and is not a Community Change Grants program priority.

Requirement 3. Community Engagement and Collaborative Governance Plan: Track I applications must include a Community Engagement and Collaborative Governance Plan. Successful implementation of environmental and climate justice projects requires relationships and meaningful engagement among an ecosystem of community leaders and members alongside partners across many sectors. This plan is required to help ensure that grant activities are driven and informed by the views of the Project Area community and are accomplished through collaboration among key stakeholders. The plan should describe how the applicant will engage, educate, and be responsive to community members throughout project development and / or implementation. Additionally, the plan should incorporate a Collaborative Governance Structure that demonstrates how the Lead Applicant and Collaborating Entities (as described in [Section III.A](#)) will work together to successfully implement the grant in a timely, effective, and equitable manner.

The Community Engagement and Collaborative Governance Plan cannot exceed 10 single spaced pages – excess pages will not be reviewed. It should address the following elements and any others the applicant deems relevant to their projects:

- **Past Community Outreach and Engagement Conducted:** The applicant should demonstrate what outreach and engagement methods were used to engage with the Project Area community, including any with specific neighborhoods or groups, and how this impacted the selection of the strategies and associated projects as well as the applicant's implementation approach.
- **Community Engagement Plan Implementation:** The applicant should demonstrate the specific community engagement methods, as well as how they will mitigate barriers and involve relevant governmental stakeholders, necessary to support overall implementation including:
 - **Clear Methods for Engagement and Transparency:** The applicant should describe the following elements:
 - Outreach methods that provide opportunities for broad and diverse community member involvement in project development and / or implementation and feedback during grant performance.
 - Transparent mechanisms that will promote meaningful accountability to the needs and preferences of residents in the Project Area.

- Mechanism(s) that will be used to continuously inform the community before and during project implementation on project status, benefits available to them through the project, and indicators being tracked, such as air quality improvements or trees planted.
- **Mitigating Barriers:** The applicant should describe measures to minimize and mitigate barriers around community engagement and participation in project development and / or implementation including but not limited to those related to linguistic differences, communication challenges, disabilities, inaccessible technology, lack of trust or awareness, transportation, childcare, and elderly / adult care.⁷
- **Government Involvement:** As applicable, the applicant should demonstrate the support and involvement of government agencies needed to facilitate successful grant performance. For example, projects that intersect with local-government authorities such as permitting, planning, and zoning are encouraged to demonstrate the involvement and cooperation of local government authorities.
- **Collaborative Governance Structure:** The applicant should provide details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how they should meet regularly to discuss project implementation. The description should include at a minimum:
 - Outreach methods to solicit community representatives and processes to choose representatives to enable a broad cross-section of community representatives to participate so different voices are heard.
 - An explanation of how the Lead Applicant and Collaborating Entities will coordinate with each other and community members to inform and engage the community on project development and progress.
 - An outline of the planned decision-making processes between the Lead Applicant and Collaborating Entities, including procedures to ensure that decisions are transparent and can be made in an expedited manner when necessary.
 - Processes for replacing a Collaborating Entity to ensure that the replacement entity has comparable skills, qualifications, expertise, community support, and experience to avoid any adverse impact on grant performance. EPA approval of the qualifications, expertise, and experience of the replacement Collaborating Entity will be required pursuant to 2 CFR 200.308I(2) and / I(c)(6).

Note: Awards may include terms and conditions requiring that subaward agreements between the Lead Applicant and Collaborating Entities (including the Statutory Partner described in [Section III.A](#)) contain provisions reflecting certain of the requirements above.

Requirement 4. Community Strength Plan: Track I applications must include a Community Strength Plan. Advancing environmental and climate justice requires bolstering the strength and economic prosperity of a community for the benefit of local residents, while also ensuring those residents can remain within the community and benefit from the investments over the long term. [Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All](#), states, "Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities.

⁷ Refer to the EPA Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients, EPA Guidance on Participant Support Costs, and EPA Subaward Frequent Questions, including for additional information on paying for light refreshments, providing dependent care stipends or services for community meeting participants, and meeting participant transportation stipends. See Appendix G for additional information.

Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.”

In alignment with this Executive Order and to help EPA assess whether the proposed projects will benefit disadvantaged communities, as required by §138(b)(1) of the CAA, this plan should describe how the projects in the application are intended to (1) maximize the economic benefits of the projects for existing residents in the Project Area, and (2) avoid unintended consequences for existing residents in the Project Area including the displacement of residents in the Project Area.

This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed. Consistent with the above discussion, the plan should address the following elements.

1. Maximizing Economic Benefits of Projects:

The plan should describe how the projects included in the application will maximize economic benefits for individuals in the Project Area, including priority populations defined in footnote 3.

Examples of economic benefits, as described below, could include (1) opportunities for local small businesses or contractors; (2) jobs for community members; (3) financial savings for residents; and other similar benefits, in alignment with EPA grant regulations and applicable law.⁸

- **Business Opportunities:** Applicants may need to hire contractors to carry out certain project activities. Applicants may inform local businesses of open solicitations and encourage them to compete for contracts. For example, applicants may consider partnering with their local government’s small business office to broadly advertise contracting opportunities. Similarly, applicants should make a “good faith effort” to provide disadvantaged business enterprises (DBEs) with an opportunity to compete for contracts in accordance with [EPA’s 40 CFR Part 33 Disadvantaged Business Enterprise rule](#).⁹
- **Job Opportunities:** Applicants may propose measures to facilitate the employment and retention of workers from disadvantaged communities on funded projects. For example, applicants may propose developing recruitment strategies in partnership with their local workforce development board; funding supportive services for workers on grant-funded projects (e.g., transportation, childcare, mental health supports), coordinating such services with local social service providers; or establishing goals for hiring individuals from disadvantaged communities on the projects and transparently tracking progress toward those goals. Applicants may propose measures to increase community awareness of these job opportunities and the associated skill requirements, such as hiring workshops or job fairs. Applicants may also describe specific measures that will ensure Project Area residents are developing skills that are necessary to take advantage of existing or future jobs in professions contributing to the reduction of GHG emissions and other air pollutants.

⁸ Note that applicants are not bound by statutory or administrative local-preference requirements, per 2 CFR 200.319(c).

⁹ Note: Please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications. For example, applicants cannot name local contractors as part of this Community Strength Plan without adhering to these competitive procurement requirements.

Note: Jobs funded under this program should be high-quality jobs, in alignment with the U.S. Department of Labor and Commerce's [Good Jobs Principles](#), as described in Appendix E. Applicants may propose measures to increase the likelihood that these will be good jobs for individuals from disadvantaged communities, such as training for employers / contractors on grant-funded projects to promote best practices such as equal opportunity recruitment and hiring practices, good benefits, healthy organizational culture, and opportunities for advancement. Additionally, jobs for construction activities funded under this grant will be required to pay prevailing wage rates, as required by CAA § 314 and the Davis-Bacon and Related Acts.

- **Financial Savings:** Applicants may also describe how and the extent to which Project Area residents will receive direct economic benefits from the Climate Action and Pollution Reduction projects in the applications, such as through energy bill savings or affordable zero- or low-emission transportation solutions. The plan may also discuss how the applicant plans not only to deliver these benefits for residents in the short-term but also to preserve them for the long-term. As an example, applicants working on a transportation project that will deliver immediate cost savings for residents may negotiate with a vendor / contractor to lock-in long-term cost savings for community members.

Applicants may consider using tools to align stakeholders around these benefits, such as a Community Benefits Agreement (CBA), which is a legally binding contract that defines benefits. Parties to a CBA may include CBOs, neighborhood associations, local government entities, contractors and developers, and other similar project stakeholders. Applicants are reminded of the three-year period of performance for the grant and should be prepared to expeditiously begin the negotiation of community benefits to prevent project delays.

2. Displacement Avoidance:

Benefits to disadvantaged communities can be evaluated by whether residents are able to retain the benefits of EPA-funded projects over the short and long-term. While climate action and pollution reduction can have a positive impact on a community, those benefits can also lead to unintended consequences, such as increased costs of living in a Project Area. Given that the purpose of CAA §138 is to fund activities that will benefit disadvantaged communities, applicants should describe measures to increase the likelihood that existing community members of the Project Area will benefit from investments in both the immediate and long term.

Applicants should discuss potential short-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members in the Project Area. Applicants should assess and describe the community's vulnerability to rising costs attributable to the proposed projects and assess potential impacts to households, small businesses, and other existing groups. Based on the specific risks identified, applicants should describe measures for mitigating those risks as applicable. Some measures can mitigate these displacement vulnerabilities in the short-term, whereas other measures can have long-term impacts. For example, for projects that increase the energy efficiency of multi-family housing facilities, and that may have the unintended effect of raising rents for those facilities, the approach may focus on outreach / education to residents, such as information packets, tenant protection workshops that feature information about tenant rights under applicable state and local laws, or other educational activities. Other approaches may focus on securing commitments from landlords benefiting from EPA-funded property improvements to extend affordable housing covenants or agree not to raise rents

unnecessarily.¹⁰ Applicants can also describe how they will work with relevant entities, such as local governments, to create policies, plans, or programs to mitigate unintended impacts of the EPA-funded investments.

Applicants should describe any work already underway in the Project Area that would mitigate these risks, or existing policies, ordinances, or programs that are relevant. For example, an applicant could describe any ordinances in the Project Area designed to expedite construction or availability of additional affordable housing. Applicants can also describe any Climate Action and Pollution Reduction Strategies proposed as part of this application that might help mitigate displacement risks by providing project co-benefits. For example, a strategy that promotes increased housing density as a tool to reduce emissions could have the co-benefit of reducing housing costs by increasing housing supply.

Requirement 5. Readiness Approach: Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award, in compliance with the requirements in 2 CFR Parts 200 and 1500, 40 CFR Part 33 that apply to all EPA grants so they can successfully complete the grant within the three-year period.

This includes addressing the readiness considerations listed below, and any others, that are applicable to the projects and how they will be met. If any of the below considerations are not applicable, the application should explain why not.

- **Government Approvals:** If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.
- **Federal Requirements for Construction Projects:** Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.
- **Alignment with Existing Plans:** Applicants must demonstrate that the project(s) in the Project Area as defined in Appendix A are consistent with any community development, climate resilience, or hazard mitigation plans, or other comparable government land use restrictions.
- **Site Control:** Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s).
- **Operations and Maintenance:** Applicants must describe their operations and maintenance plan and financing approach for their project's infrastructure investments, if relevant, which may include long-term service costs, fee structures, detailed indebtedness for all properties, and other relevant information demonstrating how operations and maintenance of the investment will be assured during and after the grant award.

¹⁰ Note that any agreements must be in alignment with local and state housing laws. For example, in some instances, state or local law may allow a landlord to raise rents to compensate for increases in property taxes attributable to the value of EPA funded improvements.

Requirement 6. Compliance Plan: Applicants must submit a Compliance Plan that describes how they will: (i) ensure compliance with the grant’s terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (ii) manage broader legal and compliance risks. This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed.

H. Funding Track II: Meaningful Engagement for Equitable Governance

Under this track, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” as encompassing local, Tribal, and other governmental processes. All funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.
4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

Track II Objectives

Section 138 of the CAA provides that grants may be awarded for the purpose of “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” Accordingly, Track II applications intend to build the capacity of communities and governments to evaluate and redress environmental and climate injustices by giving disadvantaged communities a meaningful voice in government decision-making processes. By supporting direct participation of disadvantaged communities in the development and implementation of solutions, policies, and programs, the Community Change Grants can help close equity gaps and redress environmental and climate injustices.

Track II applications should focus on breaking down systemic barriers to community participation in government processes impacting environmental and climate justice. This can be done by creating engagement and feedback mechanisms with two-way communications between community members and government decision-makers. Applications should focus on ways to provide disadvantaged communities with information about issues that directly impact them, while simultaneously creating mechanisms for the government to gather input to ensure community needs inform decision-making and are integrated into government processes and policies. Applications in this track should strive to enable communities to play a meaningful role in making and implementing decisions.

Effective projects should also involve partnerships between community organizations, governments, philanthropic organizations, the private sector, and / or third-party facilitators and evaluators who can support collaboration across sectors to facilitate the engagement of disadvantaged communities in governmental decision-making processes.

Track II Project Examples

The following are examples of activities that may be proposed under Track II. Applicants may expand or refine these examples or submit projects that are not listed below if they demonstrate how they will facilitate the engagement of disadvantaged communities in governmental processes.

Example 1. Educational and Training Programs

These projects prepare, train, and educate members of disadvantaged communities on how to engage in government processes related to environmental and climate justice activities.

Examples of activities that could be performed under this type of project include but are not limited to:

- Creating a leadership development program that trains community members to identify environmental and climate justice challenges, devise strategies to address them, and recommend actions to governmental authorities. Example topics could include how to review public sector budgets, navigate specific processes such as land-use ordinances or National Environmental Policy Act (NEPA) reviews, and participate effectively in public meetings. The [EPA EJ Academy](#) is an example of a type of project applicants may consider developing for their own community.
- Designing and implementing a training program to help members of disadvantaged communities effectively participate in advisory boards, commissions, land use authorities, or other bodies that involve community members in environmental and climate related policy making.
- Partnering with a government to develop and / or implement Equity Action Plans that identify and address barriers to equity and opportunity and discrimination that disadvantaged communities may face. Equity Action Plans should meaningfully incorporate community input and result in city-or-statewide transformational, equitable change in environmental or climate related policies. For informational purposes only, please find [here](#) a link to Equity Action Plans developed by federal agencies that may help applicants with designing and preparing these types of projects.

Example 2. Environmental Advisory Boards (EABs)

These are projects that facilitate the engagement of disadvantaged communities in environmental decision-making by establishing advisory councils, taskforces, or similar bodies to engage with government. These boards should have regular meetings to create consistent opportunities for disadvantaged communities to provide recommendations on actions government entities should take to address environmental and climate justice challenges. These bodies should include members from disadvantaged communities, may include additional representatives from other stakeholder groups that can effectively represent important and related perspectives (including Tribal, academia, youth / elderly / disability populations, government, etc.).

Examples of activities under an EAB-type project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes at different levels of government to provide input, recommendations, and advice on matters such as:

- Permitting decisions for factories or industrial sites.
- Community infrastructure upgrades to address pollution and climate concerns.

- Zoning and siting guidance for fence-line / frontline communities¹¹ such as new school placements, highway construction, and industrial and commercial uses of land.
- Issues and actions of municipal and public utilities related to workforce development, drinking water shutoffs, drinking water quality and affordability, and aging wastewater treatment infrastructure in / near disadvantaged communities.

Example 3. Collaborative Governance Activities

These are projects that facilitate the process of providing recommendations and implementing decisions that will benefit disadvantaged communities. Projects can focus on creating collaborative bodies with members from and / or representing the interests of disadvantaged communities, governmental entities, and other stakeholders to work on environmental and climate justice issues.

Functions these bodies may focus on include co-producing solutions with disadvantaged communities to identify and address environmental issues. This could be done through obtaining feedback from a wide range of experts and stakeholders, including but not limited to those working in public health, housing, economic development, environmental justice, and other relevant fields, to identify environmental and directly related public health issues, develop solutions, and then work towards implementing the ideas with the necessary parties.

Examples of activities under a collaborative governance project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes on matters such as:

- Participating in the development of one or more community benefits agreements to help ensure that environmental projects funded by federal, state, and / or private entities meaningfully engage and account for community needs. For informational purposes only, the resource [here](#) from the Department of Energy provides information that may help applicants with designing and preparing these types of projects.
- Creating a governance body or “development community” for a brownfields post-cleanup redevelopment project.¹²
- Creating a source water protection plan to protect public health and reduce burdens on water systems.
- Recommending organizational changes to government entities that make them more receptive and sensitive to the environmental and climate justice concerns of disadvantaged communities.

Example 4. Participation in Governmental Funding and Budgeting Processes

These are projects that use participatory budgeting to inform public spending on environmental priorities. Participatory budgeting is an approach to making decisions about governmental spending that is focused on meaningfully and deeply engaging the community in governmental funding processes. Projects can enable community-based organizations to partner with a public entity to design and implement processes whereby members of disadvantaged communities have input into, and influence, decisions about how to allocate public budgets for environmental and climate justice priorities. An example of a project using participatory budgeting could involve designing a program where the community identifies problems,

¹¹ A fence-line community or frontline community is generally one immediately adjacent to high polluting facilities such as industrial parks, manufacturing facilities, or commercial facilities and is directly affected by the noise, odors, traffic, and chemical and pollution emissions of the operations of these entities.

¹² U.S. Department of Health & Human Services. [Build a Development Community](#).

evaluates proposals, and recommends decisions for public funding of projects that implicate environmental and climate justice issues.

I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures

1. Strategic Plan Linkage

Awards made under this NOFO will support the following goals and objectives of the [FY 2022-2026 EPA Strategic Plan](#). Applications must explain how their projects will further these goals and objectives.

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

- Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels which includes the strategy of Building Community Capacity and Climate Resilience and Maximizing Benefits to Overburdened and Underserved Communities: EPA will increase support for community-led action by providing unprecedented investments and benefits directly to communities with environmental justice concerns and by integrating equity throughout Agency programs.

Depending on the projects included in them, awards will also support and advance the following EPA [Strategic Plan Goals](#) as applicable:

- Goal 1: Tackle the Climate Crisis
- Goal 4: Ensure Clean and Healthy Air for All Communities
- Goal 5: Ensure Clean and Safe Water for All Communities
- Goal 6: Safeguard and Revitalize Communities; and
- Goal 7: Ensure Safety of Chemicals for People and the Environment.

2. Environmental Results: Outputs and Outcomes

Pursuant to [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#), applicants must describe the environmental outputs and outcomes to be achieved under the award. Applicants should specifically describe the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the goals and objectives of the Community Change Grants program.

The following questions may be useful to consider when developing output and outcome measures of quantitative and qualitative results:

- What measurable short- and longer-term results will the grant achieve?
- How will the Lead Applicant and Collaborating Entities measure progress in achieving the expected results (including outputs and outcomes), and how will the approach to measuring progress use resources effectively and efficiently?
- Are the projected outputs and outcomes specific and detailed? Are specific target measures included where possible? Are target measures reasonable and achievable within the project period and for the funding amount?

See Appendix F for further details on expected outputs and outcomes from Track I and II awards.

3. Performance Measurement Plan

The evaluation component of the Community Change Grants is essential. In their Performance Measurement Plan, applicants should describe how they plan to track and measure their project implementation and progress towards achieving the expected outputs and outcomes, including those identified in Appendix F, throughout the performance period.

Generally, higher quality performance measurement plans include specific target metrics for both outputs and outcomes. The applicant's performance measurement plan should help gather insights, will be a mechanism to track progress toward output and outcome objectives, and may provide the basis for developing lessons learned to inform future funding recipients.

Applicants should incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting project goals. Applications may include funding in the budget for personnel with expertise in planning, designing, developing, implementing, and evaluating programs.

J. Additional Provisions for Applicants Incorporated into the NOFO

Additional provisions that apply to Sections III, IV, V, and VI of this NOFO and / or awards made under this NOFO can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this NOFO, and applicants must review them when preparing applications for this NOFO. If you are unable to access these provisions electronically at the website above, please email CCGP@epa.gov to obtain the provisions.

Section II. Federal Award Information

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A. Number and Amount of Awards

EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each. Awards under Track II are expected to be between \$1-3 million each. EPA expects to award approximately \$1.96 billion for about 150 Track I awards, including those under the Target Investment Areas described below in B, and approximately \$40 million for about 20 Track II awards. These amounts are estimates only, and EPA reserves the right to increase or decrease the total number of awards and funding amounts for each Track contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, and / or agency priorities and programmatic considerations. In addition, given that workforce development programs as described in [Section I.G](#) can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program(s) as further described in [Section V.E](#).

B. Target Investment Areas (TIA) for Track I Applications

Out of the approximate \$2 billion in funding, EPA has identified five Target Investment Areas (TIA) listed below to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding. The amounts are estimates only and subject to change based on the number and quality of applications received, funding considerations, and agency priorities. Applicants interested in submitting an application for projects benefitting a TIA must identify this in their application. Consistent with the Track I evaluation process described in [Section V](#), the TIA applications will be ranked and selected per TIA. Applications for the TIAs must address the Track I application requirements identified in [Section I.G](#).

- TIA A: Tribes in Alaska: an estimated \$150 million for projects benefitting Indian Tribes in Alaska. As noted in Appendix H and Section V.E below, the EPA anticipates making a minimum of 5 awards for high-ranking applications under this TIA that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
- TIA B: Tribes in the Continental United States: an estimated \$300 million for projects benefitting Tribal communities outside Alaska, which include Indian Tribes as defined by the Clean Air Act in Section III.A.3 below and Tribal Lands included in the EPA Disadvantaged Community Environmental and Climate Justice Program Map referenced in Appendix A. This also includes projects benefitting such Tribal communities that are located in the Border Area identified below in TIA E.
- TIA C: Territories: an estimated \$50 million for projects benefitting disadvantaged communities in the United States' territories of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.
- TIA D: Disadvantaged Unincorporated Communities: an estimated \$50 million for projects benefitting disadvantaged unincorporated communities as defined in Appendix A.
- TIA E: United States (U.S). – Southern Border Communities: Consistent with EPA's longstanding approach to addressing transborder climate and pollution challenges, an estimated \$100 million for projects benefitting non-Tribal disadvantaged communities within 100 kilometers north of the U.S.-Mexico border.

Special Requirements for Cross-Border Projects to Benefit U.S. Disadvantaged Communities

EPA's strong preference is that the work for all projects to be performed under the awards made through this NOFO will be performed entirely within the United States. However, in limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border for a TIA E application, or within 100 km north of the U.S.-Canada border for any application). In those limited cases, to be eligible for funding consideration, the applicant must demonstrate in their application that:

- The project(s) will directly and predominantly benefit disadvantaged communities in the U.S., for example by monitoring and / or preventing pollution from an international source that is impacting the disadvantaged community in the U.S.
- Any work outside of the U.S. is necessary for the project(s) to be successful in benefitting the disadvantaged communities in the U.S. — e.g., the project(s) will not be effective otherwise.
- Any work outside of the U.S. will not be a substantial part of the project.
- The applicant will ensure that any work outside of the U.S. will be timely and properly completed and monitored to ensure it is effectively performed.

Failure to address how the application meets these conditions will render the application ineligible for review as stated in Section III.D. Applications involving cross-border work that are selected for award must address any cross-border work issues (e.g., site access and control) during the workplan negotiations following selection and before award. The appropriate terms and conditions will be included in the grant. Projects benefitting Project Areas along the U.S.-Mexico Border should be consistent with guidance and best practices outlined by EPA's Border Program.^{13 14}

C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures

1. Applications may be submitted under this NOFO through November 21, 2024, to provide applicants, to the maximum extent practicable, flexibility on when to submit an application. Applications will be reviewed and evaluated on a rolling basis as described in [Section V](#) to facilitate and expedite the review and award process. EPA cannot guarantee that funding will be available through the end of the NOFO 12-month application period as funding availability is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the conclusion of the 12-month rolling application period.
2. Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

¹³ [United States – Mexico Environmental Program](#).

¹⁴ [U.S.-Mexico Border Program – Borderwide Resources](#).

3. Lead Applicants whose initial eligible application(s) is not selected for funding may, after timely requesting and receiving a debriefing on the application (as described in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#)), resubmit a revised application one additional time while the NOFO remains open. For example, if a Lead Applicant submits two eligible applications and both are not initially selected for funding, they may resubmit each application one additional time within the 12-month NOFO open period as explained above and further below. There is no guarantee that resubmissions, even after a debriefing, will be selected for funding. In addition, applicants who submit applications towards the end of the 12-month rolling period may not have an opportunity to resubmit the application because the NOFO is expected to close for applications on November 21, 2024. While EPA intends to review applications and provide debriefings as expeditiously as possible, applicants should keep this in mind when determining the timing of their application submission to ensure there is sufficient time for a resubmission.
4. The resubmitted application must be clearly identified as a resubmission of a previously submitted application by providing the date of the original submission through www.grants.gov and / or the date of the EPA debriefing in the updated application package. The resubmission should take into consideration the feedback received during a debriefing and any other relevant considerations, and it cannot be a completely different application from the one initially submitted. If EPA determines, in its sole discretion, that it is a different application bearing little resemblance to the original application, it may be rejected and not reviewed.

D. Conditional Awards

EPA may make conditional awards under this NOFO, which will be subject to applicable terms and conditions in the grant award.

E. Period of Performance

The period of performance of every grant funded under this NOFO cannot by statute exceed three years. There can be no extensions. Projects must be designed to be successfully and effectively completed within three years. EPA anticipates that the first awards under this NOFO will be made in the fall of 2024 and will continue to be made on a rolling basis until funding is exhausted. EPA cannot predict when funding will be exhausted since it is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the 12-month rolling application period is over.

F. Partial Funding

EPA reserves the right to partially fund applications by funding discrete portions or phases of applications. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process. **To facilitate consideration of an application for partial funding, if applicable, EPA recommends that applications separate costs for the proposed grant in the program budget by project category, to the extent practicable.**

G. Additional Awards

EPA reserves the right to make additional awards under this NOFO, consistent with EPA policy and guidance, if additional funding becomes available after all the selections are made under this NOFO. For this NOFO, this only applies to making additional awards for those applications considered during the final monthly review, described in [Section V](#). Any additional selections for awards will be made no later than 6 months after the final monthly review.

H. Funding Type

EPA anticipates awarding cooperative agreements under this NOFO because it is expected that there will be substantial Federal involvement through the EPA Project Officer with selected applicants in the performance of the grant and for effective EPA oversight of grantee performance. Although EPA will negotiate precise terms and conditions relating to substantial federal involvement as part of the award process with each grantee awarded a cooperative agreement, the anticipated substantial federal involvement may include:

- Closely monitoring the grantee's performance to verify the results reported by the applicant;
- Reviewing proposed procurement, in accordance with the Procurement Standards in 2 CFR Parts 200 and 1500;
- Reviewing evidence of completion of project phases (e.g., planning) before providing approval for the grantee to begin work on the next project phase (e.g., implementation);
- Reviewing the substantive terms of contracts, subawards, or other financial transactions (EPA will not select contractors, subrecipients, or program beneficiaries);
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the grantee);
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports will rest with the grantee); and
- Addressing compliance with Build America, Buy America requirements, in accordance with 2 CFR § 184, and providing technical assistance, if necessary, on compliance with CAA § 314 and the Davis-Bacon and Related Acts.

In addition, there may be Federal involvement with selected applicants in the performance of the grant, which may include co-sponsoring community meetings and other events and collaborating during performance of the scope of work.

Section III. Eligibility Information

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Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

1. Community-Based Non-Profit Organization (CBO)

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”

Applicants must include documentation in their application demonstrating that they are a nonprofit organization by one of two ways: 1) a written determination by the Internal Revenue Service that they are exempt from taxation under Section 501 of the Internal Revenue Code, or 2) based on a written determination by the state, territory, commonwealth, Tribe, or other United States governmental entity in which they are located. This can be done, for example, by submitting a letter, certificate, or articles of incorporation from the state where the organization is located that recognizes them as a nonprofit organization. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. Foreign non-profit organizations cannot qualify as a CBO for eligibility purposes.

In addition to being considered a nonprofit organization, an organization must demonstrate that they are a public or private nonprofit organization that supports and / or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders. A “community,” for these purposes, can be characterized by a particular geographic area and / or by the relationships among members with similar interests and can be characterized as part of a local, regional, or national community where organizations are focused on the needs of urban, rural, and / or Tribal areas, farmworkers, displaced workers, children with high levels of lead, people with asthma, subsistence fishers, and other similar groups. For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO’s connection to the community that will benefit from the grants.

For the purposes of this NOFO, applicants that demonstrate that they are Alaska Native Nonprofit Organizations or Alaska Native Nonprofit Associations are considered CBOs. In addition, Intertribal Consortia may be able to qualify as CBOs if they meet the above requirements and 40 CFR 35.504(a) and (c). The for-profit Alaskan Native Corporations are not eligible under the CBO definition and therefore are unable to apply as CBOs.

2. Local Government (in partnership with a CBO)

The following units of government within a state, as defined by the regulations in [2 CFR 200.1](#), are eligible to enter a Statutory Partnership with a CBO:

- County
- Borough
- Municipality
- City
- Town
- Township
- Parish
- Local public authority, including any public housing agency under the United States Housing Act of 1937
- Special district
- School district
- Intrastate district
- Council of governments, whether incorporated as a nonprofit corporation under State law; and
- Any other agency or instrumentality of a multi-, regional, or intra-State or local government.

3. Federally Recognized Tribe (in partnership with a CBO)

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, EPA uses the definition of “Indian Tribe” in §302I of the CAA which provides that the term “...means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” Note that this definition does not include Alaskan Native Corporations or State-recognized Tribes.

4. Institutions of Higher Education (in partnership with a CBO)

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, the grant regulations at [2 CFR 200.1](#) state that Institutions of Higher Education (IHEs) are defined at [20 U.S.C. § 1001](#).

EPA also recognizes that it is important to engage all available minds to address the environmental and climate justice challenges the nation faces. Accordingly, EPA encourages Minority Serving Institutions (MSIs) to participate in the grants under this NOFO, including by partnering with a CBO.

For purposes of this NOFO, the following are considered MSIs:

1. Historically Black Colleges and Universities, as defined by the Higher Education Act (20 U.S.C. § 1061(2)). A list of these schools can be found at [Historically Black Colleges and Universities](#).
2. Tribal Colleges and Universities (TCUs), as defined by the Higher Education Act (20 U.S.C. § 1059c(b)(3) and (d)(1)). A list of these schools can be found at [American Indian Tribally Controlled Colleges and Universities](#).
3. Hispanic-Serving Institutions (HSIs), as defined by the Higher Education Act (20 U.S.C. § 1101a(a)(5)). A list of these schools can be found at [Hispanic-Serving Institutions](#).
4. Asian American and Native American Pacific Islander-Serving Institutions; (AANAPISIs), as defined by the Higher Education Act (20 U.S.C. § 1059g(b)(2)). A list of these schools can be

found at [Asian American and Native American Pacific Islander-Serving Institutions](#).

5. Predominantly Black Institutions (PBIs), as defined by the Higher Education Act of 2008, 20 U.S.C. § 1059e(b)(6). A list of these schools can be found at [Predominantly Black Institutions](#).

B. Statutory Partnership Requirements and Collaborating Entities

Please refer to Section III.A above for who is eligible to apply for the grants. The Statutory Partnership application is comprised of one Lead Applicant (an eligible CBO, Federally recognized Tribe, local government, or institution of higher education) who enters into a Partnership Agreement with one Statutory Partner (which is one of the following eligible entities— a CBO, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. Please note that a CBO must be either the Lead Applicant or a Statutory Partner in every Statutory Partnership (e.g., there cannot be a statutory partnership of a local government and an institution of higher education or either of these entities and an Indian Tribe). In other words, as identified in Section III.A all Statutory Partnerships must include a CBO. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in [Section I](#), subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process. Collaborating Entities may include Statutory Partners (CBOs, Federally-recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). However, for-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities. Subawards made by the Lead Applicant and Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in [Appendix A of the EPA Subaward Policy](#).

If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities. The Lead Applicant will also be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as EPA's 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the Lead Applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of EPA's *Establishing and Managing Subawards General Term and Condition*, successful Lead Applicants in the Statutory Partnership must ensure that the terms and conditions of the grant agreement "flow down" to all subrecipients in the subawards. EPA has developed an optional template for subaward agreements, available in [Appendix D of the EPA Subaward Policy](#).

As noted above, Collaborating Entities cannot include for-profit procurement contractors or individual consultants who may be involved in project performance but who receive procurement awards made in compliance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 and 40 CFR Part 33. Further information on procurement and distinguishing between subawards and procurement

transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in [EPA Subaward Policy](#).

C. Cost-Sharing or Matching Funds

No cost-sharing or matching is required as a condition of eligibility under this NOFO.

D. Threshold Eligibility Criteria

Applications must meet the threshold eligibility criteria below to be considered for funding. **Applications that do not meet all the applicable threshold eligibility criteria will be deemed ineligible for funding consideration and will not be considered further.** If necessary, EPA may contact applicants to clarify issues relating to threshold eligibility criteria compliance prior to making an eligibility determination. In addition, applicants should contact EPA with any questions about the threshold eligibility criteria prior to submission of their applications. Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applications must meet the following threshold eligibility criteria to be considered eligible for funding under this NOFO:

1. Applications must comply with the content and submission requirements listed below.
 - Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) of this NOFO or else they will be rejected. However, where a page limit is expressed in [Section IV](#) with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
 - In addition, initial applications must be submitted through Grants.gov as stated in [Section IV](#) of this NOFO (except in the limited circumstances where another mode of submission is specifically allowed for as explained in [Section IV](#)) on or before the application submission deadline published in [Section IV](#) of this NOFO. Applicants are responsible for following the submission instructions in [Section IV](#) of this NOFO to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in [Section IV](#), which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.
 - Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov.

DO NOT WAIT! Register in SAM.gov or Grants.gov as soon as possible. Finalizing these registrations could take a month or more. You do not want a late registration to prevent you from being able to properly submit your application through [Grants.gov](#).

2. All applicants must meet the eligibility and statutory partnership requirements in III.A and include a Partnership Agreement (See Appendix B) with the application.

3. All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.
4. Track I applications proposing to serve a geographically defined community identified as disadvantaged in Appendix A must submit a Project Area Map that defines which specific census block groups are designated as disadvantaged within the Project Area. Track I applications proposing to serve a farmworker community or DUC as defined in Appendix A must submit a Project Area Map showing where the communities that will benefit from the project are located.
5. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.
6. All Track I applications must include projects under at least one [Climate Action Strategy](#) and at least one [Pollution Reduction Strategy](#) as described in [Section I.G](#). Track I applications also must include a [Community Engagement and Collaborative Governance Plan](#), [Community Strength Plan](#), [Readiness Approach](#), and [Compliance Plan](#) as described in [Section I.G](#).
7. All Track I applications including a workforce development project under the Climate Action Strategy must demonstrate how it will help reduce air pollutants and GHG emissions.
8. Track I applications that include projects under Climate Action Strategy 6, Brownfields Redevelopment, must demonstrate that the project will be performed on sites where, at the time of application submission, cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site. Please refer to the Climate Action Strategy 6 section in Appendix C for how to show that cleanup is complete or is not necessary.
9. All Track I applications for Pollution Reduction activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.
10. Track I applications cannot request more than \$20 million in EPA funding and Track II applications cannot request more than \$3 million in EPA funding. Applications requesting more than these amounts will be rejected. If necessary, EPA will clarify any questions about the funding amounts requested prior to application review.
11. A Track I application for a TIA defined in [Section II.B](#) can only address one TIA. An application cannot address more than one TIA.
12. Track I applications submitted for TIA A benefitting Alaskan Tribal lands that include a project(s) for the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program must meet the relevant requirements specified in Appendix H.

13. Applications submitted for TIA E for U.S.-Southern Border Communities projects, as well as any including projects that may include project activities within 100 km of a U.S. border as discussed in [Section II.B](#), must meet the special requirements identified in [Section II.B](#).
14. Applications must be submitted in English only. Applications written in languages other than English will not be reviewed or considered for award. If you need assistance to submit the written application in English, technical assistance may be available. Please refer to [Section I.E](#).
15. Multiple Applications. Lead Applicants may submit no more than two eligible applications under this NOFO, and receive no more than two awards, as explained in [Section II](#). Excess applications will not be reviewed. If a Lead Applicant submits more than two eligible applications, they will be contacted by EPA to determine which one(s) to withdraw. Notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications.
16. Resubmissions. As stated in [Section II.C](#), a resubmitted application must be clearly identified as a resubmission of a previously submitted eligible application through such means as providing the date of the original submission and / or date of the EPA debriefing. It cannot be a completely different application from the one originally submitted. If EPA determines, in its sole discretion, that it is a completely different application bearing little resemblance to the original application, it may be rejected and not reviewed.
17. EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project's success, and ensure that such research does not already exist.
18. EPA will not consider any application requesting funding for assessment, removal, or remediation of Superfund sites.

Note: If an application is submitted that includes any ineligible projects, tasks, or activities, including but not limited to ones that EPA determines cannot be funded under the statutory / regulatory authorities for the grant, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. This includes but is not limited to projects requesting funding for relocation activities as described in [Section I.F](#).

Applicants who have any questions about whether their project can be funded under the statutory / regulatory authorities for the grants and this NOFO, or whether certain costs related to the project are allowable costs, should clarify the issue with EPA prior to submitting their application. Failure to do so may result in the projects and / or costs being ineligible for funding and may impact the eligibility of the entire application.

Section IV. Application and Submission Information

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Note: Additional provisions that apply to this section of the NOFO, including those related to Intergovernmental Review, can be found in the [EPA Solicitation Clauses](#).

A. Requirement to Submit through Grants.gov and Limited Exception Procedures

Applicants must apply electronically through [Grants.gov](#) under this NOFO based on the grants.gov instructions below. If your organization has no access to the internet or access is very limited, you may request an exception from applying through Grants.gov for the remainder of this calendar year by following the procedures outlined [here](#).

Issues with submissions with respect to this NOFO only are addressed in section 3: *Technical Issues with Submission* below.

1. SAM.gov (System for Award Management) Registration Instructions

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will need to create an account using [login.gov](#) to complete your SAM.gov registration.

SAM.gov registration is FREE. The process for entity registration includes obtaining a Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

2. Grants.Gov Registration Instructions

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov](#)

Applicant Registration instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR).

Only person(s) with the AOR role can submit applications in Grants.gov. Please review the Intro to Grants.gov-Understanding User Roles and Learning Workspace – User Roles and Workspace Actions for details on this important process.

Please note that **registering in grants.gov for the first time can take a month or more** for new registrants. Applicants must ensure that all registration requirements are met to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact Grants.gov for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

Application Submission Process

To begin the application process under this NOFO, go to Grants.gov and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this NOFO must be made by an official representative of your organization who is registered with Grants.gov and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact Grants.gov for assistance at 1-800-518- 4726 or support@grants.gov.

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization’s SAM.gov account. If not, the application may be deemed ineligible.

Application Submission Deadline

Your organization’s AOR must submit your complete application package (including any resubmission as explained in Section II.C) electronically to EPA through Grants.gov no later than November 21, 2024, at 11:59 PM ET. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit. Please see Section II and Section V describing the rolling application submittal and review process for this NOFO.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not considered.

3. Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to

resolve, follow these procedures **before** the application deadline date:

- a. Contact the Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket / case number.
- c. Send an email with EPA-R-OEJECR-OCS-23-04 in the subject line to CCGP@epa.gov before the application deadline time and include the following information:
 - i. Grants.gov ticket / case number(s)
 - ii. Description of the issue
 - iii. The entire application package in PDF format

Without this information, EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline will be deemed ineligible and **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](#) or relevant [SAM.gov](#) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit the application prior to the application submission deadline time and date because they did not properly or timely register in SAM.gov or Grants.gov is **not** an acceptable reason to justify acceptance of an application outside of Grants.gov.

4. Required Forms and Documents

The following forms and documents are required under this NOFO:

Mandatory Documents for Track I and Track II Applications

1. **Application for Federal Assistance (SF-424)**
2. **Budget Information for Non-Construction Programs (SF-424A)**
3. **EPA Key Contacts Form 5700-54**
4. **EPA Preaward Compliance Review Report Form 4700-4** (Please see these [Useful Tips](#) for completing this form)
5. **Project Narrative Attachment Form:** Use this to prepare your Project Narrative as described in [Section IV.B](#) below.
6. **Attachments:** Use the “Other Attachments Form” in Grants.gov for the following additional documents. These attachments are not subject to the page limitation that applies to the Project Narrative identified below and some have their own page limitation as identified below:
 - **Attachments for Track I and Track II Applications:**
 - **Attachment A:** Program Budget Template (See below in [Section IV.B](#) and also optional template in Appendix G)
 - **Attachment B:** Partnership Agreement (See [Section III.A](#) and Appendix B)
 - **Attachment C:** Indirect Cost Rate Agreement, if applicable.
 - **Attachments for Track I Applications Only:**
 - **Attachment D:** Project Area Map as described in Appendix A.
 - **Attachment E:** Community Engagement and Collaborative Governance Plan as described in [Section I.G](#) that does not exceed 10 single spaced pages-excess pages will not be reviewed.

- **Attachment F:** Community Strength Plan as described in [Section I.G](#) that does not exceed 5 single spaced pages--excess pages will not be reviewed.
- **Attachment G:** Readiness Approach Information as described in [Section I.G](#).
- **Attachment H:** Compliance Plan as described in [Section I.G](#) that does not exceed 5 single-spaced pages--excess pages will not be reviewed.

B. Content of Application Submission

Applicants should read the following sections very carefully. A complete application package includes the forms, documents, and attachments listed above in [Section IV.A.4: Required Forms and Documents](#), which includes the materials further described below.

Applicants should ensure that their application materials, including attachments, address all the applicable evaluation criteria in Section V, and applicable threshold eligibility criteria in Section III.D, for Track I and II applications. The evaluation criteria in Section V place increased emphasis on certain evaluation criteria that are integral to ensuring that the application will advance environmental and climate justice, meet CCG objectives, and maximize benefits to disadvantaged communities.

Project Narrative for Track I and II Applications

Below are the instructions for both Track I and Track II applications. There are different instructions for each track, so applicants should carefully read the instructions and contact EPA at CCGP@epa.gov with any questions. There are also certain attachments for Track I and II applications that must be submitted as identified in Section IV.A.4 above.

The Project Narrative for both application tracks are comprised of Sections A and B as described below for each track and should include the information and content below. Applicants should ensure they include information addressing the relevant evaluation criteria in [Section V](#) for Track I or II applications and any applicable threshold eligibility criteria in [Section III.D](#). Please make sure the required attachments identified in Section IV.A.4 for Track I and II applications also include the applicable information.

- The Project Narrative for Track I applications must not exceed twenty (20) single-spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track I described in Section IV.A.4 are not part of the Project Narrative.
- The Project Narrative for Track II applications must not exceed fifteen (15) single spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track II described in Section IV.A.4 are not part of the Project Narrative.

Applicants are encouraged to be concise and do not need to use all the pages within the page limit. Links to external websites or content will not be reviewed or considered. Any pages beyond the page limitations will not be reviewed by the Review Panel. It is recommended that applicants use a standard font (e.g., Times New Roman, Calibri, and Arial) and a 12-point font size with 1- inch margins. While these guidelines establish the acceptable type size requirements, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the application. **The grant application forms and other attachments identified in [Section IV.A.4: Required Forms and Documents](#) above are not included in the Project Narrative page limits for Track I and II applications.**

To assist EPA reviewers, applicants should reference the numbers and titles of the evaluation criteria identified in Section V.C in their Project Narratives (and attachments) to help identify where the criteria are being addressed as applicable. Applicants should contact EPA with any questions about the application content requirements.

Track I Project Narrative

Track I applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 20 pages as described above.

Section A. Executive Summary

The Executive Summary should contain the elements below and should not exceed three pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the Lead Applicant.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for the Lead Applicant and, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Climate Action Strategy:** Specify which Climate Action Strategy(ies) is addressed in the application.
- **Pollution Reduction Strategy:** Specify which Pollution Reduction Strategy(ies) is addressed in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must state how the projects in the application, including any construction projects, can be completed within three years of award.
- **Amount of EPA Funding Requested:** See award sizes specified in [Section II.A](#).
- **Target Investment Area:** If the application is for a Target Investment Area as defined in Section II.A, please identify which one. If the application is not for a Target Investment Area, put N/A.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged community, as defined in Appendix A, intended to benefit from the projects in the application.
- **Other Sources of Funding:** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section V.E.
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and the date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

Section B. Project Workplan

The Project Workplan should contain the elements below.

Part 1. Community-Driven Investments for Change

1.1 Community Vision Description.

- **Community Description:** Provide an overview of the Project Area described in Appendix A.

including its resources, assets, and characteristics. Describe how the boundary of the Project Area was determined and demonstrate how the project activities in the Project Area are designed and focused to provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A.¹⁵

Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.

- **Community Challenges:** Describe the needs and challenges the Project Area is facing, including climate impacts, climate change risks / exposures, and / or localized pollution. Describe the impact of these challenges on the residents of the disadvantaged communities in the Project Area as defined in Appendix A and particularly on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations.
- **Community Vision:** Articulate an overall vision for the impact and benefits the grant would have on the Project Area in the near and long term, including the effect it will have on reducing and preventing pollution; building resilience to climate change and mitigating current and future climate risks; creating high-quality jobs and expanding economic opportunity through workforce development; and bolstering Project Area strength by ensuring that residents of the disadvantaged communities in the Project Area receive the benefits of investments and have the opportunity to build on them for current and future generations.

1.2 Selected Strategies: As described in [Section I.G](#), applications must address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Accordingly, applications should address the following requirements:

- **Strategy Overview** – for each selected Climate Action and Pollution Reduction Strategy:
 - Provide an overview of the strategy and associated projects and describe how they will be implemented during the grant term.
 - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to provide impactful benefits to the residents of disadvantaged communities within the Project Area as defined in Appendix A and describe how the scale and scope of the Project Area was designed to accomplish this.
 - Explain how the amount / proportion of the requested funding was determined for each strategy and associated project in the application.
- **Climate Action Strategies**

¹⁵ Disadvantaged communities as defined in Appendix A include census block groups designated as geographically defined disadvantaged communities, as well as farmworker communities and DUCs.

- Describe how the project(s) associated with the Climate Action Strategy(ies) will address the climate impacts, risks, and / or challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will decrease GHG emissions within the Project Area and increase the overall resilience of the Project Area to current and anticipated climate impacts; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.
- **Pollution Reduction Strategies**
 - Describe how the project(s) associated with the Pollution Reduction Strategy(ies) will address the localized pollution challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.

Part 2. Program Management, Capability and Capacity

- 2.1 Performance Management Plan, Outputs / Outcomes:** Applicants should describe the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the Community Change Grants goals and objectives. (See [Section I.I](#) and [Appendix F](#) for more detail on expected outputs and outcomes). In addition to identifying expected project outputs and outcomes, applicants should describe how they plan to track and measure their project performance, including through indicator tracking, to monitor progress towards achieving the expected outputs and outcomes throughout the performance period.

Applicants should also:

- Describe how they selected the expected outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the community members of the Project Area in the short and long term.
 - Describe how the expected project outputs and outcomes are specific and include achievable and reasonable target measures within the project period.
 - Describe how the recipient will use program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals.
- 2.2 Project Linkages to the EPA Strategic Plan:** Applications should describe how the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels). See [Section I.I](#). In addition, applications, depending on the projects included in them, should also address how they support and advance the following EPA Strategic Plan Goals as applicable:
- Goal 1 - Tackle the Climate Crisis

- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

Refer to the [EPA Strategic Plan](#).

- 2.3 **CBO Experience and Commitment:** Applications should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
- Their history and experience as a CBO.
 - The depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
- 2.4 **Programmatic and Managerial Capability and Resources:** Applications should provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
 - Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls to be in place for project oversight and to manage program risk. This includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse, by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections), and risk management.
 - A projected milestone schedule for the proposed projects (up to three years) with a breakout of the project activities into phases with associated tasks and timeframes for completion of tasks, including the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
- 2.5 **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
 - Describe the history of the Lead Applicant in meeting the reporting requirements under the agreements including submitting acceptable final technical reports.

- Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not made, please indicate whether, and how, that was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

Part 3. Feasibility, Sustainability, and Budget: Provide the following information:

- 3.1 **Feasibility:** Demonstrate that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes describing how the strategies and associated projects can individually and collectively be completed within three years.
- 3.2 **Sustainability:** Demonstrate the extent to which the benefits and outcomes from the projects can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.3 **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 20-page Project Narrative page limit for Track I applications.

C. Track I Application Attachments. These attachments must be submitted with the application as stated in Section IV.A.4 above and are not part of the Project Narrative described above. Please note any page limits that apply to these attachments.

- Project Area Map (Attachment D). Submit a Project Area Map as described in Appendix A.
- Community Engagement and Collaborative Governance Plan (Attachment E). Applications must include a Community Engagement and Collaborative Governance Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 10 pages (excess pages will not be reviewed).
- Community Strength Plan (Attachment F). Applications must include a Community Strength Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 5 pages (excess pages will not be reviewed).
- Readiness Approach (Attachment G). Applicants must demonstrate, based on the Readiness Approach Requirements described in [Section I.G](#), their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.
- Compliance Plan (Attachment H). Applications must include a Compliance Plan as described in [Section I.G](#) that does not exceed 5 pages (excess pages will not be reviewed).

Track II Application Requirements

Track II applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 15 pages as described above.

Section A. Executive Summary

The Executive Summary should contain the elements below and should not exceed two pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the organization applying.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for Lead Applicant, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged communities, as defined in Appendix A, intended to benefit from the projects in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that

all grants must be completed within three years, all applications must state how the projects in the application can be completed within three years of award.

- **EPA Funding Requested:** See award sizes specified in [Section II.A.](#)
- **Other Sources of Funding** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and, if so, your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section [V.E.](#)
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

Section B. Project Workplan

1. Track II Program Objectives: Applications should describe the following:

- How the application addresses the Track II objectives identified in [Section I.H.](#)
- What methods, tools, and trainings the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice.
- How the application addresses the disadvantaged community's lack of access to, or weak relationships with, governmental entities, including how the application improves those relationships, increases points of access for disadvantaged communities with government entities, and creates channels to work cooperatively to promote environmental and climate justice
- How the application will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so government leaders and decision-makers are better prepared to proactively address concerns before issues materialize.

2. Project Collaboration and Participation: Applications should describe the following:

- How meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the project and how input will continue to be obtained and considered during grant performance.
- The facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in an authentic and meaningful way, rather than an insincere manner, on environmental and climate justice issues with governmental bodies.
- The applicant's and any Collaborating Entities' history of relationships and collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues.

3. Project linkages: Applicants should describe how their application supports and advances [EPA Strategic Plan](#) Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

4. **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 15-page Project Narrative page limit for Track II applications.

5. **Environmental Results:** Applicants should describe the following:
- Their plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications. See [Section I.I and Appendix F](#) for more detail on expected outputs and outcomes.
 - Whether and how the projects and their outcomes are sustainable beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, should also be addressed.
6. **CBO Experience and Commitment:** Applicants should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
- Their history and experience as a CBO.
 - The depth of their commitment, historical connections, and relationships with the disadvantaged community the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources:** Provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
 - Their milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
 - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and

abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections).

8. **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
 - Describe the Lead Applicant's history of meeting the reporting requirements under the agreements including submitting acceptable final technical reports.
 - Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not being made, please indicate whether, and how, this was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

C. Informational Webinars and Application Assistance

EPA will host and/or participate in a series of webinars about this NOFO while it remains open for application submission. EPA will post information about the webinars, schedule for webinars, as well as additional information about this NOFO (e.g., frequently asked questions, technical assistance) on the [Inflation Reduction Act Community Change Grants Program](#) page. A recording of each webinar will be posted at the link above along with presented materials.

In addition, EPA's technical assistance contractor may host webinars related to the NOFO and information on that will be posted on their [website](#).

Please note that in accordance with [EPA's Policy for Competition of Assistance Agreements](#), EPA Order 5700.5A1, EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to evaluation criteria. Please note, however, that as stated in Section I, technical assistance will be available to eligible applicants for help with this NOFO.

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the NOFO, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about this NOFO.

Section V. Application Review Information

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Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. Threshold Eligibility Review Process

All applications will be evaluated for threshold eligibility purposes based on the threshold eligibility criteria described in [Section III.D](#).

B. Review Panel and Evaluation Process

All applications that pass the threshold eligibility review process will be evaluated and scored by review panels, on a rolling basis, using the track-specific evaluation criteria and processes described below. Review panels will be comprised of EPA staff and / or external reviewers. See below for additional detail about the evaluation criteria and processes for each track.

C. Track I Application Review Process and Evaluation Criteria

All eligible Track I applications (including those for the TIAs described in [Section II.B](#)) will be evaluated, on a rolling basis, based on the 155 point scale described below.

Track I Application Criteria

Section	Possible Points
Part 1. Community Driven Investments for Change	80 total
1.1 Community Overview	10
1.2 Selected Strategies	45
1.3 Community Engagement and Collaborative Governance Plan	15
1.4 Community Strength Plan	10
Part 2. Program Management, Capability, and Capacity	35 total
2.1 Performance Management Plan, Outputs / Outcomes	6
2.2 Project Linkages to the EPA Strategic Plan	4
2.3 CBO Experience and Commitment	5
2.4 Programmatic and Managerial Capability and Resources	15
2.5 Past Performance	5
Part 3. Readiness to Perform, Feasibility, and Sustainability	40 total
3.1 Readiness Approach	8
3.2 Feasibility	9
3.3 Sustainability	5
3.4 Program Budget Description	8
3.5 Compliance Plan	10
TOTAL	155

Evaluation Criteria for Track I Applications (155 points total)

Part 1. Community Driven Investments for Change (80 points total)

1.1 Community Vision Description (10 points)

- **Community Description:** Applications will be evaluated based on their description of the Project Area including its resources, assets, and local characteristics, as well as how the project activities in the Project Area are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area. Please note that in evaluating applications under this criterion, EPA will evaluate the extent and quality to which project benefits will accrue to the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, in an impactful manner. (4 points)
- **Community Challenges:** Applications will be evaluated based on how well they describe the challenges and needs the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, are facing, including climate impacts, climate change risks / exposures, and / or localized pollution, and the impact these challenges have on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations. (3 points)
- **Community Vision:** Applications will be evaluated based on the quality and extent to which they articulate an overall and clear vision for the impacts and benefits the grant would have on the residents of the disadvantaged communities in the Project Area as defined in Appendix A in the near and long term. (3 points).

1.2 Selected Strategies (45 points)

- **Strategy Overview (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Provide an overview of the strategies and associated projects and describe how they will be implemented during the grant term. (5 points)
 - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to benefit the residents of the disadvantaged communities in the Project Area, and how the scale and scope of the Project Area was developed to accomplish this. (7 points)
 - Explain how the amount / proportion of the requested funding was determined for each strategy and aligned project in the application. (3 points)
- **Climate Action Strategies (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Describe how the associated projects will address the identified climate impacts and / or climate change risk(s) / exposure(s) within the Project Area, and especially those facing residents of disadvantaged communities in the Project Area as defined in Appendix A and explain how the project(s) will decrease GHG emissions within the Project Area and / or increase overall Project Area resilience to current and anticipated climate impacts. (8 points)
 - Describe how the selected Climate Action Strategies and associated projects help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)
- **Pollution Reduction Strategies (15 points).** Applications will be evaluated based on the

quality and extent to which they:

- Describe how the associated project(s) will address the identified localized pollution challenges facing the Project Area, and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A, and will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area. (8 points)
- Describe how the selected Pollution Reduction Strategies help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)

1.3 Community Engagement and Collaborative Governance Plan (15 points): The Community Engagement and Collaborative Governance Plan described in Section I.G will be evaluated based on the quality and extent to which it demonstrates:

- **Past Community Outreach and Engagement Conducted:** How the applicant's past engagement with the Project Area community impacted the Strategy and associated project selection and implementation approach included in the application, including the outreach and engagement methods used for the Project Area and specific neighborhoods or groups within the Project Area. (4 points)
- **Community Engagement Plan Implementation:** The specific community engagement methods used by the applicant, as well as how they will mitigate barriers and involve relevant governmental stakeholders necessary to support overall project implementation. (6 points)
- **Collaborative Governance Structure:** The details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how regularly they will meet to discuss project implementation. (5 points)

1.4 Community Strength Plan (10 points): The Community Strength Plan as described in Section I.G will be evaluated based on the quality and extent to which it demonstrates:

- **Maximizing Economic Benefits of Projects:** How the projects included in the application are intended to provide economic benefits for individuals in the Project Area, including priority populations as defined in footnote 3. (5 points)
- **Displacement Avoidance:** The measures for mitigating potential near-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members, the vulnerability the community faces to rising costs attributable to their proposed project, and the potential project impacts to households, small businesses, and other existing groups. (5 points)

Part 2. Program Management, Capability, and Capacity (35 points total)

2.1 Performance Management Plan and Outputs / Outcomes (6 points): Applications will be evaluated based on:

- Whether the application describes an effective plan, with associated timeframes, for tracking and measuring progress in achieving the expected project outcomes and outputs including those identified in Appendix F, as appropriate, and any additional ones identified in the application. (2 points)
- The quality and specificity of the proposed outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the disadvantaged communities in the short and long term. (2 points)
- Whether, and how, the applicant has incorporated program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals and how they will use the results of the evaluations to meet the project goals within the required timeframes. (2 points)

2.2 Project Linkages to the EPA Strategic Plan (4 points): Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

In addition, applications, depending on the projects included in them, will also be evaluated based on the quality and extent to which they also support and advance the following EPA Strategic Plan Goals as applicable:

- Goal 1 - Tackle the Climate Crisis
- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

2.3 CBO Experience and Commitment (5 points): The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the proposed grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

2.4 Programmatic and Managerial Capability and Resources (15 points): The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:

- Their organizational experience and capacity related to performing the proposed project(s) or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period (4 points)

- The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (4 points)

2.5 Past Performance (5 points): The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.B](#). (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to [Section IV.B](#) including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (2 points)

Note: The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the award. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If the Lead Applicant does not have any relevant or available past performance related to federal or non-federal grants, this should be stated explicitly in the application (e.g., our organizations have no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

Part 3. Readiness to Perform, Feasibility, and Sustainability (40 points total):

- 3.1 Readiness Approach (8 points):** Applications will be evaluated based on the applicant's ability and readiness to proceed with grant performance for the projects in the application, based on the Readiness Approach Requirements described in [Section I.G](#), upon receiving an award, or generally no later than 120 days after award, to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include evaluating the description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not generally within 120 days of award.
- 3.2 Feasibility (9 points):** Applications will be evaluated based on whether it is demonstrated that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes also

evaluating how the strategies and associated projects can individually and collectively be completed within three years.

- 3.3 Sustainability (5 points):** Applications will be evaluated based on whether it is demonstrated that the benefits and outcomes from the projects in the application can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the Applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including the plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.4 Program Budget Description (8 points):** The program budget will be evaluated based on:
- The reasonableness of the budget and allowability of the costs for each component / activity of the projects in the application. This includes evaluating whether funding is well balanced and equitably distributed to project partners, including sub-awardees, commensurate with their role in the project, and whether funding is categorized into the proper budget categories providing clarity, accuracy, and granularity on the applicant's planned use of the grant funds during the project period. (4 points)
 - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
- 3.5 Compliance Plan (10 points):** Applications will be evaluated based on the quality and extent to which the Compliance Plan addresses the elements for the Compliance Plan described in [Section I.G.](#)

D. Track II Application Review Process and Evaluation Criteria

All eligible Track II applications will be evaluated, on a rolling basis, based on a 100-point scale using the criteria specified below.

Evaluation Criteria for Track II Applications

Track II applications will be evaluated using the criteria below on a 100-point scale.

Track II Evaluation Criteria

Section	Possible Points
1. Program Objectives	35
2. Project Collaboration and Participation	20
3. Project Linkages	4
4. Budget	8
5. Environmental Results	6

6. CBO Experience & Commitment	5
7. Programmatic and Managerial Capability and Resources	16
8. Past Performance	6
TOTAL	100

1. **Track II Program Objectives (35 points):** Applications will be evaluated based on the quality and extent to which they demonstrate:
 - How the project(s) in the application address the Track II objectives identified in Section I.H. (10 points)
 - The methods, tools, and trainings, the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice. (10 points)
 - How the project(s) in the application address and improve the disadvantaged community's lack of access to, or weak relationships with, governmental entities and changes those relationships to increase points of access for disadvantaged communities with government to work cooperatively to promote environmental and climate justice. (8 points)
 - Will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so the communities are better prepared to proactively address them before the issues materialize. (7 points)
2. **Project Collaboration and Participation (20 points):** Under this criterion, applications will be evaluated based on the quality and extent to which they:
 - Demonstrate that meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the applications and how feedback / input will continue to be obtained and considered during grant performance. (10 points)
 - Describe the facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in a meaningful manner on environmental and climate justice issues with governmental bodies. (5 points)
 - Demonstrate the applicant's and Collaborating Entities relationships and history of collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues. (5 points)
3. **Project linkages (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).
4. **Budget (8 points):** Under this criterion, applicants will be evaluated based on:

- The reasonableness of the budget and allowability of the costs for each component / activity of the project and their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner to comply with the statutory 3-year project period limitation. (4 points)
 - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
5. **Environmental Results (6 points):** Applications will be evaluated based on the quality and extent to which:
- They describe an effective plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications including those identified in Appendix F. (2 points)
 - They demonstrate that the project can ensure sustainability of outcomes beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. (2 points)
 - The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, are described. (2 points)
6. **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources (16 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period. (4 points)
 - The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
 - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and

program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (5 points)

8. **Past Performance (6 points total):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to Section IV. (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to Section IV including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (3 points)

The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the project. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If you do not have any relevant or available past performance related to federal or non-federal grants, you should state this explicitly in your application (e.g., our organization has no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

E. Final Selection Process and Other Factors

The Selection Official will make the final selection recommendations for Track I and II applications based on the evaluation criteria and process described above on a rolling basis. In addition, in making the final selection recommendations for award, the Selection Official may also consider any of the "other" factors below.

Further, as noted in Sections I.G and II.A, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training project(s) as described in Section I.G. In addition, as noted in Sections II.B and Appendix H, EPA anticipates making a minimum of five awards for high-ranking applications under the Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands) that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.

In making the final selection recommendations for award, the Selection Official may consider any of the following "other factors":

1. Geographic diversity to promote a mix of high-scoring applications benefitting disadvantaged communities located in urban, rural, or remote areas, different regions of the country, territories, as well as the geographical nature or impact of the project(s).

2. Program priorities- how the application supports and advances EPA and OEJEER's goals and priorities, including those in EPA's Strategic Plan that focus on environmental climate and justice issues. This may also include considering how the application promotes Community Change Grant program objectives, the depth and extent of community involvement in project development and implementation, the extent and quality to which the project activities will provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A rather than attenuated benefits spread out throughout a large Project Area, and the priority that the grants must be able to be successfully completed within three years to meet CAA § 138 statutory requirements.
3. Organizational diversity in terms of applicant type and size to ensure a broad representation of applicants receiving awards to improve program effectiveness and equity.
4. Whether the applicant is participating in a federal capacity building program as part of the Thriving Communities Network (please see complete list at [Federal Interagency Thriving Communities Network](#) or the [Rural Partners Network](#)).
5. Whether the projects support, advance, or complement funding related to [Community Disaster Resilience Zones \(CDRZs\)](#) as designated by FEMA.
6. The capacity and capabilities of Lead Applicants, who are selected for two awards under this NOFO, to successfully perform, manage, and oversee both grants within the three-year grant term and the risks posed by multiple awards to successful grant performance.
7. The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and / or non-Federal sources of funds / resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education and training providers, and / or Federal, state, Tribal, and local governments, as appropriate.
8. Duplicate funding considerations as stated in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO. This includes considering whether funding for the projects in the application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so the applicant's reasons for seeking funding for these projects under this NOFO.
9. Consistent with the language in Section II.B and Appendix H for Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands), whether an application includes projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
10. Availability of funds.

In addition, because the objectives of this NOFO are part of a government-wide effort to address environmental and climate justice concerns and challenges, information pertaining to proposed selection recommendations may be shared by EPA with other Federal, state, local, territorial, or Tribal governmental departments or agencies before final selections are made in order to determine whether potential selections under this NOFO: (1) are expected to be funded by another department or agency to minimize the possibility of duplicate funding, (2) could be affected by permitting, regulatory or other issues involving another department or agency, and / or (3) will complement or can be used to leverage funding and capacity-building by another department or agency to maximize value. Note that this process is separate from the Intergovernmental Review requirements in 40 CFR Part 29.

F. Anticipated Announcement and Federal Award Date

As stated in [Section II.C](#), applications will be reviewed and selected on a rolling basis and may be submitted through November 21, 2024. EPA announced initial selection decisions for awards in July 2024 and expects initial awards being made in November 2024.

Section VI. Award Administration Information

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Note: Additional provisions that apply to this section of the NOFO, including those related to responsibilities under civil rights laws, can be found in the [EPA Solicitation Clauses](#).

A. Award Notification and Disputes

EPA anticipates that the first notification of selected applicants will be made via electronic mail in July 2024 and will continue to be done on a rolling basis. The notification will be sent to the original signer of the application, or the contact listed in the application. This notification, which informs the applicant that its application has been selected, is not an authorization to begin work. The official notification of an award will be made by the EPA Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, readiness to perform projects, or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by a grants officer, is the authorizing document and will be provided through electronic mail. The successful applicant may be requested to prepare and submit additional documents and forms that must be approved by EPA before the grant can officially be awarded. The time between notification of selection and finalization of the award agreement can take up to 90 days or longer.

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005), which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in [Section VII](#) of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remain unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c, and 9d of [EPA Order 5700.8: EPA's Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards](#). In addition, non-profit applicants selected for awards over \$200,000 may be required to fill out and submit to the grants management office EPA Form 6600.09, United States Environmental Protection Agency Administrative Capability Questionnaire with supporting documents as required in EPA Order 5700.8.

Depending on the projects in the grant award, EPA will impose programmatic terms and conditions to ensure successful and timely grant performance. In addition, if applicants have any questions about whether a proposed project cost is eligible or allowable, they should contact EPA for clarification prior to application submittal.

B. Administrative and National Policy Requirements

Grantees will be subject to administrative and national policy requirements. Note that EPA plans to establish programmatic requirements in the terms and conditions of each grant agreement to implement these administrative and national policy, and other relevant, requirements, which will include but not be limited to: this award is subject to the requirements of the Uniform Administrative Requirements, Cost

Principles and Audit Requirements for Federal Awards; Title 2 CFR, Parts 200 and 1500. EPA also has programmatic regulations located in 40 CFR Chapter 1 Subchapter B.

A listing and description of general EPA regulations applicable to the award of assistance agreements is available on the [EPA Policies and Guidance for Grants](#) page.

Readiness to Perform Requirements: Following selection and before award, EPA may work with selected applicants to ensure that all approvals, requirements, permits, and permissions that are needed to begin performance will, if not already obtained or complied with, be resolved by the time of award, and if not generally within 120 days of award (unless extended by EPA). A term and condition may also state that EPA may terminate the award for the recipients' failure to meet these requirements.

State / Territories Operation and Maintenance: Because of their unique roles, State and territorial governments may receive subawards to help implement specific project activities such as an infrastructure project in which they own the land or where they have governmental technical expertise and staffing necessary to effectively implement activities of an infrastructure or other type of project. The terms of the EPA award will also require, if applicable, that state and territorial subrecipients commit to operation and maintenance funding for any infrastructure constructed or improved on land they own with funding available under the NOFO.

Build America, Buy America Act (BABA): Certain projects under this NOFO may be subject to the Buy America domestic content sourcing requirements under the Build America, Buy America (BABA) provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§ 70911-70917). These provisions apply when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. BABA requires that all iron, steel, manufactured products, and construction materials consumed in, incorporated into, or affixed to federally funded infrastructure projects must be produced in the United States. Please consider this information when preparing budget information and your application. The award recipient must implement these requirements in its procurements, and these requirements must flow down to all subawards and contracts at any tier. For more information, consult EPA's Build America, Buy America [website](#). When supported by rationale provided in the Infrastructure Investments and Jobs Act (IIJA) § 70914, the recipient may submit a BABA waiver request to EPA. The recipient should request guidance on the submission instructions of an EPA waiver request from their EPA Project Officer. A list of approved EPA waivers is available on the BABA website. In addition to BABA requirements, all procurements under grants may be subject to the domestic preference provisions of 2 CFR §200.322.

Davis-Bacon and Related Acts (DBRA): The Davis-Bacon and Related Acts (42 U.S.C. §§ 3141-3144) set labor standards, including prevailing wages and fringe benefits, and apply to most federally funded contracts for construction of public works. The DBRA labor standards and reporting requirements apply to construction projects assisted with grants authorized by the CAA, including this program, as provided in CAA § 314 (42 U.S.C. § 7614).¹⁶ A term and condition specifying DBRA compliance requirements will be included in the grant agreement.

Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA): The URA applies to acquisitions of property and displacements of individuals and businesses that result from federally

¹⁶ EPA will use the definition of *Construction* in 40 CFR 33.103 to determine whether funding will be for a construction project. That definition defines *Construction* as “. . . erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.”

assisted programs. The URA and Federal Highway Administration's implementing regulations at 49 CFR Part 24 require grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements. The statute and regulations also contain requirements for carrying out relocations of displaced persons and businesses, such as reimbursement requirements for moving expenses and standards for replacement housing. A term and condition specifying URA compliance requirements will be included in the grant agreement.

National Historic Preservation Act (NHPA): Section 106 of the NHPA requires all federal agencies to consider the effects of their undertakings, including the act of awarding a grant agreement, on historic properties. If NHPA compliance is required, necessary Section 106 consultation activities, such as historic or architectural surveys, structural engineering analysis of buildings, public meetings, and archival photographs, can be considered allowable and allocable grant costs. A term and condition specifying NHPA compliance requirements will be included in the grant agreement.

Note that Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act). This Section states: "No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969." Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the Community Change Grants.

Justice40 Reporting: The activities to be performed under the awards are expected to contribute to the President's goal that 40% of overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative. See Section I.A). Recipients, therefore, will be expected to report on certain metrics to demonstrate to what extent the activities contribute to the 40% goal. A term and condition specifying reporting of metrics demonstrating the extent to which the grant's activities advance this 40% goal will be included in each grant agreement.

Signage: The activities to be performed under the awards are expected to publicize that they were funded by the U.S. Environmental Protection Agency and the Inflation Reduction Act (e.g., via signs at the place(s) of performance. The award will include appropriate terms and conditions about signage requirements.

Environmental Justice Grant Applicant Database: The Community Change Grants program strives to support as many CBOs that apply regardless of their ultimate success in receiving a grant, by, as appropriate 1) familiarizing applicants with federal grant application requirements, 2) sharing expectations and responsibilities of managing federal grants, 3) providing constructive feedback and recommendations on ways to strengthen unselected applications, 4) helping organizations build sustainability into projects so they continue to grow and develop after the project period is over, and 5) facilitating connections with other potential resources that can help organizations address community needs. To facilitate the achievement of these, all applicants who apply under this NOFO will be added to our Environmental Justice Grant Applicant Database.

Reporting Requirements: Grantees will be subject to both program performance as well as financial and administrative reporting requirements, as described below. Note that EPA will only collect reporting information from the Lead Applicant (rather than from any subrecipients), but each Lead Applicant may need to collect reporting information from subrecipients (e.g., Collaborating Entities, Statutory Partners) to meet these reporting requirements.

Program Performance Reporting: In accordance with 2 CFR § 200.329, each grantee will be subject to program performance reporting requirements. Reporting requirements effective during the period of

performance will be established in the grant agreement's terms and conditions, and reporting requirements effective after the period of performance will be established in a closeout agreement.

During the period of performance, EPA will require each grantee to submit quarterly performance reports within 30 days after the end of each reporting period (and with additional requirements every fourth quarterly report i.e., annually) as well as a final performance report within 90 days after the end of the period of performance. EPA will require that each grantee's chief executive officer or equivalent review and submit each of these reports. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes confidential business information (CBI) or personally identifiable information (PII) pursuant to 2 CFR § 200.338.¹⁷ Included below is information that EPA may require in these reports.

Financial and Administrative Reporting Requirements: Each grantee will be subject to financial and administrative reporting requirements, which will be included in the grant agreement's terms and conditions ([EPA's General Terms and Conditions](#)). These requirements will include, but not be limited to:

- **Federal Financial Report:** In accordance with 2 CFR § 200.328 and 2 CFR § 200.344, each grantee must submit the Federal Financial Report ([SF-425](#)) at least annually and no more frequently than quarterly. The frequency of reporting and report submission instructions will be specified in the terms and conditions.
- **Financial Records Retention:** In accordance with 2 CFR § 200.334, each grantee will be required to retain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to the grant award for a period of three years from the date of submission of the final expenditure report. Additional record retention requirements on program income used after the end of the period of performance will be specified in close-out agreements.
- **MBE / WBE Utilization:** When required, each grantee must complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report ([EPA Form 5700-52A](#)) on an annual basis.
- **Real Property Status Report:** In accordance with 2 CFR § 200.329, each grantee must submit a "Real Property Status Report" ([SF-429](#)) to report real property status or request agency instructions on real property that was / will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a federal financial assistance award.

C. Audit Requirements

In accordance with 2 CFR § 200.501(a), each grantee will be required to obtain a single audit from an independent auditor, if the grantee expends \$750,000 or more in total federal funds in the grantee's fiscal year. Audits will be made public in accordance with the process described in 2 CFR § 200.512. The grantee must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the grantee's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package **MUST** be submitted using the [Federal Audit Clearinghouse's Internet Data Entry System](#). In addition, each grantee may be subject to additional audit requirements, including but not limited to compliance requirements as part of any compliance supplement to the single audit.

D. Remedies for Non-Compliance

¹⁷ Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B.

In accordance with 2 CFR § 200.208, 2 CFR § 200.339, and 2 CFR § 200.340, EPA is provided authority for multiple potential responses if a grantee violates the terms of the grant agreement.

E. Program Administration Activities

Under 2 CFR § 200.403 and other applicable provisions of 2 CFR Part 200, Subpart E, costs are allowable under federal awards so long as they are necessary and reasonable for the performance of the grant award. Under this NOFO, consistent with these regulations, program administration activities are allowable costs, with such activities supporting administration of the grant program. Program administration activities include (but are not limited to) conducting due diligence and underwriting financial transactions; establishing and convening advisory councils; conducting program performance and other reporting activities (e.g., expenditures for personnel and equipment to procure technology infrastructure and expertise for data analysis, performance, and evaluation); and supporting, monitoring, overseeing, and auditing subrecipients, contractors, and program beneficiaries.

F. Fraud, Waste, and Abuse Awareness

Recipients of awards under this NOFO need to be alert and sensitive to indicators of fraud, waste, and abuse regarding the use of federal funds under the award. Fraud generally is a false representation about a material fact and can be any intentional deception designed to unlawfully deprive the United States or the EPA of something of value or to secure for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Waste generally involves the taxpayers not receiving a reasonable value for money in connection with any government-funded activities due to an inappropriate act or omission. Most waste does not involve a violation of law; rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. Abuse generally involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse may also include misuse of authority or position for personal financial interests of those of an immediate or close family member or business associate. Abuse does not necessarily involve fraud or violation of laws, regulations or grant provisions. Indicators of fraud, waste, and abuse can be found on the EPA Office of Inspector General [website](#). Recipients should report any suspected fraud, waste, and / or abuse to the EPA Project Officer for the award or the EPA Office of Inspector General. Note that EPA Project Officers will refer matters to the EPA Office of Inspector General as appropriate.

G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs)

Quality assurance documentation is required for awards that involve environmental information operations. EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements. Once the award is made, if a QMP and / or QAPP is required for the project, the applicant will develop the document and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QMP and / or QAPP.

Environmental Information Operations: A collective term that encompasses the collection, production, evaluation, or use of environmental information and the design, construction, operation, or application of environmental technology. Environmental information includes data and information that describe environmental processes or conditions. Examples include but are not limited to: direct measurements of environmental parameters or processes, analytical testing results of environmental conditions (e.g., geophysical, or hydrological conditions), information on physical parameters or processes collected using environmental technologies, calculations or analyses of environmental information, information provided by models, information compiled or obtained from databases, software applications, decision support tools,

websites, existing literature, and other sources, and development of environmental software, tools, models, methods, and applications.

Quality Management Plan (QMP): The recipient may need to develop a QMP. The QMP describes an organization's Quality Program. Requirements for QMPs are found in the most recent version of EPA's [Quality Management Standard](#). A QMP documents the technical activities to be performed and how the program will integrate QA, quality control, QAPPs, training, etc., into all its environmental information operations.

Quality Assurance Project Plans (QAPP): The recipient may need to develop a QAPP(s). A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project. Requirements for QAPPs are found in the most recent version of [EPA's Quality Assurance Project Plan Requirements / Standard Quality Assurance Project Plans \(QAPP\)](#). Quality assurance is sometimes applicable to assistance projects (see 2 CFR 1500.12). Quality assurance requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources, such as databases or literature. Once the award is made, if a Quality Assurance Project Plan is required for the project, the applicant will have to draft a QAPP prior to beginning work on the project. You must reserve time and financial resources in the beginning of your project to prepare your QAPP and include the cost for developing your QAPP in your Detailed Budget. Selected applicants cannot begin data collection until EPA approves the QAPP.

Section VII. Contact Information

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For information or questions about this NOFO, please email: CCGP@epa.gov

Appendix A. Definition of Disadvantaged Communities and Mapping Requirements

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Applicants must demonstrate that the projects in their application would benefit a disadvantaged community. EPA is defining a disadvantaged community as one that meets at least one of the following criteria:

1. A geographically defined community designated as disadvantaged by the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#), which includes the following components:
 - a. EPA IRA Disadvantaged Communities 1.0 map
 - b. EPA IRA Disadvantaged Communities 2.0 map
 - c. Any area of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands.
2. A community that falls into one of the following two categories:
 - a. A farmworker community comprised of individuals with no fixed work address, who travel from their permanent residence to work in agriculture on a temporary or seasonal basis and may relocate several times throughout the year. Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.
 - b. A Disadvantaged Unincorporated Community (DUC). For purposes of this NOFO, DUCs are generally defined as Census Designated Places¹⁸ that lack fixed legally determined geographic boundaries and have certain common characteristics and conditions (e.g., the absence of adequate potable permanent water, adequate sewage systems, or acceptable housing). For example, all areas defined as Colonias by the U.S. Department of Housing and Urban Development (HUD),¹⁹ and Colonias that are not defined by HUD but are identifiable on the “Colonias” layer in [EJScreen](#), are considered DUCs for purposes of this NOFO. In other cases, DUC status can be demonstrated through submitting localized data that represent similar characteristics. Applicants who seek funding for projects benefitting DUCs need to explain in their Project Narrative (e.g., in the Executive Summary) that the projects will either benefit Colonias as defined above or show how the projects otherwise meet the DUC criteria listed above, including demonstrating how the area to be benefitted is both unincorporated and shares “common characteristics and conditions” with DUCs as described above.

Project Area and Project Area Map for Track I Applications

Track I Applications

For Track I applications to benefit geographically defined communities identified as disadvantaged communities on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#).

¹⁸ [Census Designated Places](#) (CDPs) are statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure.

¹⁹ [Colonias History – HUD Exchange](#).

applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the other relevant parts of the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across large Project Areas may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

For Track 1 applications addressing farmworker communities or DUCs as defined above, applicants must submit a Project Area Map specifying where the communities and projects designed to benefit them are located. Applications addressing these communities are not required to submit a map showing census block groups designated as disadvantaged.²⁰

All projects and activities should be located within the Project Area, except in cases where the project is located outside of the Project Area to address the localized pollution (or other) issue at the source, or where otherwise necessary to ensure and/or facilitate that disadvantaged communities as defined above will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream disadvantaged community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects' primary benefits will flow to disadvantaged communities in the Project Area.

Applicants may submit a map generated in EPA's [EJScreen](#) tool. Applicants also have the option to submit a map in another geospatial format such as a shapefile (.shp), geodatabase (.gdb), or map service.

The submitted Project Area Map should include the following:

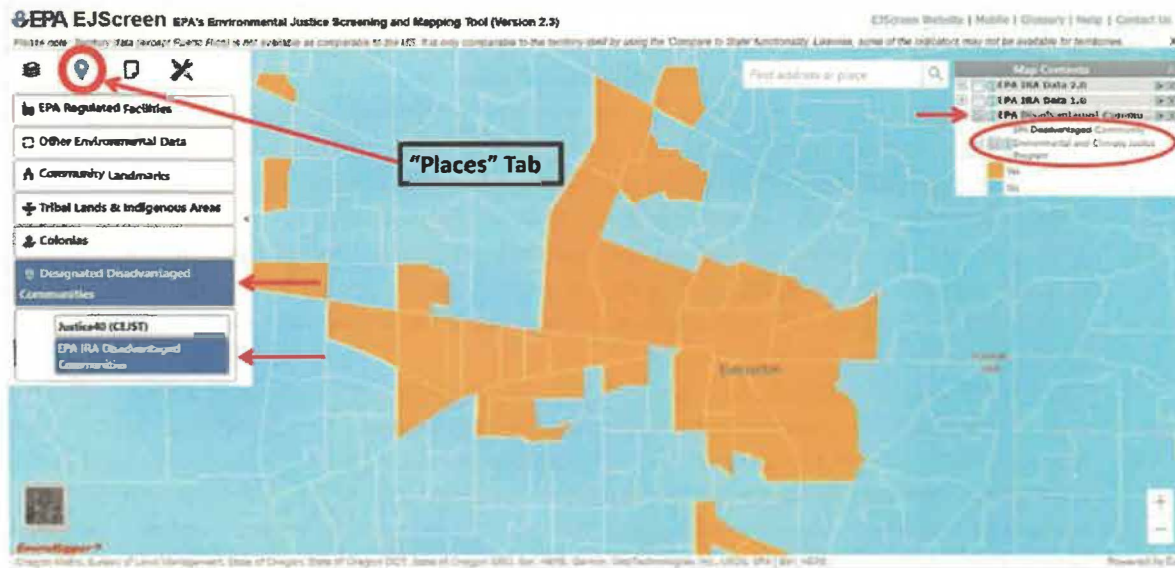
- a. The Project Area with an outlined boundary.
- b. The disadvantaged communities intended to benefit from the projects as identified on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#).
- c. Main streets, landmarks, community assets (e.g., parks or play areas, schools, community centers), and/or any other attributes that may provide important context about the Project Area.
- d. Jurisdictional boundaries, including incorporated and unincorporated areas.

Note: While Track II applications are not required to submit a Project Area Map, they must still use the EPA Disadvantaged Community Environmental and Climate Justice Program Map layer in [EJScreen](#) to describe and identify in their application (e.g., Executive Summary) the disadvantaged communities as defined above that will benefit from the projects as required by Section III.D.

²⁰ However, applicants are encouraged to indicate in the relevant portion of the Executive Summary whether projects benefitting DUCs or farmworkers would also benefit areas identified as disadvantaged as described in #1.

EPA's Disadvantaged Community Environmental and Climate Justice Program Map Availability

Within [EJScreen](#), the EPA Disadvantaged Community Environmental and Climate Justice Program Map can be found in the “Places” tab by clicking the “Designated Disadvantaged Communities” category and then “EPA IRA Disadvantaged Communities.” Please note, applicants must turn on the layer in the legend on the right of the screen. See screenshot below.



Please see the [video](#) that EPA's technical assistance contractor prepared that may be useful in helping to create a Project Area Map.

If you would like the data products and technical document associated with this map layer, please visit: [Inflation Reduction Act Disadvantaged Communities Map](#).

Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner

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To be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the Lead Applicant and the Statutory Partner.
- The Lead Applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Collaborating Entities.
- The Lead Applicant will be responsible for the receipt of federal funds from EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the Lead and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The Lead Applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 3 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)(6).
- The Lead Applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance and that contains terms and conditions including those above.

Appendix C. Climate Action Strategies and Associated Project Activities

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Eligible project activities associated with each Climate Action Strategy identified in Section I.G. of the NOFO could include but are not limited to the following examples. Applicants may propose different activities as long as they are consistent with the applicable Climate Action Strategy as described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

Strategy 1: Green Infrastructure and Nature-based Solutions

Examples:

- **Building climate resilience and carbon sequestration through tree planting**
 - Mitigate urban heat islands through reflective surfaces and shade trees or other vegetation, including preparing planting sites and establishing and caring for trees and other vegetation.
 - Plant trees in public spaces.
 - Plant trees in sites that are strategically selected to shade buildings (i.e., planted within 60 feet of a building).
- **Multi-benefit stormwater projects**
 - Construct permeable surfaces, collection basins, rain gardens, bioswales and other green infrastructure.
 - Restore and / or protect wetlands.
 - Improve urban forest site(s) to create new or more functional planting locations for trees and other vegetation, such as bioswales, which contribute to:
 - Greening to protect and conserve community lands and water;
 - Watershed protection that supports sensitive wildlife habitat and enhances water access.; and / or
 - Replacement of concrete or pavement and restoring spaces to more natural conditions to restore water to the community, reduce flooding, and improve public greenspace.
- **Public parks and open spaces**
 - Create new parks or enhance / expand existing parks to provide climate resilience benefits like heat island reduction and flood mitigation or other demonstrable environmental benefits.
 - Green existing schoolyards to protect vulnerable populations by adding nature-based solutions.

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Examples:

- Construct new, expanded, or enhanced bikeways, walkways, or non-motorized urban trails that reduce vehicle miles traveled and related air pollution by providing safe routes for zero-emission travel between residences, workplaces, commercial and community centers, and schools.
- Implement “[Complete Streets](#)” projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities. projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities that reduce vehicle miles traveled and related air pollution.

- Implement climate resilience measures on bikeways or trailways such as raising the elevation or installing permeable pavers to reduce flooding or increasing shade coverage to mitigate extreme heat.
- Conduct the measurement, analysis, design, planning and engineering work necessary to submit a competitive application for state and / or federal funding that will fund large-scale improvements (larger than this competition is able to fund) to significantly reduce a community's Greenhouse Gas (GHG) emissions and / or improve climate resilience.
- Purchase, lease, or contract for the use of zero-emission vehicles for community car sharing, vanpooling, ride-sharing, and related mobility options.
- Purchase, construct, and / or install infrastructure, equipment, or facilities to create and / or support low or zero-emission transportation options.

Guidelines:

- Transportation projects that involve public transit or improvements to public property should include a governmental agency as a Collaborating Entity that will help perform and oversee the project.

Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings

Examples:

- Install energy efficiency measures such as insulation, double or triple glazed windows, "cool roofs" that reflect sunlight, and energy management systems in public buildings.
- Install ventilation systems to help improve indoor air quality during pollution-related events such as wildfires.
- Install or retrofit homes or multi-family housing with higher-efficiency electric heating, cooling, and cooking systems (e.g., heat pumps, heat pump water heaters, electric and induction stoves, electric clothes dryers).
- Reduce heat island effects by installing cool roofs on homes, multi-family housing, or public buildings.
- Implement other similar projects qualified under [HUD's Green and Resilient Retrofit Program \(GRRP\)](#). Note that applicants who have received or will receive HUD funding under this program must have internal controls in place to ensure that the same costs are not charged to more than one Federal grant.²¹

Guidelines:

- In their Project Narrative, applicants should describe how low-income residents will directly benefit from the project through lower costs and how residents will be trained on how to operate and maintain new technology and equipment, where applicable.
- For projects that will fund home or multi-family housing improvements, applicants should include details of their target tenants or homeowners, such as with those incomes at or below the greater of:
 - For Metropolitan Areas: (1) 80% Area Median Income (AMI) and (2) 200% of the Federal Poverty Level

²¹ Refer to 2 CFR 200.403(f).

- For Non-Metropolitan Areas: (1) 80% AMI; (2) 80% Statewide Nonmetropolitan Area AMI; and (3) 200% of the Federal Poverty Level
- Applicants may also target community housing (e.g., land bank, housing conservancy, cooperative, or other community-based nonprofit) or public housing for this strategy.
- Applicants should refer to the description of the Community Strength Plan in the NOFO, particularly the need to minimize the risks associated with displacing current residents due to EPA-funded investments for this strategy.

Strategy 4: Microgrid Installation for Community Energy Resilience

Examples:

- Construct microgrid infrastructure.
- Install microgrids with onsite renewable energy generation and storage.
- Install ancillary energy infrastructure necessary to support microgrids.
- Install other energy infrastructure for microgrid operations.

Guidelines:

- The application should include details that demonstrate the extent to which the microgrid will serve the target community, such as: that the microgrid will be used to ensure that reliable power is provided for any community-serving buildings or critical facilities during extreme weather emergencies or any weather-related outages; that the community lacks an external grid, and the microgrid will be used to meet local energy consumption needs during normal or “blue sky” conditions; or where an external grid is available, that the microgrid will be capable of interconnecting with that grid to meet peak energy consumption demands and increase grid reliability.

Strategy 5: Community Resilience Hubs

Examples:

- Assess the most acute climate risks facing a community (e.g., extreme heat, flooding, wildfire), identify where the community has gaps in its resilience strategy, then design a plan to mitigate specific risks by creating or upgrading community facilities to serve as resilience hubs that remain operable during an emergency.
- Purchase and install backup power equipment such as generators or onsite solar and storage at one or more resilience hubs.
- Implement structural and non-structural retrofits to enhance the resilience of the hub (e.g., raise the building elevation to reduce flood risk, improve cooling systems and / or insulation to reduce extreme heat risk).
- Implement wildfire mitigation measures such as retrofitting the hub to reduce flammability, creating a defensible space between the hub and its surrounding environment, and installing air filtration equipment to reduce the risks of smoke inhalation.
- Purchase and install communications devices that can operate even with loss of local power and telecommunications systems.

Guidelines:

- The resilience hubs should be operable during an emergency. Applicants are encouraged to develop plans that will help ensure the facility is operable, including an emergency communications plan,

plan for backup power during emergencies, and agreements and processes for activating the facility in the event of an emergency.

- The community resilience hub should be a community-convening space that provides climate resilience and related resources and services to community residents.
- Applicants should demonstrate how they will work with relevant emergency response organizations to maximize the efficacy and use of the resilience hub.

Strategy 6: Brownfields Redevelopment

Examples:

- Build and / or upgrade existing structures and sites to improve community use while reducing GHG emissions and / or improving climate resilience.
- Implement greening efforts (tree-planting, park construction or renovations, community garden developments, etc.) that mitigate GHG emissions and / or improve climate resilience.
- Install low or zero emission energy infrastructure such as solar and storage.
- Conduct deconstruction and green demolition activities to support adaptive reuse or new construction. Applicants can refer to EPA's Climate Smart Brownfields Manual for information about green demolition activities.
- Acquire land to enable a brownfield redevelopment that has emissions mitigation and / or climate resilience benefits.

Guidelines:

- Redevelopment sites eligible for funding must be consistent with the federal definition of a Brownfield site in 42 U.S.C. 9601(39) as follows: a brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Projects for adaptive reuse should explore and can leverage national and state historic preservation tax credits to maximize funding streams.²²
- In order for a Brownfields Redevelopment project to be eligible, the applicant must demonstrate at time of application submission that all cleanup activities have been completed at the site and / or that cleanup activities are not necessary at the site for the intended use or reuse. This can be demonstrated by, for example, one of the following:
 - A completed Phase I Environmental Site Assessment with no recognized environmental conditions (RECs) at actionable levels;
 - A completed Phase II Environmental Site Assessment with sampling result levels below actionable levels;
 - Lead or asbestos building survey or equivalent environmental or building investigation to determine no likely sources of contamination or hazardous materials will be encountered on site that pose risks to the adjacent community or occupational health and safety risks to workers; or
 - No Further Action letter from the state or Tribal Brownfields response program.

²² See guidelines for [Tax Incentives for Preserving Historic Properties](#).

Strategy 7: Waste Reduction and Management to Support a Circular Economy²³

Examples:

- Implement a community-scale composting program to reduce emissions from food waste that includes an educational campaign to inform Project Area residents about climate benefits of reducing food waste.
- Implement a community-scale recycling program.
- Reduce emissions from food waste by implementing programs that distribute unused food to project area residents.

Guidelines:

- Where relevant, applicants should demonstrate that all inedible food scraps derived from projects are composted, and that other materials are diverted from landfills and support a circular economy.
- Where relevant, project activities should demonstrate how they are using EPA best practices related to the circular economy or other sources of guidance.²⁴ Resources include the [Planning for Natural Disaster Debris](#) guidance and [Sustainable and Resilient Communities Through Solid Waste Investments and Best Practices After Disasters](#).
- Applicants should consider EPA's ranking of [wasted food management pathways](#) and [EPA Waste Management hierarchy](#) for sustainable materials management.

Strategy 8: Workforce Development Programs for Occupations that Reduce GHG Emissions and Air Pollutants

This strategy allows applicants to propose workforce development programs that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities.

This strategy allows applicants to propose workforce development programs for employment in fields that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities. A wide range of occupations support the reduction of GHG emissions and air pollutants. Because EPA cannot provide an exhaustive list of such occupations, applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Examples of career pathways that may be part of a workforce development program include but are not limited to: electricians, steamfitters, pipefitters, laborers, and other skilled trades occupations that support building electrification, renewable energy projects, and other similar activities; occupations related to the manufacturing of low- and zero-emission technologies; careers in low- and zero-emissions transportation such as vehicle mechanics supporting electric vehicle technologies; community health and outreach workers that assist households in reducing their emissions and addressing sources of pollution; and other careers related to emissions reduction, such as methane mitigation or agricultural carbon mitigation. Applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Guidelines:

²³ A circular economy is generally described as a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing, and recycling materials and products as long as possible and based on three main principles: eliminate waste and pollution, circulate products and materials, and regenerate nature.

²⁴ Refer to EPA's guidance on the [Circular Economy | US EPA](#)

As noted in Section I.G of the NOFO, strong workforce development programs should include the following three features at a minimum:

1. Multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers.

The foundation of a strong workforce development initiative is a set of partners that represent diverse expertise, community and worker voice, and employer needs. For these programs, applicants may collaborate with organizations with workforce development expertise, such as labor unions, tradeswomen organizations, local workforce development boards (locate yours using this [U.S. Department of Labor search tool](#)), career and technical schools, community colleges, workforce development nonprofits, and other similar organizations.

Examples of the types of expertise and experience that are important for a successful workforce development program include, but are not limited to:

- Technical skills and experience to lead classroom and on-the-job training, including equipping students and individuals with the skills needed to succeed and be safe on the job, including knowledge of new and emerging greenhouse gas and other air emissions-reduction technologies;
- Knowledge of the local, State, and regional labor market and relevant relationships to have a deep understanding of employer hiring, staffing, and skilling needs, emerging trends especially related to the clean energy transition, and considerations for local job quality and worker voice;
- Strong awareness of the barriers individuals in the community face to training and employment, including an understanding of unique barriers specific populations face, and clear strategies for how to address those barriers; and
- Established relationships of trust within the community, including knowledge of relevant history and community dynamics, in addition to meaningful, long-lasting relationships in the community that will support trainee recruitment and participation.

2. High-quality training models that are worker-centered, demand-driven, and lead to good jobs.

Workforce development projects should be focused on training individuals for high-quality, long-term career pathways in family-sustaining jobs, rather than short-term or temporary, low-wage jobs. Applications should demonstrate that the workforce development project fulfills an industry demand in the Project Area and surrounding region, is informed and supported by employers, and has a clear pathway to long-term employment with family-sustaining wages. This will be key to delivering programs that enable true economic mobility for individuals in disadvantaged communities and bolster the capacity of communities to respond to environmental justice concerns in a sustained fashion.

Examples of high-quality, evidence-backed training models are: Apprenticeship readiness programs (or “pre-apprenticeships”) with a connection to one or more Registered Apprenticeship Programs; Registered Apprenticeship Programs (registered via the U.S. Department of Labor (DOL) Office of Apprenticeship or State Apprenticeship Agency); Joint Labor-Management Training Programs; paid internships; partnerships with community colleges or vocational schools that award an industry-recognized credential; and similar models that combine on-the-job learning, classroom learning, and mentorship. DOL has a resource on “high-road training programs” that applicants are invited to review [here](#).

Workforce development programs can serve adult or youth populations. Applicants may consider high-quality youth-serving training models, including: pre-apprenticeship programs that prepare young people to enter Registered Apprenticeship Programs; career and technical education programs (as described by the

[U.S. Department of Education](#)); and other similar models. Please note that applicants may propose programs to be included in the [American Climate Corps](#) (ACC), which is a federal government initiative focused on training young people for high-demand skills for jobs in the clean energy economy. To qualify as an ACC program, the program must provide youth with at least 300 hours of paid skills-based training and / or service. Applicants submitting a workforce development project to be considered for the ACC should note that in their application.

3. Strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face disproportionate barriers to employment.

It is a statutory requirement (section 138(b)(1) of the Clean Air Act) for this program to benefit disadvantaged communities. These benefits may include providing opportunities to individuals with barriers to training and / or employment, so they can find long-term employment and economic opportunity in fields associated with air pollutants and GHG reduction. Projects should be designed with comprehensive research and evidence-based strategies for addressing barriers to recruitment, training, employment, and retention. Examples include supportive services to meet the needs of the disadvantaged community, such as childcare and transportation assistance; life skills and basic skills training, such as financial literacy and job readiness, to prepare for a career related to GHG and air pollutant reduction; career services, such as developing individualized employment plans; peer-to-peer mentorship programs to connect experienced workers with new workers to help them learn the job and find a sense of belonging in the workplace; reasonable accommodations consistent with federal equal employment opportunity laws; coaching to support work-based learning; and case workers to support workers with barriers to employment.

Applicants proposing a workforce development project are encouraged to describe the following elements and any additional details identified by the applicant:

- Design of the program, including if the applicant is proposing a high-quality, evidence-backed training model as described above, and a description of the credential(s) the participants will earn.
- Duration of the program and program components, such as time spent in classroom and on-the-job training. Applicants are encouraged to also describe ongoing support participants will receive once they exit the training program and connect to full-time employment to support retention.
- How applicants will engage employers and how the program will connect to high-quality jobs. Applicants can review the federal Good Jobs Principles [here](#).
- Estimated number of participants that will be trained in the program.
- Plan for how the program will recruit participants and how the program will build visibility and trust among residents of the Project Area.
- Curriculum the program will use and how it is informed by industry standards and employer demand.
- Wages or stipends for the duration of the program. Applicants are strongly encouraged to provide reasonable compensation for time spent in training to increase participation and retention.
- Strategies the program will use to meet the needs of populations that experience barriers to training and employment.
- Applicant's approach to administering supportive services to mitigate barriers to training and employment.
- Indicators the program will use to evaluate success as well as the methodology the program will use to track the progress of participants during and after the program. Applicants may review the Six Primary Indicators of Performance used by the public workforce system, as described by the Department of Labor [here](#).

Appendix D. Pollution Reduction Strategies and Associated Project Activities

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Eligible project activities associated with each Pollution Reduction Strategy could include but are not limited to the following examples. Applicants may propose different activities as long as the activities are consistent with the applicable Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

Strategy 1: Indoor Air Quality and Community Health Improvements

Examples:

- Remediate or mitigate harmful substances in buildings, including lead, mercury, pesticides, radon, mold, PCBs (caulk, flooring, etc.), lead-based paint, asbestos, and other toxic substances.²⁵
- Install, upgrade, or replace HVAC and / or filtration systems that improve indoor quality in schools, community-serving buildings, and single-and-multifamily homes. These upgrades may be done in conjunction with climate strategies that reduce building GHG emissions.
- Equip community centers and community buildings in agricultural worker communities with decontamination stations (e.g., publicly available shower and laundry stations) to eliminate take-home pesticide exposures.
- Purchase equipment that can enable “do-it-yourself” upgrades using research-based methods, to distribute within communities impacted by smoke.
- Replace wood heaters that do not meet EPA’s New Source Performance Standards with more efficient, cleaner heaters certified by EPA, and independently verified to meet (or to have emissions below) the most stringent Step 2 emission reduction standards described in Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces heaters.

Strategy 2: Outdoor Air Quality and Community Health Improvements

Examples:

- Reduce exposure from mobile and stationary sources by:
 - developing or expanding vegetative barriers.
 - creating alternate truck route programs to decrease impacts to sensitive communities.
 - providing grants, rebates, or subsidies for households, small businesses, public partners, and community organizations to replace portable diesel equipment such as leaf blowers and lawn mowers with zero-emission alternatives.
 - retrofitting spray booths in local small businesses to reduce VOC contamination from auto body painters.
 - providing grants, rebates, or subsidies for backup battery systems to replace diesel backup generators in homes, public facilities, or small businesses.
- Create clean air zones or low-emission zones such as:

²⁵ The prohibition on using Community Change Grant funding to remediate Brownfields sites does not apply to this activity.

- Encouraging “last-mile” delivery through electric delivery vehicles (e.g., trucks, vans, cargo bikes).
- Electrifying local government-owned fleets providing services to communities (e.g., sanitation trucks, public buses).
- Implementing urban designs that promote air flow and reduce the concentration of pollution along street corridors (e.g., remove or reduce costly parking mandates, reduce idling of diesel vehicles).
- Implement sustainable construction practices such as minimizing dust and emissions during building projects (e.g., electrify equipment, cover construction sites, utilize water sprays, properly manage waste).
- Replace toxic play surfaces that emit harmful pollutants (e.g., tire crumb and certain turfs at schools, community playgrounds, and fields) with non-toxic, permeable options to provide safe places for children to play.
- Develop other policies that promote reductions in air pollution from transportation such as land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas.

Guidelines:

- Communities seeking funding for zero-emission school buses should encourage their local school district apply to EPA’s \$5 billion [Clean School Bus program](#).

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Examples:

- Perform targeted infrastructure upgrades such as:
 - Replacing private-side lead lines in a home, childcare facility, school, or other community-serving building during full lead service line replacement²⁶
 - Septic to sewer conversions that connect homes to nearby community water systems.
 - Installing working water fountains at schools and parks where there are no fountains or they are inoperable, malfunctioning, or contaminated.
 - Installing water conservation and efficiency technologies that will allow utilities to better monitor and reduce energy consumption onsite.
 - Installing water reuse technologies that allow for system decreases in both energy and water use efficiencies through water capture, loss prevention, and closed loop approaches.
- Prepare and apply for state and / or federal water infrastructure funding to address larger community needs (e.g., a leak detection and pipe replacement plan, a PFAS action plan, or upgrades to water and wastewater treatment facilities that reduce pollution) by:
 - Assessing the problem through water sampling and monitoring.
 - Developing a plan, which could include the necessary design and engineering work.
 - Preparing an application for federal funding to one of several sources such as to EPA’s State Revolving Loan funds.
- Provide emergency interventions such as:

²⁶ [EPA’s Drinking Water Regulations for Lead. Lead Service Lines. Strategies to Achieve Full Lead Service Line Replacement.](#)

- providing recurring point-of-use filters while communities await lead service line replacement.
- providing alternate water supplies for communities and buildings that have contaminated water (PFAS, lead, PCBs, arsenic, nitrates, etc.) in communities with contaminated water systems.
- adopting facility procedures or system upgrades that allow for service flexibilities, mobility, and continuity in the event of an emergency due to climate-related disaster events.

Guidelines:

- The projects should also include a public outreach / education campaign on safe drinking water and / or wastewater, working with the public water system where possible.^{27 28}
- Activities should be coordinated with the EPA funded [Environmental Finance Centers](#) to minimize duplication of effort.

Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste

Examples:

- Purchase equipment for hazardous waste sampling to determine classification.
- Collect, process, recycle, or otherwise dispose of household hazardous waste and electronics programs and infrastructure.
- Conduct compliance oversight for the collection, processing, recycling, storage and disposition of household hazardous waste and electronics.
- Develop or expand hazardous waste collection, recycling, and safe recycling programs and infrastructure.
- Develop or expand safe disposal technologies for hazardous waste.
- Reduce demand for single-use plastic products (by installing public water bottle refill stations and water fountains or implementing community and city-scale water reuse and refill systems) and phasing out single-use products that may be unnecessary.

²⁷ [EPA on Reducing Lead in Drinking Water. EPA Communication Plan 3Ts. Basic Information about Your Drinking Water.](#)

²⁸ [Drinking Water Analytical Methods.](#)

Appendix E. Job Quality & Equitable Employment Opportunities

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It is a priority of the EPA that this grant program supports high-quality, family-sustaining, community-strengthening jobs with the free and fair choice to join a union, consistent with [Executive Order 14082, Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022](#). As such, EPA is interested in funding proposals that have a commitment to creating good jobs and utilizing a diverse, highly skilled workforce, including an emphasis on creating employment opportunities for populations living in communities that are disadvantaged.

This supports the broader goals of environmental justice by making sure federal funds are spent on Climate Action and Pollution Reduction projects that have a commitment to strong labor standards, creating stronger communities where worker, employer, and community needs are collectively met. Characteristics of a good job include strong wages and family-sustaining benefits; worker empowerment and neutrality with respect to union organizing and collective bargaining; work environments that promote worker health and safety; job security; equitable workforce development pathways and opportunities for career advancement; and supportive services, such as childcare and transportation, to support individuals that face barriers to employment; among others. When considering how to support job quality, EPA encourages applicants to review the eight [Good Jobs Principles](#) developed by the U.S. Department of Labor and Department of Commerce. The Department of Labor has produced several resources that help potential applicants understand the Good Jobs Principles and implement them through federal funding programs including: [Good Jobs in Federal Investments: A Toolkit for Employers, Workers, and Government](#); [Good Jobs Initiative Job Quality Check List](#); [Good Jobs in Federal Investments: Data and Reporting Appendix](#).

Grant funding for construction projects under this program is subject to Davis Bacon and Related Acts prevailing wage laws as provided in Section 314 of the Clean Air Act. Beyond this requirement, applicants are encouraged to articulate additional strategies they will use to deliver on the goals outlined above, including ensuring high labor standards and a diverse workforce to benefit the local community where the EPA funded work is taking place. These commitments should be concrete, specific, and measurable rather than vague statements, and may be integrated into EPA's agreement with the recipient through programmatic terms and conditions.

Appendix F. Track I and II Outputs and Outcomes

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The term “output” means an environmental activity, effort, and / or associated work product related to an environmental / public health goal and objective that will be produced or provided over a period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the assistance agreement funding period.

The term “outcome” means the result, effect, or consequence that will occur from carrying out an environmental / public health program or activity that is related to an environmental / public health programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, but must be quantitative. They may not necessarily be achievable within the assistance agreement funding period.

Examples of expected outputs and outcomes for the Track I and II awards under this NOFO include but are not limited to the following as applicable depending on the strategies and projects in the application. Applicants may identify additional outputs and outcomes as relevant to their specific strategies and projects in their application.

Track I Output and Outcome Examples

Strategy	Output Examples	Outcome Examples
Climate Action Strategies		
Strategy 1: Green Infrastructure and Nature-based Solutions	▪ Coastal green infrastructure projects, including blue-green trails (#) ▪ Green / complete streets, sidewalks, bus stops (#) ▪ Green / cool roofs (#) ▪ Area of impermeable surfaces replaced with vegetation (acres) ▪ New parks and / or public green space developed (acres) ▪ New shade tree canopy (square footage, # of shade trees planted) ▪ Area under implementation of low tillage / composting practices (acres) ▪ New community gardens and greenhouses (#)	▪ Increased green space as measured by square footage of added greenspace ▪ Increased resilience to extreme weather and climate conditions as measured by reduction in flash flooding events, improved groundwater recharge, and cooler ambient temperatures during heat waves ▪ Increased community resilience as measured by reduced damage and recovery costs for infrastructure, property, and cultural resources
Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience	▪ New EVs, bikes / electric bikes, and other low-and-zero emissions vehicles that are available via carsharing / bike sharing programs (#)	▪ Reduced air pollution from transportation (e.g., GHG reductions, reduced number of days with unsafe air quality for vulnerable populations) ▪ Increased use of public transportation services and

	▪ Streets improved to encourage walkability, bike-ability, and transit use (#, miles) ▪ EVs that can be used as backup power in lieu of diesel generators (#)	programs that promote electric vehicles, car sharing, and bike sharing
Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings	▪ Home energy audits performed (#) ▪ Air sealings completed (#) ▪ Homes insulated (#) ▪ Natural gas appliances replaced with electric equivalents (#) ▪ Mobile homes retrofitted with solar panels and storage (#) ▪ Electrification, weatherization, and HVAC upgrades / replacements of low-income houses, apartments, small businesses, and other community buildings (#) ▪ Energy efficient home-heating appliances installed (#) ▪ Homes or units converted to electric heating (#)	▪ Lower consumption of home heating fuels (propane, heating oil, natural gas, and wood) and reduction in associated climate pollutants (e.g., black carbon, methane, CO₂), as well as ambient and indoor emissions of Hazardous Air Pollutants and PM_{2.5}. ▪ Decreased incidence of asthma
Strategy 4: Microgrid Installation for Community Energy Resilience	▪ Renewable energy capacity installed (MW) ▪ Battery storage installations (MWh) ▪ GHG emissions reductions (ton CO₂)	▪ Enhanced resilience during extreme weather events as measured by fewer power disruptions ▪ Increased number of homes connected to a resilient power source
Strategy 5: Community Resilience Hubs	▪ Space built or converted into a community resilient hub (square ft) ▪ Disaster preparedness trainings delivered (#) ▪ Stormwater management flood preparedness training delivered (#)	▪ Enhanced physical safety during natural disasters as measured by the number of hospitalizations and lives lost among vulnerable populations ▪ Increased community awareness of emergency preparedness
Strategy 6: Brownfield Redevelopment	▪ Impervious surface reduced (square footage) ▪ Community meetings to involve impacted residents (#) ▪ Green demolition activities to support adaptive reuse or new construction (#) ▪ Shade trees planted (#) and new vegetation (square footage)	▪ Square footage of space redeveloped for resilience purposes, such as heat-reducing shade ▪ New economic opportunities created through the redevelopment of previously polluted land (e.g., number of business or low-income housing units)

Strategy 7: Waste Reduction and Management to Support a Circular Economy	- Waste diverted from landfills (pounds / tons) - Waste recycled (pounds / tons) - Food waste composted (pounds / tons)	- Cleaner communities with less trash / waste on land and in waterbodies as measured by litter surveys - Reduced food waste and associated emissions as measured by weight of compost diverted from landfills
Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants	- Individuals in disadvantaged communities that participate in workforce training in sectors related to GHG emissions and air pollution reduction who are currently unemployed, under-employed, or face employment barriers (#) - People in disadvantaged communities hired and retained into high-quality jobs to reduce air pollution and GHG emissions based on participation in a workforce training program (#) - Individuals who receive wages / stipends and supportive services delivered to enable community members' participation in workforce training programs (# individuals receiving such wages / stipends)	- Increased literacy among community members about environmental sectors and skills required to pursue these jobs - Increased number of high-quality workforce training programs, such as pre-apprenticeship and Registered Apprenticeship, in disadvantaged communities - Increased wages, benefits, job quality, and job security for participants in workforce training programs
Alaskan-specific Climate Action Strategies	- Renewable generation capacity installed (MW) - Fuel storage facilities repaired (#) - Greenhouses constructed (#) - Portable micro-water treatment systems installed (#)	- Improved water and soil quality so water / land can be used for Alaskan Native traditional uses - Increased access to energy sources with low air pollution and carbon emissions - Protection of cultural resources including environmental habitats
Pollution Reduction Strategies		
Strategy 1: Indoor Air Quality and Community Health Improvements	[Type of] trainings implemented (#) - Classrooms with air cleaners (#) - Houses / schools with upgraded / improved HVAC systems (#) - Homes in which moisture issues have been addressed (#) - Wood appliance upgraded or replaced (#)	- Increased public and environmental health literacy - Decreased incidence of asthma symptoms as measured by doctor visits or school nurse visits for asthma symptoms - Reduced exposure to radon and risk of developing radon-induced lung cancer
Strategy 2: Outdoor Air Quality and Community Health Improvements	Clean air zones or low-emission zones created (#)	Increased public and environmental health literacy

	▪ Abandoned oil / gas wells plugged (#) ▪ Toxic play surfaces replaced (#) ▪ Community monitoring and alert systems installed to alert households to increasing pollution levels (#) ▪ Wildfire smoke preparedness trainings delivered (#)	▪ Reduced exposure to PM, carbon dioxide, VOCs, ozone, nitrogen dioxides, and toxics. ▪ Increased skill development and improvements in community capacity to independently assess air pollution reduction options
Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience	▪ Clean water fountains installed in schools / parks (#) ▪ Full lead service lines replaced for low-income homes (miles) ▪ Private wells tested for PFAS (#) ▪ Stormwater management / flood preparedness trainings delivered (#) ▪ Water efficiency systems installed (e.g., drought mitigation systems, rain capture installations) (#)	▪ Decreased levels of water contamination and pollution as measured by boil water advisories, lead poisoning, or water quality monitoring results ▪ Increased availability of clean, safe drinking water
Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste	▪ Lead paint remediations completed (#) ▪ Tires diverted from landfills / the environment to disposal facilities (#, weight) ▪ Neighborhoods / cities / residents served through residential waste composting / chipping program (#) ▪ Waste transfer, material reuse, and / or recycling stations installed in underserved communities (#)	▪ Decreased exposure to toxics and hazardous chemicals ▪ Reduced odors and pathogens ▪ Increased residential waste composting
Strategy 5: Eliminate Harmful Chemicals through Product Replacements	▪ Conventional products replaced with Safer Choice-certified or other EPA recommended products (#, volume, customers impacted) ▪ Units of PFAS food contact materials replaced (#)	▪ Reduced exposure to hazardous chemicals for those who live and work in and near places with chemical use and application
ANCSA-Specific Pollution Reduction Strategies	▪ Homes served with micro-water treatment systems (#) ▪ Planning documents and Environmental Information Document created (#) ▪ Site assessments and initial cleanups completed (#)	▪ Improved water and soil quality so water / land can be used for Alaskan Native traditional uses ▪ Protection and preservation of cultural resources including environmental habitats

	▪ Reduced exposure to harmful chemicals and pollutants on Alaskan Native lands through remediation of contaminated lands and buildings (acres of land, # buildings)	
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Track II Output and Outcome Examples

Outputs

- New policies developed and implemented in response to community recommendations (e.g., through a new advisory council, participatory budgeting) (#)
- Community benefits agreements or memoranda of understanding signed (#)
- Number of community residents who complete a training that builds their capacity to participate in government processes (#)
- Amount of new funding allocated to benefit disadvantaged communities (dollars)
- Number of residents who participate in a community-based participatory research initiative that informs a government process and / or priority (#)
- Research products published with data reflecting community opinions and preferences (#)
- Number of educational forums and / or meetings held between governmental officials and community members (#)

Outcomes

- Increased involvement of individuals from disadvantaged communities in local, state, federal and other governmental environmental public processes
- Expanded knowledge of local, state, federal and other governmental environmental public processes among disadvantaged communities
- Stronger relationships and trust between disadvantaged communities and government entities on matters relating to environmental protection
- More transparent processes for governmental decision-making on environmental protection policies and greater governmental focus on inclusivity
- Increased accountability and community input into governmental decision-making on environmental protection policies
- More informed decisions made, and environmental actions taken, by government bodies to benefit disadvantaged communities
- Enhanced capacity in disadvantaged communities to be involved in local, state, federal, and other governmental environmental public processes
- Increased funding to enable disadvantaged communities to address environmental and climate justice issues
- New environmental or climate policies developed to be responsive to community needs

Appendix G. Budget Template

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(This template is optional, and applicants may use a different format for the template).

Category	Description	Total
Personnel		
Fringe Benefits		
Travel		
Equipment		
Supplies		
Contractual		
Construction		
Other (separate by participant support costs, subawards, and other costs)		
Total Direct Costs (sum of the above categories)		
Indirect Costs		
Total Project Costs (sum of direct and indirect costs)		

Guidance for Budget Template

The budget template is an attachment to the application and does not count toward the Project Narrative's page limit as described in Section IV of the NOFO. Applicants should include applicable rows of costs for each budget category in their budget template to accurately reflect the proposed application budget for each year of the grant. EPA provides detailed guidance on budget development in the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#), but applicants may use other forms instead of this template as long as total costs per category (and specific descriptions of costs) are included.

Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, supplies, contractual costs (including acquisitions of intangible property), construction, and other costs (including subawards and participant support costs) as direct costs. Direct costs plus the indirect costs equal the total project costs. Descriptions of these cost categories are below. Applicants should be aware that if their projects include using federal funds to purchase goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States, they must comply with the Build America, Buy America Term and Condition if they are selected for an award.

To facilitate consideration of an application for partial funding, EPA recommends that applicants separate costs for financial assistance in the program budget by project category, to the extent practicable.

- **Personnel - List all staff positions by title. Give annual salary, percentage of time assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the program (paid employees of the applicant organization as reflected in payroll tax records). Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the "Other" category; or (3) effort that is not directly in support of the proposed program, which may be covered by the organization's negotiated indirect cost rate. The budget table must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.
- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant's fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel - Specify the mileage, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the purpose of the proposed program (e.g., site visits); related to proposed program activities (e.g., attendance at community engagement meetings); or for a technical training or workshop that supports effective implementation of the program activities (e.g., consumer awareness activities). Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including consultants), which are included in the "Contractual" category; or (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the "Other" category. Further, travel does not

include bus rentals for group trips, which would be covered under the “Contractual” category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by EPA’s Office of International and Tribal Affairs prior to being taken.

- **Equipment - Identify each item to be purchased that has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased / rented, including lease / purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs must be included in the “Other” category. Items with a unit cost of less than \$5,000 must be categorized as supplies, pursuant to 2 CFR § 200.1. The budget table must include an itemized listing of all equipment proposed under the program. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.
- **Supplies - “Supplies” means all tangible personal property other than “equipment.” The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).** Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs must be included in the “Other” category.
- **Contractual - Identify proposed contracts, specifying the purpose and estimated cost for typical contractual services and disaggregating any costs for acquisitions of intangible property.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. The [EPA Subaward Policy](#) and supplemental frequently asked questions have detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) must be included in the “Other” category. EPA does not require applicants to identify specific contractors, but if an applicant does so they must demonstrate that the contractor was selected in compliance with competitive procurement requirements in 2 CFR Parts 200 and 1500. Subcontracts are not subawards and belong in the “Contractual” category.

In the budget description, the applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed / sole-source contracts more than the applicant’s 2 CFR § 200.320(a) micro-purchase threshold (generally \$10,000) must include a justification. Note that EPA rarely accepts proposed sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market absent a copyright, patent, or equipment warranty requirement or similar restriction that establishes that only one source can provide the necessary good or service; unique qualifications or long-standing relationships with a grantee do not provide an adequate basis for a sole source contract. Applicants must provide the aggregate amount they propose to issue as acquisitions of intangible property as a separate line item in the “Contractual” category. Refer to the [EPA Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises.

- **Construction.**

Include costs for activities that fall under the definition of construction in EPA's Small and Disadvantaged Business (DBE) rule at 40 CFR 33.103 which defines construction as "... erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply." (Emphasis added). As stated on p. 32 of the **Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance mentioned above:**

Construction costs may include site preparation, demolishing and building facilities, making permanent improvements to facilities or other real property, major renovations of existing facilities, remediation of contamination and related architectural or engineering services. With very few exceptions, recipients carry out construction projects by hiring contractors which typically include a general contractor and an architectural or engineering firm for design work and in some cases purchasing equipment for installation at the site.

Construction costs are to be categorized on the SF 424A budget table as follows:

1. Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule's definition of Construction will be categorized as "Construction".
 2. Anticipated costs for pre-construction architectural and engineering Services as defined in the DBE rule for design and specifications documents will be categorized as "Contractual".
 3. Anticipated costs for separately purchased Equipment as defined in the DBE Rule that will be installed in a facility or used to remediate contamination will be categorized as "Equipment".
 4. Anticipated costs for land acquisition or relocation assistance paid to individuals or businesses will be categorized as "Other".
- **Other - List each item in sufficient detail for EPA to determine the reasonableness and allowability of the cost.** This category should include only those types of direct costs that do not fit in any of the other budget categories including subawards, participant support costs, and additional costs (e.g., insurance, costs for acquiring real property, rental / lease of equipment or supplies, equipment service or maintenance contracts, and printing or photocopying).
 - **Subawards** - 2 CFR § 200.1 defines a subaward as "an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity." 2 CFR § 200.1 defines a Pass-through entity as "a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program" and a Subrecipient as "an entity...that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award." Identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards. Additional guidance is available in the EPA Subaward Policy and below.
 - **Participant Support Costs** - 2 CFR § 200.1 defines participant support costs as "direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training

projects.” EPA regulations at 2 CFR § 1500.1(a)(1) expands the definition of participant support costs to include “[S]ubsidies, rebates, and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.” Additional guidance is available in the [EPA Guidance on Participant Support Costs](#).

Indirect Costs

If indirect costs are budgeted, indicate the approved rate and distribution base. Indirect costs are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or project and are not readily assignable to specific cost objectives or projects as a direct cost. Indirect costs must be based on a rate approved by the applicant’s cognizant federal agency, or the 10% de-minimus rate authorized by 2 CFR § 200.414(f). Additional indirect cost guidance is available in [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) and in Section VI.u, “IDC Competition Clause,” of the [EPA Solicitation Clauses](#).

Notwithstanding this, indirect costs have been capped as described below based on a deviation approved per 2 CFR 200.414:

Limitation on indirect costs for grants and cooperative agreements

- a. In general: Except as otherwise provided by statute, indirect costs charged against any grant and / or cooperative agreement awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award.
- b. Exception: Subsections (a) and (c) shall not apply to Indian Tribes as defined in section 302(r) of the Clean Air Act who serve in the role of direct recipient and / or subrecipient under the program or to Intertribal consortia that meet the requirements of 40 CFR 35.504(a) and (c) even if the Intertribal consortia is eligible for funding as a Community Based Nonprofit Organization.
- c. Treatment of subawards: In the case of a grant and / or cooperative agreement described in subsection (a), the limitation on indirect costs specified in such subsection shall be applied to both the initial direct assistance award amount and any subaward of the federal funds provided under the initial assistance award so that the total of all indirect costs charged to each of the federal awards (i.e., both the initial direct assistance award amount and any subawards) funded under the initial assistance award does not exceed such limitation. As provided in 2 CFR 200.332(a)(2) pass-through entities are responsible for ensuring compliance with the indirect cost limitation by their subrecipients.

Note: This limit does not extend to indirect costs on procurement contracts.

Appendix H. Alaska Tribal Lands Target Investment Area

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As noted in Section II.B, this NOFO includes a Target Investment Area for projects benefitting Alaska Tribal lands that are defined as disadvantaged communities in Appendix A. Under this Target Investment Area, EPA is accepting applications that include projects focusing on the clean-up of contaminated lands conveyed through the Alaska Native Claims Settlement Act (ANCSA).

Applications submitted by eligible applicants including Alaska Native Villages (ANVs), Alaska Native Nonprofit Organizations, and Alaska Native Nonprofit Associations for the Alaskan Target Investment Area must include, like all other Track I applications, at least one Climate Action Strategy and at least one Pollution Reduction Strategy and meet the other Track I application requirements in Section I.G of the NOFO, to be eligible for funding. Applicants are not limited to a single project activity under a strategy and may select several project activities associated with a strategy. Note that the for-profit Alaska Native Corporations are not eligible to be Lead Applicants or Statutory Partners for this NOFO. The Climate Action and Pollution Reduction Strategies addressed in applications for the Alaskan Target Investment Area can address either the Climate Action and Pollution Reduction Strategies (and project activities referenced in Appendices C and D) in Section I.G, or any specific Alaskan ones described below under paragraphs 1 and 3. EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA as addressed in Section 1 below. Consistent with this priority, EPA anticipates making a minimum of 5 awards for high-ranking applications that include projects to assess and/or clean up contaminated lands conveyed under ANCSA in furtherance of the federal government's interest in addressing this historic injustice as noted in Sections II.B and V.E.

1. ANCSA-Specific Pollution Reduction Strategy and Associated Project Activities

This section describes project activities specific to the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program. The specific requirements that apply to ANCSA cleanup projects are below.

ANCSA was enacted in 1971 to settle aboriginal claims to public lands through the conveyance of 46 million acres of land to Alaska Native regional and village corporations and the transfer of one billion dollars from the state and federal governments as compensation for lands which could not be returned to Alaska Native ownership. Many of the lands promised and conveyed to corporations pursuant to the settlement in ANCSA were contaminated. The contaminants on some of these lands—which include arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls, and petroleum products—pose health and other concerns to Indigenous Alaskans and communities and are present in quantities above state and federal clean-up levels, negatively impacting subsistence resources and hampering cultural, social, and economic activities.

In 2023, EPA initiated a new Contaminated ANCSA Lands Assistance Program (ANCSA Program) to assist with addressing contamination on lands conveyed pursuant to ANCSA and provide funding to (1) characterize, assess, and conduct planning and community involvement activities related to these lands and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance. The statutory authority for the ANCSA Program (Public Law 117-328) states that recipients of grants awarded under the ANCSA Program may use the funding to “. . . supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements.”

Eligible ANCSA project activities:

- Conducting Planning and Developing Site Plans:
 - Planning and site plan development for individual contaminated sites.
 - Where multiple sites are connected through location, infrastructure, or economic, social, and environmental conditions, planning and site plan development can take an area-wide approach for multiple sites. Applicants must demonstrate how work conducted at several sites will benefit the primary site selected for investment. Project Area requirements are outlined in I.D of the NOFO but may be waived for purposes of coordinated cleanup.
- Conducting Site Assessments and Related Activities:
 - Conducting site assessment and sampling activities
 - Developing a Health and Safety Plan, Quality Assurance Project Plan and / or Sampling Plan prior to conducting any environmental sampling and analysis (a requirement for any projects conducting sampling).
 - Submitting samples for analysis to an EPA accredited laboratory. Analytical costs from evaluating site samples.
 - Developing a report of the sample results and conclusions based on analysis (i.e., Conceptual Site Model, Assessment report, Site Inspection or Sampling Summary Report).
 - Supporting planning for future cleanup activities such as analysis of cleanup alternatives.
- Conducting Initial Cleanup Activities:
 - Developing a site cleanup approach and documenting the approach in a Site Cleanup Plan to include agreed upon cleanup endpoints, aligned with Alaska Department of Environmental Conservation (ADEC) cleanup process.
 - If necessary, procuring contract services to conduct cleanup activities such as contaminated material removal, sampling, or health and safety monitoring.
 - Conducting environmental confirmation sampling post-cleanup activities to determine if further action is required. If necessary, planning for next phase of site cleanup.
 - Developing a report documenting removal and / or cleanup activities.
- Conducting Community Engagement Activities:
 - As noted in Section I of the NOFO, all applicants are required to develop a Community Engagement Plan. Effective community engagement is vital to working effectively with Alaska Native communities. Therefore, for ANCSA-related cleanup projects, Community Engagement Plans should include community engagement activities and / or development of culturally sensitive protocols for project implementation of cleanup activities.
 - Costs of conducting community engagement activities, including training for workforce development, youth engagement, elder engagement in documentation of Traditional Knowledge, and other costs associated with meaningfully engaging the community in the project can be included in the proposal budget.
- Compiling Information to Use to Comply with NEPA
 - The projects funded under this NOFO do not require Environmental Information Documents (EID) because EPA awards under this NOFO are not subject to the National Environmental Policy Act (NEPA), under Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)). However, applicants may seek funding to prepare EIDs as needed to comply with NEPA in connection with other federal grant-funded projects in Alaska. EPA awards under the ANCSA program, for example, are subject to NEPA, as are programs funded by other federal agencies.

Additional Eligibility Requirements for ANCSA-related projects and activities:

Applicants proposing ANCSA-related cleanup projects must provide the following documentation of eligibility in their application. Failure to do so may render the application ineligible for funding. Specifically, applicants must provide the following site-specific information for where the cleanup activities will be performed, demonstrating that the site:

- was conveyed pursuant to ANCSA;
- was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and
- is listed on the interim EPA inventory of Contaminated ANCSA Lands (for more information on EPA's interim inventory and program related to cleaning up contaminated lands conveyed pursuant to ANCSA, visit EPA Region 10's [website](#)).
- If the applicant is not the owner of the contaminated site(s) to be addressed, EPA will require proof that the landowner will provide access to the site and supports taking action to address contamination.

2. General Alaskan Pollution Reduction Strategies

In addition to the ANCSA land contamination projects identified above, applicants for the Alaskan Tribal Lands Target Investment Area may include Pollution Reduction Strategies as identified in Section I.G of the NOFO.

3. Alaska-Specific Climate Action Strategies

Below are examples of additional Alaska-specific Climate Action Strategies and project activities that may be included in applications for the Alaskan Tribal Lands Target Investment Area, which are in addition to the Climate Action Strategies described in Section I.G of the NOFO.

- Community energy resilience, which may include activities such as:
 - Multi-energy systems including renewable (solar, wind, etc.) and traditional (bulk fuel) sources to increase resilience during extreme events and support a clean energy transition.
 - Power system projects, including renewable energy projects, and the construction, repair, and maintenance of fuel storage facilities in rural areas.
- Improving human health and climate resilience, which may include activities such as:
 - Construction of greenhouses that enable sustainable food growth that can promote healthy foods, food accessibility, and food availability.
 - Food storage facilities to enable sustainable access to traditional foods to support places where permafrost degradation is destroying traditional ice cellars. New food storage facilities may be constructed to support the access and availability of traditional foods. Selection of this project component must include a permafrost mitigation strategy.
 - Projects to support new and improved access points to traditional food resources, such as construction of new fishing docks or river / lake boat ramps to allow for improved fishing opportunities in places that have a high reliance on traditional foods, where climate change has degraded access and availability of food sources.
- Permafrost degradation management strategies that may include strategies such as:
 - Source water protection (impacts from landfills, thawing of permafrost, and potential impacts to traditional drinking water sources as well as established drinking water systems).

- Portable micro-water treatment systems applicable to those impacted by emergencies which impact drinking water systems, with the ability to treat water until system repairs are complete or new systems built.
- Manage and monitor contamination impacting land, food, and water backhaul / removal of waste materials not suitable for disposition in permitted landfills in Alaska.
- Climate emergency management and response strategies that may include activities such as:
 - Purchase of emergency response cargo containers with materials ready to deploy, including four-wheeler, snowmachine, communications, temporary office location, boat, oil spill response materials, smoke management equipment, etc.
 - Development of emergency alert and warning systems for wildfires, flooding and other emergencies stemming from climate change.
- Nature-based resilience strategies that may include activities such as:
 - Restoration of natural systems to help protect coastal communities from the impacts of storms, floods, and other natural hazards.
 - Storm damage prevention and reduction, coastal erosion, and ice and glacial damage stemming from climate change.

Environmental and Climate Justice Community Change Grants Program (CCGP) Notice of Funding Opportunity (NOFO) Frequently Asked Questions (FAQ)

Last updated: February 1, 2024

Please note: It is expected that this document will be updated regularly. In addition, all the answers are predicated on the assumption that an application meets the applicable NOFO requirements.

These FAQs are intended to clarify elements of the NOFO. To the extent of any inconsistency between an FAQ and the NOFO and/or the applicable requirements in the Clean Air Act and grant regulations, the NOFO and Clean Air Act/grant regulations take precedence.

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A. Application Process

1. Is there a limit on how many times we can apply under the NOFO?

Yes. As stated in Sections II.C and III.D.15 of the NOFO, Lead Applicants can only submit up to two applications under the NOFO. Further, as stated in Section III.D.15, notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications. There is no limit on how many applications an entity can be a Collaborating Entity on as long as the NOFO requirements are met, and all applications are evaluated based on the criteria in Section V of the NOFO.

2. Can we submit applications for both Track I and Track II under the NOFO?

Section II.C.2 of the NOFO states that: "Under this NOFO, Lead Applicants, as defined in Section III.A, may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant."

3. Can I apply for a grant under the CCGP if I am already receiving another grant from EPA?

Yes. There is nothing that prevents a recipient that received a separate award from EPA under another program from applying under the NOFO if the entity meets all requirements listed in the NOFO. However, as required by 2 CFR 200.403(f), recipients must have financial management systems capable of ensuring that the same costs are not charged to more than one EPA grant.

4. Does the 20-page limit for the Track I Project Narrative include the Community Engagement and Collaborative Governance Plan and Community Strength Plan or are there separate page limits for the plans?

This was clarified in the modification to the NOFO that was published on December 21, 2023. The application requirements are described in Section IV.B of the NOFO. The Track I Project Narrative 20-page limit does not include the Community Engagement and Collaborative Governance or Community Strength Plans. There are separate page limits for those plans. Please see the relevant parts of the Section IV.B Track I application requirements.

5. Are there any application templates?

The application requirements are described in Section IV of the NOFO. The only template that is provided is the optional budget template in Appendix G of the NOFO. EPA will not provide templates for other portions of the application, but technical assistance may be available to help with application preparation as described in Section I.E of the NOFO.

6. Can you clarify who needs to register with SAM.gov? Do entities who may serve as contractors under the grant need to register?

The Lead Applicant needs to register with SAM.gov to receive a Unique Entity Identifier (UEI). Any subrecipients (including the Statutory Partner) or Collaborating Entities that will receive subaward funding must also have a valid UEI. Contractors do not need to register with SAM.gov but keep in mind that the selection of contractors is governed by competitive procurement requirements as described in Appendix G of the NOFO.

7. Will applicants be notified of the status of their application as it is being reviewed?

Generally, yes. As stated in Section III.D of the NOFO: “Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.” Due to the volume of applications, we anticipate receiving, EPA does not currently plan to provide interim notifications of the status of applications that pass the threshold eligibility reviews.

8. Is the CCGP a pass-through grant program like the Thriving Communities Grantmaker Program?

No, the CCGP is not designed as a subaward pass-through program like the Grantmaker Program. While the NOFO does not specify any minimum or maximum amount of grant funds that must be provided via subawards to Collaborating Entities or other subrecipients, as indicated in Section III.B and throughout the NOFO the Lead Applicant is responsible for grant performance. There are evaluation factors in Section V of the NOFO that focus on the Lead Applicant and Statutory Partner’s role in the grant. These factors include experience and expertise, including those related to the Community Engagement and Collaborative Governance Plan, past performance, programmatic and managerial capability and resources, CBO commitment and experience, and the Compliance Plan.

Also please note this language in Section III.B of the NOFO:

“To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in Section I, subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process.”

9. If our application is not selected for award, can we submit it again before the NOFO closing date?

Yes, applicants whose applications are not selected may resubmit an application as described in Section II.C of the NOFO.

10. Does the debriefing and application resubmission follow a separate process from a dispute?

If you are resubmitting your application consistent with Section II.C of the NOFO, then you are not disputing the initial non-selection decision. Applicants that wish to dispute an eligibility or selection decision, either after the initial submission or the resubmission, may do so using the dispute process referred to in Section VI.A. of the NOFO.

11. When will applicants know if they have been selected for award?

Grant applications will be reviewed on a rolling basis as stated in the NOFO. EPA expects the first application reviews to begin sometime in February 2024. Applicants selected for award will be notified as soon as possible after the evaluation and selection process is complete. As noted in Section VI of the NOFO, selection does not mean award. Following selection, the official award process must be completed.

12. Will applying early increase the likelihood that an applicant will be selected for an award?

Not necessarily. EPA cannot provide advice on competition strategy or when to apply. Applications will be evaluated based on the criteria in Section V of the NOFO. As noted in Section II.C of the NOFO, EPA cannot predict how long funding will be available under the NOFO since this depends on the quality and volume of applications received, but EPA encourages applicants to take the time necessary to prepare a thorough application that is responsive to the NOFO requirements.

13. After the expected initial March 2024 award selections, what is the schedule for future selections?

EPA will be reviewing applications on a rolling basis and anticipates doing approximately monthly reviews and will announce selections as soon as practicable after the review process is complete. The timing of the review and selection process are dependent on the volume of applications received and other considerations. The dates in the NOFO are estimates only.

14. Is the CCGP a one-time funding opportunity or will there be another cycle of the CCGP in the future?

As of this time, the CCGP that is covered by the NOFO is a one-time funding opportunity using Inflation Reduction Act funds. Future funding cycles depend on Congressional appropriations.

15. When does the three-year period to complete the grants begin?

The grant period of performance is three years from award date, which is the same as the “agreement date.” Recipients may incur pre-award costs to the extent authorized by 2 CFR 1500.9, but EPA will adjust the period of performance and budget period to cover the pre-award costs as provided in 2 CFR 200.403(h). All costs must be incurred, and grant activities must be completed, during this 3-year period of performance. As provided in 2 CFR 200.344(b), recipients will have 120 days following the end of the period of performance to liquidate financial obligations incurred during the period of performance.

16. The NOFO states that all funds must be awarded by September 30, 2026. If an award is made on September 1, 2024, when must it be completed?

As required by law (Section 138(a)(1) and (b)(1) of the Clean Air Act), all the grants under the NOFO must be awarded and funds obligated by September 30, 2026, and the performance period for the grants must not extend beyond three years. If a grant is awarded on September 1, 2024, then it must be completed by September 1, 2027, and there can be no extensions.

17. Is there a minimum and maximum amount of funding that may be requested for Track I and II applications?

There is a maximum amount of funding that applicants may request under Track I and II, but there is not a minimum. Section II.A of the NOFO states that:

“EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each and cannot exceed \$20 million. Awards under Track II are expected to be between \$1-3 million each and cannot exceed \$3 million.”

Further information is also in Section III.D.10 of the NOFO. Based on this, while there is a maximum ceiling for Track I and II applications, there is no required minimum amount of funding that may be requested for Track I and II applications because we wanted to provide applicants with some flexibility. However, while applications for Track I and II that are submitted below the stated range may be eligible, they will be evaluated based on the criteria and requirements in the NOFO and Track I applications for significantly less than \$10 million may not be as competitive as those between \$10-20 million.

18. Can projects receiving funds from the CCGP also leverage federal funds for the same project?

Generally, yes, if the requirements for each program are met. Costs must be attributed to each individual federal grant/loan and properly accounted for pursuant to 2 CFR 200.403(f) and other applicable provisions of 2 CFR Part 200. In addition, Section V.E.7 of the NOFO (also see Sections V.E.5 and 6) states that in making final funding decisions EPA may consider:

The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and/or non-Federal sources of funds/resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education, and training providers, and/or Federal, state, Tribal, and local governments, as appropriate.

19. Are letters of support required to be submitted with an application?

No, there is no requirement to submit letters of support. However, there is a Statutory Partnership requirement as explained in Section III.A of the NOFO and Appendix B.

B. Scoring and Evaluation

1. Who will review applications and determine who is selected for awards?

The review and selection process are described in Section V of the NOFO for Track I and II applications. As stated in Section V.B of the NOFO, all applications that pass the threshold eligibility review process will be evaluated and scored by review panels using the track-specific evaluation criteria in Section V. Review panels may be comprised of EPA staff, other Federal reviewers, and/or external reviewers.

2. Will more points be awarded if a Track I application addresses more than one Climate Action and/or Pollution Reduction strategy?

Not necessarily. The NOFO requirement is to address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Track I applications will be evaluated based on the Track I criteria in Section V of the NOFO.

3. Does having a previous EPA grant impact scoring for this grant?

Having a prior EPA grant may be evaluated as part of the past performance evaluation factor for Track I and II applications as well as any other relevant criteria. Applications will be evaluated based on the evaluation criteria in Section V of the NOFO.

4. Will EPA fund two applications that focus on the same or similar project activities?

All applications will be evaluated based on the evaluation criteria in Section V of the NOFO. In addition, in making final selection decisions, EPA may also consider the other factors in Section V.E. One of those factors (number 8) includes duplicate funding considerations.

5. If a Lead Applicant applies for two grants, would that be considered in the evaluation of their applications?

Yes, applying for two grants as a Lead Applicant could be considered in the evaluation process, including under the Programmatic Capability evaluation factors in Section V for Track I and II applications and as a "other" factor (number 6) under Section V.E of the NOFO. Also see Section II.C.2 of the NOFO.

6. Is there a minimum score for receiving an award?

The scoring process for Track I and II applications is described in Section V of the NOFO and particularly Sections V.C and V.D. For Track I applications, there is a minimum score necessary to proceed to an oral presentation.

7. Do high scoring applications that are not initially selected carry over to subsequent review cycles?

No. EPA will review all incoming applications on a rolling basis as described in the NOFO, and applications do not carry over to subsequent review cycles. Please also note the resubmission process described in Section II.C of the NOFO.

8. What is meant by the "geographical diversity" other selection factor in Section V.E of the NOFO?

This is a factor EPA may consider when making final selection recommendations, as appropriate, so that awards are not disproportionately concentrated in one or more areas.

C. Awards and Payments

1. How will the grant funds be awarded and distributed among the entities that are part of an application?

As stated in Section III.B of the NOFO: "If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the EPA Subaward Policy, and taking responsibility for making subawards to Collaborating Entities." The Lead Applicant will describe its process and capacity to make subawards in the application, including in the required Partnership Agreement among the Statutory Partners.

2. Does the entire award amount need to flow down to subrecipients?

No, the entire award amount does not need to flow down to subrecipients.

3. Is there cost-share or match requirement for awards under the NOFO?

No. There is no cost-sharing or matching requirement under the NOFO.

4. Will grant funds be paid to recipients via a draw-down system or will there be an opportunity to get the initial lump sum?

EPA will pay recipients under a draw-down system unless the recipient qualifies for an initial lump sum payment as a working capital advance under 2 CFR 200.305(b)(4). Working capital advances, however, will not be made in the entire amount of the award but will only "...cover [the recipient's] estimated disbursement needs for an initial period generally geared to the [recipient's] disbursing cycle. Thereafter, [EPA] must reimburse the [recipient] for its actual cash disbursements" as provided in that regulation.

Here is a summary of the draw-down requirements from EPA's General Term and Conditions, "Automated Standard Application Payments (ASAP) and Proper Payment Draw Down."

"Recipients must enroll in the Automated Standard Application for Payments (ASAP) system to draw down funds. Payments made to recipients through ASAP are virtually instantaneous—typically the same business day. Recipients must draw down funds based on actual costs incurred ("immediate cash requirements") rather than in a single draw at the beginning of the grant or multiple lump sum draws based on estimated costs in order to comply with 2 CFR 200.305(b). Recipients do not have to pay employees, contractors and subrecipients before obtaining payment from ASAP but must disburse the funds for the incurred costs within 5 working days of receiving the ASAP payment subject to a 5% of the amount of payment or \$1,000 cushion for calculation errors. EPA's Award Official may make exceptions to the 5-business day disbursement basis based on documented circumstances that prevent the recipient from complying with that requirement. Recipients must return excess funds through ASAP."

5. Can the grants be used as match for other federal grants?

That depends on the statutory authority of the other Federal grant program. As provided in 2 CFR 200.306(b)(5), funds from one Federal grant may not be used as cost-share for another Federal grant unless a federal statute (e.g., HUD's Community Development Block Grant statute) provides otherwise. Section 138 of the Clean Air Act, the statutory authority for the CCGP, does not authorize the use of CCGP grant funding as cost share for other Federal grants.

6. Can a project receive funding from other Federal or state funding sources in addition to the CCGP award?

Yes, you may be able to use CCGP funding as part of a larger project that is receiving resources from other sources. However, you must have effective accounting controls in place to ensure that the same costs are not charged to two different funding sources as required by 2 CFR 200.403(f) and 2 CFR 200.405(a).

7. If we receive an award under the NOFO, can we delay the official award issuance date so we can delay grant performance?

No, EPA will award and issue the grant simultaneously. Please note the Readiness, Feasibility, and other requirements in the NOFO.

D. Eligibility and Statutory Partnerships

1. Are non-profit organizations with a 501(c)(6) designation eligible to apply under the NOFO?

Yes, non-profit organizations exempt from Federal taxation under section 501(c)(6) of the Internal Revenue Code are eligible to compete under the NOFO assuming they meet the other requirements for a CBO as described in Section III A. of the NOFO.

2. Are the District of Columbia, Puerto Rico, the Virgin Islands, and any other territories eligible to be in a Statutory Partnership with a CBO to apply under the NOFO?

No. For the purposes of the NOFO and pursuant to the Clean Air Act, the District of Columbia, Puerto Rico, the Virgin Islands, and other territories are States, and are not eligible to apply for grants under the NOFO. In this regard, please note that the Clean Air Act defines State at 42 USC 7602(d) as:

“State means any non-Federal permitting authority, including any local agency, interstate association, or statewide program. The term “State” also includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Where such meaning is clear from the context, “State” shall have its conventional meaning.”

However, local governments (e.g., public housing authorities) and institutions of higher education that are in the District of Columbia and the U.S. territories (Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Puerto Rico) may be eligible to apply as part of a Statutory Partnership with a CBO under the NOFO if they meet the NOFO requirements.

3. Are the Freely Associated States eligible to apply under this NOFO?

No, the Freely Associated States are not eligible to apply under the NOFO, nor can projects be performed in the Freely Associated States.

4. Are hospitals eligible to apply under the NOFO?

It depends. Non-profit hospitals may be eligible as CBOs if they meet the criteria outlined in Section III.A of the NOFO for a CBO. A hospital that is an agency or instrumentality of a local government is eligible to participate in a Statutory Partnership as a local government as defined in Section III.A of the NOFO. For-profit hospitals are not eligible to apply.

5. Can a nonprofit organization incorporated as an LLC be considered a CBO and be part of a Statutory Partnership to apply under the NOFO?

Yes, if the applicant can demonstrate that the LLC is recognized as a nonprofit organization under state law as described in Section III.A of the NOFO, and otherwise meets the requirements for a CBO described in Section III.A of the NOFO. For example, an LLC whose sole member is a nonprofit organization may qualify as a CBO if the other requirements in the NOFO are met.

6. What are some examples of local governments that may apply under the NOFO with a CBO partner?

EPA uses the definition of local government in 2 CFR 200.1 as indicated in Section III.A.2 of the NOFO. Refer to that coverage for examples of local governments.

Please note that Regional Planning Councils or similar regional entities may qualify as a local government, but such applicants would need to document eligibility by securing an opinion from the Chief Legal Officer of the regional entity or the equivalent citing the specific state statute or local ordinance that establishes that the Regional Planning Council or other regional entity qualifies under Item 9 or 13 of the 2 CFR 200.1 definition of local government.

7. Is there a preference for collaborations with local governments over partnerships between two CBOs under the NOFO?

There is no EPA preference for any Statutory Partnership structure as long as one of the Statutory Partners is a CBO as required by section 138(b)(3) of the Clean Air Act and indicated in Section III.B of the NOFO. Applications will be evaluated based on the criteria in Section V of the NOFO.

8. What constitutes a Statutory Partnership agreement between the two Statutory Partners, and does EPA have a model agreement?

See Appendix B of the NOFO for the requirements of the Statutory Partnership Agreement. EPA does not have a model partnership agreement because they may vary per State law.

9. Can a letter of collaboration between the two Statutory Partners be a substitute for the Statutory Partnership Agreement?

No, a letter of collaboration between two entities would not suffice as a substitute for the Partnership Agreement that is outlined in Appendix B.

10. Must local governments enter into subaward agreements prior to award to meet the Statutory Partnership requirements in Appendix B even if local law prohibits binding commitments on the part of local governments?

Not necessarily. If the Partnership Agreement demonstrates that the local government intends to enter the required subaward with the Statutory Partner (the CBO) after EPA makes the award, that is sufficient. For example, the terms of the Partnership Agreement may include a contingency that makes receipt of a CCGP award a prerequisite for the subaward or a similar arrangement that complies with local law.

Note that EPA takes the same position regarding any Lead Applicant (CBO, Tribe, local government, institution of higher education) that includes a contingency in the Partnership Agreement that makes receipt of a CCGP award a prerequisite for the actual subaward to the Statutory Partner. In addition, please refer to the Community Engagement and Collaborate Governance structure in Section I.G. of the NOFO.

11. Does the Lead Applicant have to make subawards to Collaborating Entities before they are awarded a grant?

No and see above answer also. The Lead Applicant need not have a subaward in place with Collaborating Entities at time of application submission but must assure EPA that they will provide the subawards if the application is successful, and otherwise meet the NOFO requirements. They must also address the evaluation factors in Section V of the NOFO, including the Community Engagement and Collaborative Governance Plan requirements, and the Appendix G budget requirements.

In addition, the Partnership Agreement between the Lead Applicant and the Statutory Partner described in Appendix B must include a commitment to provide the Statutory Partner a subaward as indicated in Section III.B of the NOFO, although that commitment may be contingent on the award of CCGP funding as indicated in the prior question.

12. Do the two Statutory Partners have to demonstrate that they have worked together in the past to apply as a Statutory Partnership?

No. The requirements for a Statutory Partnership are explained in Sections III.A and B of the NOFO and Appendix B. The Statutory Partners do not have to show that they have worked together in the past to apply as Statutory Partners. Notwithstanding this, there are evaluation factors in Section V that focus on the Lead Applicant and Statutory Partners.

13. How do organizations determine which eligible entity should be the Lead Applicant and which should be the Statutory Partner?

It is up to the applicants to decide who is the Lead Applicant and who is the Statutory Partner as long as a CBO is one of them. See Section III.B of the NOFO. In deciding who should be the Lead Applicant, please consider the Lead Applicant's responsibilities for managing the grant as outlined in Section III.B of the NOFO.

14. Can a federal agency be a Lead Applicant or a Statutory Partner on an application?

No, a federal agency cannot be a Lead Applicant or a Statutory Partner because of the requirements in Section 138 of the Clean Air Act. However, if the federal agency has statutory authority to provide services to non-federal entities on a reimbursable basis, it may participate as a Collaborating Entity that receives a subaward.

15. Can we apply as a collaboration between multiple Federally recognized Tribes?

Please see the definition of Federally recognized Tribe in Section III.A.3 of the NOFO. Informal partnerships of Tribes are not eligible entities. Intertribal Consortia that meet the definition of a CBO in the NOFO are eligible to apply as CBOs with a Statutory Partner as indicated in Section III.A of the NOFO. Federally recognized Tribes may apply in partnership with a CBO including an Intertribal Consortium that meets the definition of a CBO.

16. Can the Statutory Partnership that applies for a grant consist of more than 2 entities?

No. As described in Section III.B of the NOFO, the Statutory Partnership is comprised of two eligible entities, one of which must be a CBO. Other entities may be involved in the grant as Collaborating Entities or procurement contractors as explained in Section III.B of the NOFO.

17. Can an institution of higher education apply with a Resource Conservation District (RCD) as the CBO?

It depends. Whether an RCD can qualify as a CBO depends on the legal status of the RCD and whether it can meet the CBO requirements in the NOFO. Some RCDs may be structured as CBOs, and others are structured more like local governments as defined in 2 CFR 200.1.

18. If a CBO is partnering with a single Joint Powers Association (JPA) entity made up of five local governments, then can the JPA serve as the Lead Applicant?

It depends. If the JPA is considered a *Local government*, as defined in 2 CFR 200.1, and it meets the eligibility requirements outlined in Section III.A of the NOFO, then yes. For example, depending on state or local law, the JPA may be a "special district," an "intrastate district," or a "council of governments." But the JPA would apply as one local government, not five separate local governments. EPA will require that the Chief Legal Officer for the JPA or the State Attorney General's Office provide a legal opinion documenting that the JPA is a local government within the meaning of the regulation.

19. Can a CBO that works in a disadvantaged community partner with an Institution of Higher Education that is not located in that disadvantaged community?

Yes. As described in Section III.A of the NFO, a CBO must demonstrate that it is "a public or private nonprofit organization that supports and/or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders." Institutions of Higher Education do not have to meet the same requirements. However, as noted throughout the NOFO, all applications must benefit disadvantaged communities as defined in Appendix A of the NOFO.

20. Can a nonprofit Community Development Financial Institution (CDFI) be considered a CBO and apply in partnership with another CBO or a local government?

Yes, if the nonprofit CDFI meets the requirements for a CBO described in Section III A.1 of the NOFO.

21. Can a Public Benefit Corporation with non-profit CBO “shareholders” apply as a CBO or other eligible entity?

Probably not. Public Benefit Corporations are for-profit entities, and for-profits are ineligible to apply under the NOFO. Even though some of the shareholders are non-profit CBOs, the Public Benefit Corporation may also have other shareholders including companies or individuals who may receive profits from services or products the Public Benefit Corporation sells commercially. A PBC that only has nonprofit shareholders may qualify as a CBO, but EPA will need detailed information (including documentation that the State of incorporation recognizes the PBC as a nonprofit organization) to determine whether the PBC qualifies as CBO.

22. Can a collaborative of CBOs apply as one CBO?

It depends. If the collaborative of CBOs has its own independent legal existence and meets the requirements for a CBO in Section III.A.1 of the NOFO, it may apply as one CBO. However, the requirement to partner with another CBO, local government, Federally recognized Tribe, or institution of higher education would still apply.

23. Can the Department of Energy’s National Laboratories receive funding under the NOFO as a subrecipient to a Lead Applicant?

Nonprofit organizations that operate National Laboratories under contract with the U.S. Department of Energy are eligible subrecipients provided they receive permission from DOE to perform the subaward and comply with the NOFO requirements.

24. Are investor-owned public utilities eligible to apply for the grants?

No, they are considered for-profit entities and not eligible to apply. In some circumstances they can receive subawards under Appendix A of the EPA Subaward Policy such as a subaward to upgrade pollution-control equipment or provide energy efficiency upgrades (via subsidies or direct construction or services) to their rate payers in disadvantaged communities.

25. If a CBO partners with a local government to apply for a grant, does the Partnership Agreement between them need to be adopted by the local government?

The answer depends on the local government’s legal requirements. However, as stated in Appendix B of the NOFO “[T]o be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding.”

26. Is a national Tribal consortium eligible to apply as part of a Statutory Partnership under the NOFO?

An Intertribal Consortium that meets the requirements for a CBO as well as 40 CFR 35.504(a) and (b) may be eligible for funding as stated in Section III.A and Appendix G of the NOFO.

27. Can religious-affiliated organizations be considered CBOs under the NOFO?

Yes, religious-affiliated nonprofit organizations can apply as part of a Statutory Partnership if they meet the eligibility requirements for a CBO described in Section III.A of the NOFO. Grant funding may not, however, be used for religious purposes, and recipients may not select program or project beneficiaries based on a religious purpose.

28. Is a state agency eligible to apply for funding under the NOFO?

No, neither States nor State agencies are eligible to apply under the NOFO based on the statutory requirements for the CCGP. However, they can be involved as Collaborating Entities and receive subawards. Please refer to Sections III.A and III.B of the NOFO for more information.

29. The NOFO refers to Institutions of Higher Education as being eligible to apply with a CBO, but are K-12 educational institutions also eligible to participate?

A school district is eligible to apply as a local government as defined in 2 CFR 200.1 and described in Section III.A of the NOFO in partnership with a CBO. An individual school may also be eligible to participate and receive subawards as a Collaborating Entity depending on its status under the state statutes or local ordinances establishing the school district. Incorporated nonprofit organizations affiliated with schools such as Parent Teacher Organizations may also be eligible as CBOs if they can meet the CBO criteria in the NOFO. Private schools may be eligible to apply as part of Statutory Partnership if they meet the requirements for a CBO as described in Section III.A. of the NOFO.

30. Can CCGP funding be used for AmeriCorps stipends?

It depends. As a federal agency, AmeriCorps is not eligible to apply under the NOFO because they do not meet the statutory eligibility requirements for the CCGP. However, CCGP funding may be used for AmeriCorps program participant stipends if the recipient's agreement with AmeriCorps authorizes the use of grant funds from another Federal agency to pay AmeriCorps stipends. EPA understands that AmeriCorps has unique statutory authority that allows funds from Federal grants from other agencies to be used to pay part of the cost for an AmeriCorps project or program.

31. Is there a list of Federally recognized Tribes who are eligible?

Please refer to Section III.A.3 of the NOFO for information on the eligibility of Federally recognized Tribes. The Department of Interior keeps a list of Federally recognized Tribes. Be aware that Alaska Native Corporations (ANCs) are not eligible to apply in a Statutory Partnership because they are not Indian tribes as defined in section 302(r) of the Clean Air Act, but they may participate as Collaborating Entities to receive subawards. See questions in the Target Investment Area section of this document for further information.

32. What is EPA's position on "fiscal sponsors" applying under the NOFO?

EPA does not recognize the "fiscal sponsor" or "fiscal agent" concept. Thus, a fiscally sponsored organization is not eligible to apply as a Statutory Partner as described in Section III.A and III.B of the NOFO unless they meet the requirements of a CBO described in Section III A.1 of the NOFO. Please also refer to Questions 49 through 51 of the EPA Subaward Frequent Questions which are available at <https://www.epa.gov/grants/epa-subaward-frequent-questions>.

33. Can a community college or other Institution of Higher Education with non-profit status qualify as a CBO?

No. Community colleges and other Institutions of Higher Education are *Institutions of Higher Education* as defined in 2 CFR 200.1 and noted in Section III.A of the NOFO, which is the definition EPA uses to interpret the term "institution of higher education" in section 138(b)(3) of the Clean Air Act. That definition incorporates the definition of an Institution of Higher Education under Title I of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001.

Community colleges are identified in 20 U.S.C. 1001(a)(3) as Institutions of Higher Education offering 2-year programs "...that is acceptable for full credit toward...a bachelor's degree." The fact that any such institution also has nonprofit status does not alter their designation as such an institution indicated by 20 U.S.C. 1001(a)(4).

34. Our university's research corporation, a 501(c)(3) non-profit, submits and administers grant dollars on behalf of the university. Would the research corporation be eligible to be a CBO on an application submitted under the NOFO?

A nonprofit organization affiliated with a university could qualify as a CBO if they meet the other requirements for a CBO specified in Section III.A of the NOFO. However, if the nonprofit intends to name the university parent as a Statutory Partner or otherwise provide a subaward to the university parent, then EPA's Financial Assistance Conflict of Interest Policy (<https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>) would be implicated due to the potential for personal and organizational conflicts of interest.

35. Are local government agencies considered part of a local government even if they have their own unique entity identifier (UEI) and indirect cost rates?

Yes, local governments are "unitary" legal entities even if they have separate agencies and departments, unless the agencies and departments can demonstrate they are legally independent of the local government. For example, if City Y is a local government, then all its agencies and departments are considered part of the local government, unless they can convincingly demonstrate that they are legally independent of, and do not report to, the executive of the local government (either elected or appointed) and the legislative body of the local government. This means that City Y, including its agencies and departments, can only submit up to two applications as a Lead Applicant under the NOFO.

However, EPA recognizes the legal structure of local governments varies and that there may be nonprofit organizations such as community economic development agencies or public bodies such as school systems, public utilities, and public housing authorities that may be sufficiently independent of the local government to qualify as separate legal entities.

36. My organization is a national organization but has a presence in certain communities to work on community issues-- would we be considered a CBO?

To be considered a CBO you must meet the requirements in Section III.A of the NOFO. The NOFO states in pertinent part in Section III A.1 that:

"For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO's connection to the community that will benefit from the grants."

37. If there is a university that has a multi-campus system with only one sponsored project office for the entire system, and assuming it is an Institution of Higher Education and wants to be a Lead Applicant on an application, are they limited to two applications for all campuses, or would each campus be permitted to submit up to two applications as a Lead Applicant?

Our policy is to treat multi-campus Institutions of Higher Education as unitary entities for the purposes of the two-application limit in the Threshold Eligibility Criteria in Section III.D of the NOFO unless there is some unique state law feature that makes each campus a separate legal entity for liability, contracting, or similar purposes. Otherwise, these multi-campus universities would be able to submit more applications than other Lead Applicants. The fact that each campus has its own Unique Entity Identifier and academic leadership is not determinative if the contracting authority for all campuses would be the same office and the campuses are not separate legal entities.

38. Are Federally Funded Research and Development Centers (FFRDC) eligible to apply for the grants as a CBO?

Yes, as long as the contractor operating the FFRDC is a nonprofit organization and can meet the definition of a CBO in Section III.A of the NOFO. The nonprofit contractor operating the FFRDC may apply as part of a Statutory Partnership as described in Section III.A of the NOFO in its nonprofit capacity if they otherwise meet the requirements for a CBO in Section III.A of the NOFO and other NOFO requirements, and the Department of Energy or another Federal agency operating the FFRDC gives the FFRDC contractor permission to apply for the grant.

39. Can a Tribe apply as a Lead Applicant even if the project isn't on tribal land?

Yes, a Tribe can apply as a Lead Applicant for a project, even if it isn't on tribal land, if their project benefits a disadvantaged community as described in Appendix A of the NOFO and meets all the other requirements noted in the NOFO. The determination of who becomes the Lead Applicant is up to the Tribe and its Statutory Partner.

40. Can a Federally recognized Tribe qualify as a CBO since they are exempt from Federal taxation?

No. Federally recognized Indian tribes as defined in section 302(r) of the Clean Air Act are units of government. Their exemption from taxation, like that of states, stems from governmental powers such as taxation, law enforcement, and civil authority recognized in Federal law.

E. Collaborating Entities

1. Is there a minimum or maximum number of subawards that a Lead Applicant must make to Collaborating Entities?

No, the NOFO doesn't indicate a required number of subawards to Collaborating Entities.

2. Can a Collaborating Entity be an organization located outside of the United States?

In limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border or north of the U.S.-Canada border). See Section II.B of the NOFO. In these cases, there may be some limited instances where a Collaborating Entity may be located outside of the United States. This may also apply to projects benefitting U.S. Territories.

3. Can subawards only be granted to Collaborating Entities named in the application?

Applicants need to identify and describe existing relationships with Collaborating Entities in the application based on the NOFO requirements and as indicated in Appendix G for the budget template. However, grant recipients may find it necessary to issue subawards to entities not originally named in the application. Replacing a previously named Collaborating Entity requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(e)(6).

Collaborating Entities will receive subawards as explained in the NOFO, including in Section III.B and Appendix G, but the NOFO also acknowledges in Section III.B that there may be "other subrecipients" in addition to those recognized as Collaborating Entities. Subawards may be made to Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education), as well as entities that cannot legally be Statutory Partners (e.g., states, territorial governments, Alaska Native Corporations, and international organizations).

4. Can for-profit/private companies be Collaborating Entities?

No. As stated in Section III.B of the NOFO, for-profit private companies cannot be Collaborating Entities that receive subawards. When a for-profit firm is providing commercial services to the recipient as a vendor, then the recipient cannot circumvent competitive procurement requirements by providing the firm a subaward even if the firm agrees not to "profit" from the transaction.

5. Can a for-profit entity receive a subaward, or otherwise be a program participant?

Yes, in certain very limited circumstances. For example, as Appendix A to EPA's Subaward Policy (incorporated into Section III B. of the NOFO) notes, a for-profit firm can receive a subaward for a project to install pollution-control equipment at its facilities, since the firm in that case is not providing goods or services to the recipient on commercial terms.

Similarly, an investor-owned utility could receive a subaward to provide energy efficient HVAC equipment to residents of low-income communities via subsidies or actual installation of equipment. The utility would not be providing the recipient with the services (energy transmission or other services/products the utility "sells" to ratepayers or others) that generate profits for its investors. For-profit firms may receive rebates or subsidies for purchases of pollution control equipment including electric vehicles and related charging infrastructure as program participants under 2 CFR 1500.1(b) and the EPA Guidance on Participant Support Costs, which is referenced in Appendix G of the NOFO.

F. Procurement Questions

1. If we have already completed a competitive procurement in advance of applying, can we list the contractor/consultant in the application? And does this apply to engineering contracts as well?

For the first question, yes, provided the procurement process complied with the requirements specified in the Procurement Standards in 2 CFR Part 200, the Good Faith Efforts to encourage participation of small and disadvantaged businesses described in 40 CFR 33.301, and the compensation that you intend to charge to the grant for individual consultants (if any) complies with 2 CFR 1500.10. Please refer to the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is incorporated into the CCG NOFO as well (See Appendix G).

And yes, this requirement applies to engineering contracts as well, although for architectural and engineering (A/E) services you may use a qualifications-based competitive procurement as long as the requirements in 2 CFR 200.320(b)(2)(iv) are met. EPA also recognizes that geographic preferences may be used as provided in 2 CFR 200.319(c). Note that EPA takes the position that qualifications-based and geographic preference procurements may only be used to acquire services such as the development of building specifications that must be performed by a licensed A/E firm under state or local law.

2. What if we have a Master Service Agreement that was previously competed in compliance with federal procurement policies? Can we list it in the application?

It depends. Your Master Service Agreement may not be so “stale” that it does not reflect current market conditions and cannot be a non-competitive retainer type of consulting contract prohibited by 2 CFR 200.319(b)(4). As indicated on page 13 in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (found here: <https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is referenced in the NOFO including in Appendix G, EPA will accept properly competed long-term contracts that are 5 years or less in length. We also expect recipients to ensure that the pricing under Master Service Agreements remains consistent with market conditions to meet the “reasonable cost” standard in 2 CFR 200.404, which applies to all expenditures of grant funds.

3. Can a Lead Applicant procure contractors to assist with grant performance, or should procurement be managed by subrecipients who receive subawards from the Lead Applicant?

Both Lead Applicants and subrecipients may procure contractors in compliance with competitive procurement requirements as described in Section III.B of the NOFO.

4. Based on the NOFO, the period of performance cannot exceed 3 years, and projects should begin no later than 120 days of award. Does this mean that issuing a procurement solicitation and initiating a competitive procurement process to implement the project must begin within the 120 days, or can the procurement be conducted before award and be a pre-award cost?

When to begin the procurement process is a matter for applicants to decide based on the time it takes to acquire services or products under their procurement procedures. We recommend, however, that applicants as a minimum wait until EPA notifies them of initial selection before initiating the competitive procurement process.

Costs for conducting a procurement that complies with federal requirements can be an allowable pre-award cost subject to the restrictions in 2 CFR 1500.9 and 2 CFR 200.458. Recipients incur pre-award costs at their own risk, and EPA will only reimburse recipients for pre-award costs for competitive programs if the pre-award costs were incurred after the recipient was notified of initial selection for funding. More importantly, as provided in 2 CFR 200.211(b)(5) and 2 CFR 200.403(h), the *Period of Performance* (defined in 2 CFR 200.1) will be adjusted to encompass the time frame in which the pre-award costs were incurred. The Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance that is referenced in Appendix G of the NOFO says this on pre-award costs:

“2. EPA defines pre-award costs as costs incurred prior to the award date, but on or after the start date of the Budget period and Period of performance as defined in 2 CFR 200.1. Under EPA’s interpretation of 2 CFR 200.308(e)(1) and 2 CFR 1500.9, all eligible costs must be incurred during the budget/ performance period as defined by the start and end date shown on the grant award to receive EPA approval. This interpretation is implemented in a grant-specific Term and Condition entitled ‘Pre-award Costs,’ which will be included in all awards when the recipient has incurred EPA approved costs prior to award.”

By statute, the performance period for these grants is limited to 3 years. The total amount of time for incurring costs will not be lengthened by incurring the costs for procurements prior to the date of the award although depending on the “construction season” in the applicant’s locale there may be sound reasons for initiating the procurement process immediately following EPA’s notification of selection. Again, any pre-award costs the recipient incurs are at their own risk.

5. If an applicant is interested in procuring a consultant do they have to do so before submitting an application?

No. Applicants are not required to procure a consultant before submitting an application. Consultants, regardless of when they are procured, must be selected in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500. EPA provides guidance on complying with the competition requirements in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

6. Can I receive sample Requests for Proposals (RFPs)/Requests for Quotes (RFQs) or other forms of assistance in developing RFPs/RFQs from potential contractors that will then be allowed to bid on the procurement that will be made under the RFP?

No. If you seek any assistance from a contractor, including obtaining sample RFPs/RFQs, that contractor is not allowed to submit a proposal in response to your RFP/RFQ. If the contractor submits a proposal, you must reject the proposal. Accepting the proposal will be in violation of 2 CFR § 200.319. You may, however, seek assistance from a contractor that will not submit a proposal in response to your RFP/RFQ.

7. What is an example of an unfair competitive practice?

One example of an unfair competitive practice is to allow a consultant (or any other type of contractor) who drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals to compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to CCG grant. Non-competitive contracts with consulting firms on retainers are another example of an unfair competitive practice as indicated at 2 CFR § 200.319(b)(4).

Additionally, EPA will not accept sole source justifications for procurement contracts for services such as consulting, engineering, construction services, or information technology support that are available in the commercial marketplace.

8. Must I consider price when procuring a consultant or other contractor?

It depends. EPA's position is that the "qualifications based" procurement procedures described in 2 CFR § 200.320(b)(2)(iv) may be used when acquiring services that can only be provided by a licensed Architectural and Engineering (A/E) firm such as when state or local law requires that a licensed A/E firm develop the design plans and other specifications for construction work. As stated in the regulation: "The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort." A/E firms are one potential source for a wide range of services in addition to those that only licensed A/E firms may perform as a legal matter.

9. Is my RFP process federally compliant if I only receive one bid?

Possibly, but additional inquiries by EPA are possible. Per the grant regulations at 2 CFR § 200.325(b)(2), when only one bid is received in response to a RFP/RFQ, you must make the procurement documents available to EPA if requested. Services necessary for performing CCGP grants are widely available in the commercial marketplace so it would be unusual for only one bid to be received under an RFP. Depending on the information contained in the procurement documents, as well as circumstances surrounding the procurement, EPA may require you to re-issue the RFP.

10. What are the potential consequences for an applicant/recipient that does not conduct a fair and open competition for the procurement of a contractor?

If an applicant/recipient fails to comply with the competitive procurement requirements in 2 CFR Parts 200 and 1500 or 40 CFR Part 33, EPA may impose additional conditions, as described in 2 CFR § 200.208 which may include re-issuing an RFP. If EPA determines that noncompliance cannot be remedied by imposing additional conditions, EPA may take one or more of the following actions, as outlined in 2 CFR § 200.339 Remedies for Non-Compliance, as appropriate in the circumstances:

11. What should I do when a consultant has offered to prepare our application for a CCGP grant without charging a fee?

If a consultant has offered to prepare your application for a CCGP grant without charge you need to be careful not to provide that consultant with an unfair competitive advantage when selecting a contractor to perform work under a CCGP grant.

Unfair competitive advantage is when the terms of the consultant's offer require the applicant/recipient to hire the consultant on a sole source basis if the application is successful. Such a practice unfairly restricts competition for services that are widely available in the marketplace. You must procure contractual services through fair and open competition when the amount of the contract exceeds the micro-purchase threshold (\$10,000 for most recipients).

12. Can the same contractor that assists me with preparing the grant application also submit a proposal in response to an RFP/RFQ for consulting services that I may issue if I receive the grant?

Yes. EPA does not prohibit consultants who prepare grant applications from competing for contracts that will be funded under the grant as long as the competition is conducted fairly and openly. The contractor may not assist with drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals and also be allowed to compete for the services or products that will be procured as indicated in 2 CFR § 200.319(b).

13. The terms of the contract for application preparation services require us to hire the consultant to provide services necessary to perform the CCGP grant if EPA selects the application for funding or pay the consultant a \$5,000 application preparation fee if we hire a different consultant. What is EPA's view on this practice?

EPA considers this practice to be a violation of the procurement requirements in the grant regulations because it may provide the consultant who prepared the application an unfair competitive advantage. The grant regulations require recipients to fully and openly compete professional services contracts when the amount of the contract will exceed the general \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)). Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements which is available through links in the CCG NOFO.

Additionally, if your organization did conduct a competition to procure environmental services, and the consultant that prepared the application won the bid/contract, EPA may question whether the decision to select the consultant was based on an improper factor such as the requirement to pay the consultant the \$5,000 application fee otherwise.

14. Can an entity issue a competitive solicitation to procure a consultant for grant writing services as well as to implement the grant, if selected for funding?

Yes, as long as the entity complies with the competitive procurement requirements in 2 CFR § 200.319, 2 CFR § 200.320, 2 CFR § 1500.10 and 40 CFR Part 33. Refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements for additional guidance. The price for performing the grant implementation services must be a significant evaluation factor in the competitive solicitation. Since direct costs for proposal preparation are not allowable under the CCGP program, the price for preparing the proposal is not relevant to the EPA funded portion of the contract and cannot be a basis for selection.

15. What is EPA's position on hiring a particular consulting firm or other contractor?

EPA does not endorse hiring any particular firm or firms by EPA grant recipients. All contracts with consulting firms or any other type of contractor must be procured in compliance with the full and open competition requirements described in the Procurement Standards of 2 CFR Part 200. There are many qualified consulting firms in the commercial market.

16. If I name a consulting, law, or engineering firm as a "partner" in the application is it proper to award that firm a sole source contract on that basis?

No. All contracts for professional services in excess of the 2 CFR § 200.320(a)(1) micro-purchase threshold (\$10,000 for most recipients) must be awarded competitively to the maximum extent practicable and in compliance with requirements to consider disadvantaged business enterprises set forth in 40 CFR Part 33. The market for consulting, legal, and engineering services is robust and it is unlikely that competition is impractical. Note that as required by 2 CFR § 200.320(a)(1) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipient practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

17. How must recipients handle contracts for micro-purchases?

As required by 2 CFR § 200.320(a)(1), for contracts that do not exceed the \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipients' practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs.

G. Disadvantaged Communities

1. Do the disadvantaged communities that the grants are intended to benefit need to be identified in the application?

Yes, the disadvantaged communities who are intended to benefit from the projects need to be identified in the application, as discussed in Sections III.D and IV.B of the NOFO, as well as in Appendix A.

2. The NOFO is requesting documentation from an authorizing governmental entity for farmworker community validation—what types of documentation are you expecting for farmworker community validation and which public agencies would hold such authority?

Appendix A of the NOFO states in pertinent part that: “Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.” How this is done may vary by state or local law.

3. Would a project be funded if it “partially” benefits a disadvantaged community?

As stated in relevant part in Appendix A: “While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.” In addition, Section III.D.3 states that: “All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

H. Project Area Map, CEJST, and EJScreen

1. Do applicants have to be located in a disadvantaged community to apply for a grant?

No, while applicants must meet the eligibility requirements in Sections III.A and B of the NOFO to apply for a grant, they do not have to be located in a disadvantaged community to apply. However, all applications must benefit disadvantaged communities as expressed throughout the NOFO and in Appendix A and will be evaluated based on the criteria in Section V of the NOFO.

2. If a Track I application involves multiple disadvantaged communities that are in a geographically contiguous area but are not all right next to another, is this eligible?

Yes, please refer to Appendix A to the NOFO which states that:

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

3. Can EPA modify the definition of disadvantaged community to include a community that isn't identified as disadvantaged based on CEJST and EJScreen?

No. Applicants must use the methodology described in Appendix A to determine which communities are designated as disadvantaged. Applicants must use the EPA IRA Disadvantaged Communities Map (found here: <https://epa.maps.arcgis.com/home/item.html?id=f3be939070844eac8a14103ed6f9affd>), which combines multiple datasets (including CEJST and EJScreen), unless the community meets the definition of a Disadvantaged Unincorporated Community (DUC) or Farmworker Community in Appendix A.

4. Can you explain the color coding on the EPA IRA Disadvantaged Communities Map in Appendix A?

On the EPA IRA Disadvantaged Communities Map, block groups highlighted in light orange are designated as disadvantaged communities. Block groups highlighted in light blue are not designated as disadvantaged communities.

5. Would an application be eligible if it primarily included projects benefitting communities that are not defined as disadvantaged in Appendix A to the NOFO?

No. Projects must primarily benefit disadvantaged communities as defined in Appendix A to the NOFO. Also see Section III.D.3 of the NOFO which states that:

"All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A."

6. Can a project be on private land, such as the reclamation of polluted legacy mine land, if it benefits a disadvantaged community?

If the term "reclamation" means cleaning up the soil and subsurface contamination from mine-scarred land that meets the definition of a Brownfields site in 42 U.S.C. 9601(39)(D), then the assessment and remediation portion of the project is not eligible for CCGP funding as indicated in Section I.G.3 of the NOFO. Please refer to the examples and guidelines for Climate Action Strategy 6 in Appendix C of the NOFO. The only exception to this exclusion would be if the private land was conveyed under the Alaska Native Claims Settlement Act (ANCSA) and would be eligible for assessment and remediation funding as described in Appendix H of the NOFO. However, if the remediation at the non-ANCSA site is complete,

CCGP funding could be used for post-cleanup redevelopment at the site if the project meets all other requirements described in the NOFO.

7. For the Disadvantaged Unincorporated Communities category in Appendix A, can an application focus on all the unincorporated areas in a county, if they meet the Disadvantaged Unincorporated Community definition in Appendix A?

It is up to the applicant to design their project based on the NOFO requirements. The criterion for Disadvantaged Unincorporated Communities is in Appendix A to the NOFO.

8. Can there be an application that benefits both residents of disadvantaged communities and residents of communities that are not considered disadvantaged communities?

Please see Appendix A to the NOFO which states that:

“All projects and activities should be located within the Project Area, except in cases where the project must be located outside of the Project Area to address the localized pollution issue at the source, or where otherwise necessary to ensure that the disadvantaged community will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.”

Please also see Section III.D.3 of the NOFO which states that:

“All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

9. Would a protected bike path that starts in a disadvantaged community tract, goes through a neighboring non-disadvantaged community tract, then goes through another disadvantaged community tract be eligible if they are geographically contiguous?

Yes, see Appendix A to the NOFO which states that:

“The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.”

10. Consistent with the Justice40 Initiative, is there a requirement that 40 percent of the project benefits flow to the census block groups designated as disadvantaged communities?

As required by Section 138 of the Clean Air Act, all grants under the NOFO must benefit disadvantaged communities. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area as noted in Section III.D.3 of the NOFO and Appendix A.

I. Track I Project Activities

1. Can applicants include multiple projects (in the same geographic area) in an application?

Yes, as described in the NOFO, multiple projects may be included in an application if the NOFO requirements are met and if the projects are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area.

2. Can I submit an application with one project if that project addresses at least one Climate Action Strategy and at least one Pollution Reduction Strategy?

Yes, if the application demonstrates how the project meets at least one of each of the strategies and meets the other NOFO requirements. While this may be possible to do, applicants need to think carefully about whether one project can meet at least one of each of the strategies, and all the NOFO requirements, and would have to demonstrate this in the application.

3. Can a Track I application include projects with activities that are carried out on a regional, county, or statewide basis?

While a regional, county, or statewide project may technically be eligible, depending on the specific content of an application, it may be unlikely that such an application would score well and be successful considering the NOFO evaluation criteria, objectives, and requirements as further discussed below.

Such an application, again depending on the specific projects in an application, may not be consistent with the following directions for Track 1 applications in the NOFO:

Community Change Grants Objectives in Section I.C:

“The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.”

Community Vision Description in Section IV.B:

“Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.”

Appendix A:

“For Track I applications for geographically defined communities identified as disadvantaged communities on the EPA IRA Disadvantaged Communities Map, applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will directly benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.”

4. Can an applicant use funding under Climate Action Strategy 6: Brownfields Redevelopment to acquire and redevelop a brownfield site but use other funding sources to remediate and clean up soil and subsurface contamination on the land before the Brownfield Redevelopment project begins?

No, other than for projects to clean up contaminated ANCSA lands as described in Appendix H to the NOFO, an applicant cannot use a Community Change Grant to acquire a Brownfield site with soil and subsurface contamination that has not yet been cleaned up. Section III.D.8 of the NOFO states that as a threshold eligibility matter:

“All Track I applications for projects under Climate Action Strategy 6: *Brownfield Redevelopment*, must be performed on sites where cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site, as well as meet the requirements stated in Appendix C for Brownfields Redevelopment projects.”

Such a scenario would also not appear to be able to meet the Readiness Approach Requirements in Section I.G of the NOFO, which state that:

“Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award . . . so they can successfully complete the grant within the three-year period.”

Further, such a scenario would also raise feasibility concerns, which is an evaluation factor for Track I applications.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, “The remediation of contamination from asbestos and lead-based paint in buildings is an eligible activity, even if the building is on a Brownfields site.”

EPA will issue a modification to the NOFO to clarify this issue which will include changes to Climate Action Strategy 6 and Section III.D.8 of the NOFO.

5. For a Brownfields Redevelopment project under Climate Action Strategy #6, does an applicant have to demonstrate that all soil and subsurface site cleanup has been completed by the time of application submission or just by the time the project would commence after award?

Yes. Site cleanup must be complete by the time of application submission. EPA intends to clarify in a modification to the NOFO that for Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in its application that at the time of application submission no soil or subsurface site cleanup is necessary (e.g., through a Phase II Environmental Assessment Report by a Qualified Environmental Professional) or has been completed for the project to be eligible for funding.

Documentation of cleanup completion must be by an official written communication or other written documentation from the cognizant regulatory authority. Therefore, at the time of application submission, for all Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in their application that at the time of application submission, not by the time the project will begin, no cleanup at the site is necessary for the project to be eligible for funding consideration.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, the remediation of contamination from asbestos and lead-based paint inside buildings is an eligible activity, even if the building is on a Brownfields site.

6. Is food waste reduction/food scrap diversion an eligible project activity under Track I?

Yes, this is listed as an eligible activity under Climate Action Strategy 7 in Section I.G of the NOFO.

7. Is adding protection to a currently unprotected bike lane an eligible activity, or would it need to be a completely new bike lane?

Modifications and upgrades to existing bike lanes are eligible for funding, in addition to new construction, if the application meets all the NOFO requirements.

8. Will new construction be allowed under the NOFO?

Yes. Construction activities for new structures are eligible if the other requirements of the NOFO are met and as noted in Appendix G.

9. Can the grants be used to maintain existing green infrastructure, or are they only to be targeted toward development/installation of new elements?

Yes, subject to the statutory three-year project period limitation, a grant can be used for maintenance of green infrastructure if the NOFO requirements are met. Note that a green infrastructure maintenance project may not score well under the Readiness to Perform, Feasibility, and Sustainability evaluation criteria in Section V of the NOFO unless the applicant can provide an effective plan for sustaining the operation and maintenance of the green infrastructure when the performance period for the grant ends.

10. Based on Section III.D of the NOFO, can research activities be part of an application?

Please refer to Section III.D.17 of the NOFO which states that:

“EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project’s success, and ensure that such research does not already exist.”

11. Would building demolition be an eligible expense under the CCGP NOFO?

Yes. Strategy 6 in Appendix C of the NOFO states in part that: “[D]econstruction and green demolition activities to support adaptive reuse or new construction” is an activity that could be covered under a grant. Applicants can refer to [EPA’s Climate Smart Brownfields Manual](#) for information about green demolition activities.

12. If an application includes construction activities, is there any special or extra documentation we need to submit with our application?

The requirements for Track I applications, which could include construction activities, are set forth in Section I.G of the NOFO and also see Appendix G. Application requirements are also in Section IV of the NOFO. In addition, please note the Readiness Approach requirements in Section I.G of the NOFO including Government Approvals which states that:

“If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.”

Additionally, the Federal Requirements for Construction Projects section in Section I.G of the NOFO states that:

“Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference

requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.”

13. Under the Site Control section in the Readiness Approach requirements in Section I.G of the NOFO, it states that, "Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s)." How can we demonstrate this?

EPA does not mandate a specific way to demonstrate site control and access given the variances in state, Tribal, and local real property laws. There could be several ways for an applicant to demonstrate this requirement is met (e.g., site ownership, long-term irrevocable lease, site access agreement) depending on the project. We recommend that you consult with the legal department of the unit of government that has jurisdiction over the site or with a private attorney licensed to practice law in that jurisdiction.

14. Is new housing construction an eligible activity under the NOFO?

Yes, if the other NOFO requirements are met. For example, refer to the coverage in the NOFO on Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings and Strategy 6: Brownfields Redevelopment in Section I.G of the NOFO.

15. Can you buy land or property under the NOFO funding?

Yes, land acquisition may be an eligible project cost, consistent with the grant cost principles, if the projects in the application otherwise meet the NOFO requirements. Please also refer to Appendix G of the NOFO. Note that EPA will require that recipients who use EPA funds to acquire real property to “...record liens or other appropriate notices of record to indicate that... real property has been acquired... with a federal award and that use and disposition conditions apply to the property” as provided in 2 CFR 200.316.

EPA may also, depending on the nature of the improvements, require that liens or other notices of the Federal interest in the proceeds of the sale of the property attributable to the improvements be recorded. Land acquisition must comply with the Uniform Relocation Act and Federal Highway Administration’s implementing regulations at 49 CFR Part 24 which requires grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements.

16. Does the creation of a resilience hub also include site acquisition funding?

Yes, costs for land acquisition are eligible if reasonable and necessary to create the community resilience hub. Please refer to Section I.G and Appendix G of the NOFO, as well as the question immediately above regarding Federal requirements for acquisition of real property with the grant funding.

17. If a school district has a mix of schools with some located in disadvantaged communities and others not located in disadvantaged communities, can an application for district-wide indoor air quality work be submitted?

As stated in Appendix A of the NOFO and Section III.D.3, projects may benefit both disadvantaged communities and others that are not disadvantaged, but the projects’ primary benefits must flow to communities designated as disadvantaged.

18. Can the grant funds be used to purchase instruments to collect data needed to perform the grant?

Yes, if the instruments are necessary to perform the projects in the application and would be considered allowable and reasonable costs per the grant regulations. Please refer to Appendix G of the NOFO for guidance on how to characterize the estimated costs for purchasing instruments. Note also that acquisition of instruments may be subject to the competitive procurement requirements described on pages 21

through 23 of the Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance, which is available through a link in Appendix G of the NOFO.

19. Would a project on agricultural lands be eligible under a Track I application?

Yes. There is nothing that prevents a project being performed on agricultural lands if the application meets all NOFO requirements.

20. Is removal of pollution above a Superfund site but not within the boundaries of the site as described in the Superfund site listing an allowable expenditure?

Yes, if all the NOFO requirements are met. See Appendix D on Pollution Reduction Strategies.

21. Would PFAS remediation of private wells and development of new water infrastructure to bypass PFAS contamination be an eligible activity?

Yes, subject to the three-year statutory limit on the grant period of performance. Please see Pollution Reduction Strategy 3 in Section I.G of the NOFO and Appendix D to the NOFO as well as the coverage on Readiness and Feasibility in Section IV.B and Section V of the NOFO.

22. Can you bury powerlines for improved climate resilience with these funds?

If this activity is part of a Climate Action or Pollution Reduction strategy in the NOFO, then it may be an eligible activity. Applicants must design their projects to meet the NOFO requirements, including those in Section I.G of the NOFO.

23. Are capital expenses such as basic repair that are needed for eligible energy efficiency projects an eligible cost?

Yes, if the costs are allowable and reasonable, comply with the allowability standards in 2 CFR 200.436 and 200.439, and the project is consistent with Strategy 4: Microgrid Installation for Community Energy Resilience as described in the NOFO.

24. Would the creation of staff positions within a CBO to create community-facing programming under a Climate Action strategy be an eligible expense?

Yes, assuming the application and projects in it meet the NOFO requirements. Please note, however, that given the statutory three-year limit on the grant performance period, the CCGP is not intended to support long-term staffing for CBO programming. Applicants must describe their plan for sustaining the project when funding ends as provided in the NOFO.

25. Would costs to provide or subsidize emissions-reducing equipment to benefit members of a disadvantaged community (e.g., electric equipment, stoves/landscaping, e-bikes, etc.) be an eligible activity?

Yes, please refer to the discussion of Climate Action Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience as well as Climate Action Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings in Section I.G of the NOFO. Subsidies are allowable "Participant Support Costs" under 2 CFR 1500.1(a)(2) as implemented in the EPA Guidance on Participant Support Costs, which is available through Appendix G of the NOFO.

26. Is stormwater infrastructure construction to mitigate flooding to homes such as underground outlets, above-ground inlets, drainage basins, etc. an eligible activity under this grant?

Yes, please refer to the discussion of Climate Action Strategy 1: Green Infrastructure and Nature-Based Solutions and Pollution Reduction Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience in Section I.G of the NOFO.

27. If we use a portion of the funds to establish a revolving loan fund to support green and climate resilient affordable housing, can the use of the funds extend beyond 3 years?

Applicants can propose revolving loan fund programs that meet the NOFO requirements, but the performance period for the grant is limited by statute to 3 years. EPA would discontinue direct funding after the performance period ends. A close-out agreement would govern post-award program income accumulated during the performance period or generated after the period of performance ends. See 2 CFR 1500.8(b) and (d) for additional guidance.

28. Can we include planning phases in our project?

Please refer to the Readiness Approach requirements in Section I.G of the NOFO and other sections in the NOFO, including the evaluation criteria in Section V that relate to this. While some planning activities may be necessary for some projects, projects must be completed within the three-year statutory period of performance. EPA cannot provide extensions. In addition, readiness to perform is an evaluation factor under Section V. If a project is not ready to be performed upon award or soon thereafter, it may impact the evaluation of the application. Please also note the Readiness to Perform Requirements clause in Section VI of the NOFO.

29. Can individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents receive training under the Climate Action Strategy for Workforce Development Programs (Climate Action Strategy 8)?

Yes, individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents may receive training under CCGP funded Workforce Development Programs for occupations that reduce greenhouse gas emissions and air pollutants as indicated in Climate Action Strategy 8 in Section I.G of the NOFO, assuming all other NOFO requirements are met.

Notwithstanding this, based on EPA Policy referenced in Section 5.E of the [EPA Guidance on Participant Support Costs](#), individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents cannot receive EPA funded stipends for participating in the Workforce Development Program. It is up to the applicant to design their Workforce Development Program consistent with the requirements in the NOFO.

J. Budget/Indirect Cost Issues

1. What is the indirect cost limitation?

The applicability of the 20% total indirect cost limitation varies by types of recipients and subrecipients. Please see Appendix G of the NOFO, which addresses the indirect cost limitations.

2. Does the 20% indirect cost cap apply to all indirect cost expenses, and are there flow-down requirements to subrecipients?

Yes, the cap is on all eligible indirect cost expenses. This limitation will extend to direct recipients of grants and cooperative agreements under the CCGP, as well as to subrecipients as defined in 2 CFR 200.1. Therefore, both direct recipients and subrecipients may charge up to 20% of their respective award or subaward-- e.g., up to 20% of the direct award (if they are the Pass-through entity) or up to 20% of the total subaward (if they are a subrecipient).

Due to the sovereign status of Indian tribes that meet the Federal recognition requirement in section 302(r) of the Clean Air Act, and the unique burdens placed on these entities due to the composition of their tax base where chargeable indirect costs can be an essential financing component for the Tribe, EPA is exempting Indian tribes and Intertribal consortia comprised of eligible Indian tribes from this 20% indirect cost limitation, provided the Intertribal Consortia meets the requirements of 40 CFR 33.504(a) and (c).

3. If the only source of funding for my organization is an EPA grant or subaward such that all overhead costs are charged directly to the EPA grant or subaward, can I still use the 10% de-minimis indirect cost rate?

No. The 10% de-minimis indirect cost rate, like all Federally approved indirect cost rates, is intended to compensate recipients for the Federal government's share of overhead costs such as office space rental, insurance, utilities, and administrative personnel compensation that are borne by multiple sources of funds. Recipients and subrecipients who charge all overhead costs directly to their federal award would improperly "profit" from using the 10% de-minimis indirect cost rate. See OMB Frequent Question 122 from [2 CFR Frequently Asked Questions](#) which addresses this issue.

4. Can a recipient conducting a single function funded predominately by federal awards elect to charge the 10% de minimis rate if they currently only charge direct costs to their awards?

No. If all costs are charged directly to the federal award (e.g., space costs, utility, and administrative costs), the recipient must not also charge the de minimis rate. Costs must be consistently charged as either indirect or direct cost and may not be double-charged or inconsistently charged. See prior question.

5. Does the 20% indirect cost rate cap change my negotiated indirect cost rate or authorize me to use a de-minimis rate of 20% rather than the 10% de-minimis rate?

No. As stated in Appendix G of the NOFO "...indirect costs charged against any grant and/or cooperative agreement [or subaward] awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award [or subaward]."

The actual indirect cost rate a recipient or subrecipient is authorized to charge does not change—the recipient or subrecipient charges their indirect cost rate at the negotiated level *or* the 10% de minimis rate to the authorized distribution base (typically *Modified total direct costs* as defined in 2 CFR 200.1). If the negotiated indirect cost rate exceeds 20%, then the recipient or subrecipient may apply that rate until the total indirect costs recovered equal 20% of the award or subaward. When that cap on indirect costs is reached, the recipient or subrecipient must stop charging indirect costs. Also, the 20% indirect cost rate cap is not an indirect cost rate -- it's a limitation on the total amount of indirect costs that can be charged to the EPA Award or Subaward.

Applicants who have a negotiated indirect cost rate have two calculations to make. The first calculation is to apply their approved IDC rate to their approved base (MTDC or direct labor). The second calculation is 20% of the total award amount. The two amounts are then compared and the lesser of the two amounts is the total amount of allowable indirect costs. The 10% de minimis rate applied to their MTDC will always result in less allowable IDCs than 20% the total award amount. Therefore, it does not require two calculations.

6. Can a fixed amount subaward include the 10% de-minimis indirect cost rate?

No. Fixed amount subawards are intended to compensate recipients on a milestone achievement or unit cost basis rather than to reimburse the recipient based on incurred direct or indirect costs documented in the subrecipient's financial management systems. Pass-through entities and subrecipients may, however, factor the subrecipients' overhead costs into the pricing structure for fixed amount subawards.

7. Is predevelopment for equitable transit-oriented development an eligible cost?

Yes. All costs that are necessary and reasonable for an equitable development transit project including pre-development costs such as engineering studies or community involvement may be eligible costs.

8. Do Collaborating Entities need to be identified in the budget description/ template described in Appendix G?

Yes, Collaborating Entities are subrecipients and must be identified in the budget description and in the "other" budget category in line-item amounts as described in Appendix G. As stated in the instructions for subawards in Appendix G, applicants must "identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards." Please also see the Community Engagement and Collaborative Governance Plan described in Section I.G of the NOFO.

9. Do subrecipients need to comply with the procurement requirements if they are buying supplies or procuring services under the grant?

Yes, federal procurement requirements flow down to subrecipients and apply to acquisition of both supplies and services. See Section III.B of the NOFO.

10. Can subaward funds directly go to subrecipients from EPA?

No, EPA does not pay subrecipients directly. The Lead Applicant (the *Pass-through entity* as defined in 2 CFR 200.1) draws down funds from EPA and then transfers the funds to the subrecipient in amounts necessary to meet the subrecipient's immediate need for cash as provided in 2 CFR 200.305(b).

11. Is purchasing a multi-family apartment building with the intention of rehabilitating it to improve climate resilience and reduce pollution an allowable cost?

Generally, yes, purchases of real property could be an eligible cost if the application met the other NOFO requirements.

12. Could an application be partially funded?

Yes. Partial funding is addressed in Section II.F of the NOFO.

13. If we are awarded a grant, can we be reimbursed for our grant application preparation costs (e.g., hiring a grant writing consultant) and our grant management costs for managing the grant?

No. Applicants will not be reimbursed for their grant application preparation costs as a direct cost because that is not an allowable cost for the CCGP. Those costs are normally covered by the recipient's indirect cost rate as provided in 2 CFR 200.460. The CCGP is not among those programs for which EPA has

made exceptions for application costs in Item 6 of the EPA Office of Grants and Debarment (OGD) Guidance on Selected Items of Cost for Recipients (<https://www.epa.gov/grants/rain-2018-g01-r>).

Direct costs of grant management may be allowable if those same costs are not covered by the recipient's indirect cost rate—as provided in 2 CFR 200.412 recipients must charge costs as direct or indirect consistently.

K. Track II Applications

1. Can Track II applications focus on benefitting multiple disadvantaged communities?

Yes, applicants can propose Track II projects that benefit multiple disadvantaged communities if they meet the Track II NOFO requirements.

2. Can a Track II application focus on facilitating the engagement of disadvantaged communities in different cities and/or states in governmental processes?

Yes, there is no Project Area Map required for Track II applications, and Track II applications do not have to be as place-based as Track I applications. Please refer to the NOFO Track II requirements.

3. Do Track II applications need to include a Project Area Map?

No. See Appendix A of the NOFO which states that: "While Track II applications are not required to submit a Project Area Map. As stated in Section III.D and IV.B they must describe and identify the disadvantaged communities that will benefit from the projects."

4. Is a statutory partnership needed for a Track II application?

Yes, the applicant eligibility requirements in Sections III.A and III.B of the NOFO are the same for Track I and II applications.

5. Can a Track II application include activities to facilitate the engagement of disadvantaged communities in, and build their capacity to participate in, public utility commission proceedings, state legislative campaigns, and advocacy before state agencies on environmental justice matters?

The answer is yes for facilitating engagement of disadvantaged communities in public utility commission proceedings. However, the answer is no for engagement of disadvantaged communities in state legislative campaigns because the use of grant funding for those types of activities is unallowable as provided in 2 CFR 200.450, *Lobbying*. Whether advocacy before state agencies is allowable depends on the context of the advocacy. For example, costs for advocacy on matters that are decided administratively by state agencies, such as permitting of industrial facilities, may be allowable as indicated in the Track II Project Examples in Section I.H of the NOFO. Costs for advocating the introduction or modification of state statutes or legislation, however, are unallowable lobbying costs as indicated in 2 CFR 200.450.

6. Under Track II, when it says, "facilitating the engagement of disadvantaged communities in... other public processes," what is meant by other public processes?

Under Track II, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for "facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes." EPA has interpreted "other public processes" broadly as encompassing local, Tribal, and other governmental processes, with the exception of unallowable lobbying activities as described at 2 CFR 200.450.

L. Target Investment Areas (TIA)

1. Does an application have to address one of the five Target Investment Areas identified in Section II.B of the NOFO?

No, applications can address areas outside of the five Target Investment Areas (TIAs) if they meet the requirements of the NOFO. The TIAs are just priority categories, but applications can be submitted for projects outside of those areas if they meet the NOFO requirements.

2. Is there a different application process for applications submitted for a TIA described in Section II.B of the NOFO?

No, the application process is the same for all applications and is described in Section IV of the NOFO, but there may also be specific requirements for a particular TIA that need to be addressed as identified in the NOFO (e.g., see Sections II.B and III.D). If you are applying for a TIA, please note that you need to identify what TIA you are applying for as noted in the application instructions in Section IV.B of the NOFO. Also please note that the TIAs are only for Track I applications.

3. Are there additional requirements that apply to TIA A for Alaska?

Yes, they are identified in the NOFO, including in Section III.D.12 and Appendix H.

4. What is considered a border community?

Please see Section II.B of the NOFO.

5. If an application is for a project that will be carried out to benefit disadvantaged communities in Alaska, but the applicant is not applying under the Tribes in Alaska TIA identified in Section II.B of the NOFO, can the application include projects identified in the “Alaska-specific Climate Action Strategies” found in Appendix H?

Yes, the application can include Alaska-specific climate action strategies, even if it is not applying under the Tribes in Alaska TIA.

6. Under the Tribes in Alaska TIA (TIA A) in Section II.B of the NOFO, is the EPA also accepting applications that are for projects on lands conveyed through the Alaska Native Claims Settlement Act (ANCSA) but not focused on the clean-up of contaminated ANCSA lands?

Yes. Please note that all applications, including those for funding under TIA A, must benefit disadvantaged communities as defined in Appendix A of the NOFO and meet other applicable NOFO requirements. Additionally, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

7. If applying under the Tribes in Alaska TIA or for any project to benefit disadvantaged communities in Alaska, is it required that the project be on ANCSA land?

Applications submitted to benefit disadvantaged communities in Alaska, whether under TIA A or not, are not required to be on ANCSA land. However, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

8. Can an eligible CBO be the Lead Applicant applying under the Alaska Tribal Lands TIA even if they are not an Alaska Native Village, Alaska Native Non-Profit, or Alaska Native Association?

Yes. It is up to the Statutory Partnership that applies for the grant to determine who the Lead Applicant for the grant will be provided the Lead Applicant is an eligible entity. Please see Section III.B of the NOFO for more information.

9. How can Alaska Native Corporations (ANCs) participate in the CCGP?

Under the CCGP, ANCs may be Collaborating Entities that receive competitive or non-competitive subawards, or they may compete for procurement contracts, depending on the nature of the transaction. Please read this response carefully to assure such collaboration would meet NOFO requirements.

For purposes of clarity, please be aware that ANCs are not Community Based Non-Profit Organizations (CBO) under the CCGP. As indicated in Section III.A of the NOFO, this is because ANCs are for-profit organizations. Further, as explained in Section III.A of the NOFO, ANCs are not eligible to enter Statutory Partnerships with CBOs as “Indian Tribes.” This is based on the definition of “Indian Tribes” in section 302(r) of the Clean Air Act, which does not include ANCs. See also Appendix H.

The coverage on Collaborating Entities in Section III.B of the NOFO, however, notes that
“Collaborating Entities may include Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). For-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities.”

While ANCs do not meet the definition of Indian Tribes under section 302(r) of the Clean Air Act, ANCs are considered Indian Tribes for the purposes of 2 CFR Part 200 and the EPA Subaward Policy, making them eligible to receive subawards.

That said, to receive a subaward (competitive or non-competitive), ANCs must agree not to profit from the receipt of the subaward. A more detailed explanation is included in the EPA Subaward Frequent Questions (<https://www.epa.gov/grants/epa-subaward-frequent-questions>) on ANCs (Number A.54), which states that program offices may, as a matter of policy, allow ANCs to receive subawards, provided that the ANC agrees not to profit from the transaction. Under this NOFO, we have determined that ANCs are eligible for CCGP subawards. Therefore, under this NOFO, ANCs may receive subawards under the Tribes in Alaska TIA if the terms of the subaward provide that the ANC only receive reimbursement of their direct and indirect costs.

Finally, ANCs may profit from EPA-funded procurement contracts if the transaction complies with the competitive procurement requirements in 2 CFR Part 200, including restrictions on personal conflicts of interest, as interpreted in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance>).

Note also that ANCs, like all businesses in disadvantaged areas, may receive participant support cost subsidies to enable them to purchase low-emission equipment or similar devices that reduce pollution.

M. Administrative Requirements

1. Does the CCG program allow for waivers if Build America, Buy America (BABA) compliant components are not available?

The BABA requirements are part of the Infrastructure and Investment Jobs Act (IIJA), which applies to federal financial assistance programs. Grant recipients may request BABA waivers for items that are not domestically available, but waivers must be based on robust market research. We expect recipients to make good faith efforts to comply with BABA. Please see Section VI of the NOFO for additional BABA information.

2. Are facility upgrades such as energy efficiency retrofits or installation of EV chargers subject to Build America, Buy America requirements?

Build America, Buy America (BABA) requirements apply to “infrastructure projects,” which is broadly defined to include many project types. EV charger installation projects are subject to BABA as provided in 2 CFR 184.4(b). Energy retrofits could trigger BABA requirements in certain circumstances, depending on whether the project involves construction or installation of equipment that is permanently affixed to a structure or other real property. Please see Section VI of the NOFO and [EPA's BABA website](#) for more information.

3. Does NEPA apply to projects awarded under the NOFO?

No, as stated in Section VI.B of the NOFO, “Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act).” This Section states: “No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.” Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the CCGP.

4. Does a project need to have an approved construction permit prior to applying for the grant?

No, but please review the Readiness Approach Requirements in Section I.G of the NOFO and Section III.D.5 which states that: “Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.”

Additionally, the NOFO describes the requirements for Readiness Approach for Track I applications in Section IV.B as follows:

“Applicants must demonstrate, based on the Readiness Approach Requirements described in Section I.G, their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and/or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.”

N. Technical Assistance (TA)

1. What are the TCTACs, and can they help with an application under the NOFO?

The TCTACS are the EPA-funded Environmental Justice Thriving Communities Technical Assistance Centers, and they are available to provide general technical assistance for applicants and grantees. Further information on the TCTACS can be found on [EPA's website](#). However, while the TCTACs are available for general technical assistance, we recommend that applicants access the dedicated technical assistance for the CCGP for more specialized questions as noted in Section I.E of the NOFO.

2. What kind of technical assistance is available under the CCGP?

Please see Section I.E of the NOFO for more information about technical assistance specific to the Community Change Grants. Both pre-award and post-award technical assistance may be available to eligible entities. Please note, however, that receiving technical assistance does not guarantee that an applicant will be selected for funding.

3. Is technical assistance available to help an eligible entity find a partner to apply with under the NOFO?

Yes, technical assistance can be used for this purpose. See Section I.E of the NOFO for more information.

4. Will there be technical assistance available to help a grantee manage a grant?

Yes, post-award technical assistance will be available from EPA as part of our substantial involvement in the cooperative agreement and through EPA's technical assistance contractor. Further information will be provided to the grantee after award.

O. Webinars

1. Will the webinars be available in other languages besides English?

Yes, EPA provides Spanish and American Sign Language interpretation for our webinars.

2. Will EPA conduct additional webinars?

Information about future webinars will be available on the [Community Change Grant website](#) under the section at the bottom called “Engagement Opportunities.” In addition, EPA’s technical assistance contractor is expected to hold webinars about the NOFO. Further information about that will be posted once the information is available.

Commission Agenda Item Report

Title: CSO55 – EPA Community Change Grant

Proposed Agenda Date: October 28, Standing Committee
October 28, Commission Meeting

Presented by: Jeff Miles/Sarah Shafer

BACKGROUND:

- The Integrated Overflow Control Plan (IOCP) consent decree program requires a combined sewer overflow (CSO) reduction project known as CSO55 to be completed by year end 2032
- The CSO55 project is the largest regulatory combined sewer overflow (CSO) reduction project
- CSO55 project includes public engagement, design, inspection, and construction
- The sewer rate long range plan for the CSO projects has insufficient future funding and requires annual rate increases
- The sewer long range plan is funded by the sewer rate payers
- Funding opportunities are needed to minimize future rate increases while funding regulatory and mandatory project programs
- Through EPA's Environmental and Climate Justice Community Change Grants program (Community Change Grants), Congress has appropriated approximately \$2 billion dollars in Inflation Reduction Act funds in environmental and climate justice activities to benefit underserved and overburdened disadvantaged communities.
- [Inflation Reduction Act Community Change Grants Program | US EPA](https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program) (<https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program>)
- The EPA Change grant is a \$20 Million opportunity that the UG is very competitively positioned within the regulatory combined sewer overflow reduction project boundary
- The UG is not eligible for this grant as a sole applicant. This grant requires a community statutory partner
- CABA has been identified through a livable communities call for interest and identified with recommendation from livable communities as a partner who is capable and meets the grant criteria
- CABA as statutory partner would conduct the engagement, education and outreach components of the grant program criteria and project needs

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- No match is required to participate in this funding opportunity.

POLICY CONSIDERATIONS:

- None

PROCUREMENT CONSIDERATIONS:

- None

LEGAL CONSIDERATIONS:

- Attached MOU is required as part of the grant application packet and has been reviewed by legal and signed by CABA

RECOMMENDED ACTION:

- Requesting the support of the grant program by authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant with CABA as statutory partner by signing the MOU.

COUNTY ADMINISTRATION COMMENTS:

-

MAYOR AGENDA DIRECTION:

-

**EPA COMMUNITY
CHANGE GRANT**

Why EPA Community Change Grant?

1. Benefit to ratepayers
2. Supports required infrastructure work
3. Eligible and competitive with partnership activities that align with grant requirements and strategies

Grant requirements are defined in a 'Notice of Funding Opportunity' or NOFO:

Six (6) Requirements that may be defined:

- Climate Action Strategy
- Pollution Reduction Strategy
- Community Engagement & Governance Plan
- Community Strength Plan
- Readiness Approach
- Compliance Plan

CSO 55 Grant Application - \$20Million

Activity	Benefit to UG Ratepayers
CSO 55 Design	Direct Offset to Sewer Fund Ratepayers
CSO 55 Phase 1 Construction	Direct Offset to Sewer Fund Ratepayers
Community Engagement	Direct Offset to Sewer Fund Ratepayers; Community Input on Project Design
Non-Residential Stormwater Credit Grants	Direct Offset to Stormwater Fund Ratepayers

Other Community Benefits Aligned with Grant

- Mobility Improvements (GoDotte/Heritage Trail/NEA Local Area Plan)
- Air Quality and Heat Island (CAPA Heat Watch Report/UG Community Health Assessment)
- Brownfields and Landbank Strategies

CSO 55 Estimated Total Cost \$60Million

- ~35Million Gallons of stormwater management

CSO 55 Grant Funding Breakdown by Activities

Requested grant award - \$20M, no local match

Unified Government

Activity	Proposed Budget
CSO 55 Design & Phase 1 Construction	\$19.0M
Non-Residential Stormwater Credit Grants	\$0.5M

CABA

Activity	Proposed Budget
Facilitate Community Collaboration	\$0.5M

CSO 19 Grant Application - \$20Million

Activity	Benefit to UG Ratepayers
CSO 19 Phase 2 Design & Construction	Direct Offset to Sewer Fund Ratepayers
Stormwater Treatment Facilities Maintenance	Direct Offset to Stormwater Fund Ratepayers
Community Engagement	Direct Offset to Sewer Fund Ratepayers

Other Community Benefits Aligned with Grant

- Mobility Improvements (GoDotte/Heritage Trail)
- Air Quality and Heat Island (CAPA Heat Watch Report/UG Community Health Assessment)
- Area Plans (Plan KCK, Northeast Area, Downtown KCK, Douglas/Sumner)
- Brownfield and Landbank Strategies

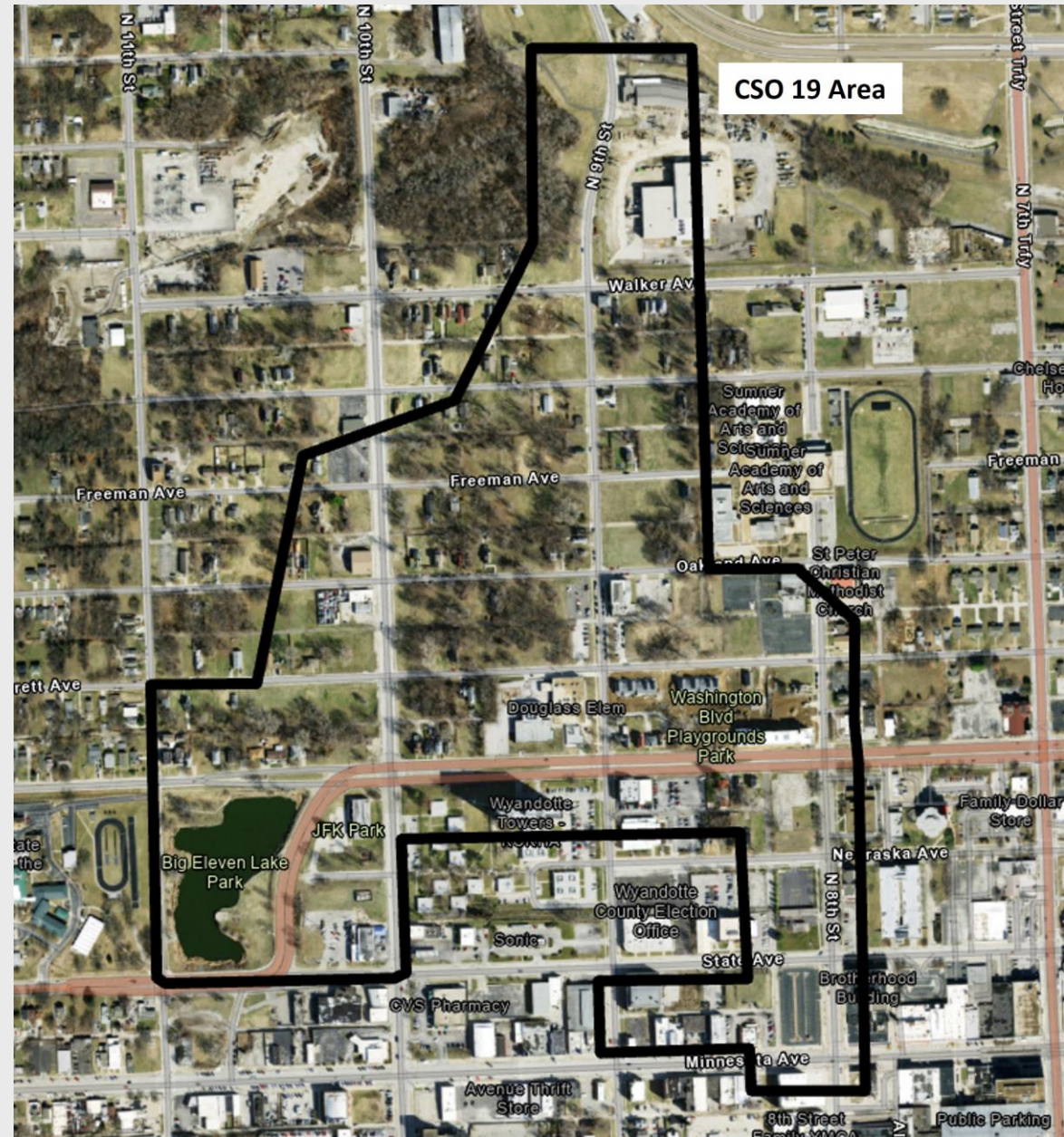
CSO 19 Estimated Cost \$29.5Million

- CSO 19 Phase 1 – In construction (Estimate \$8.5M)
- CSO 19 Phase 1A – To be constructed (Estimate \$2.5M)

CSO 19 Phase 2 – Estimate \$18.5M <= Grant Application Phase

- ~27Million Gallons of stormwater management

CSO 19 Phase 2 Approximate Project Area



CSO 19 Grant Funding Breakdown by Activities

Requested grant award - \$20M, no local match

Unified Government

Activity	Proposed Budget
CSO 19 Phase 2 Design & Construction	\$18.0M
Stormwater Treatment Facilities Maintenance	\$1.0M

Groundwork NRG

Activity	Proposed Budget
Facilitate Community Collaboration	\$0.5M

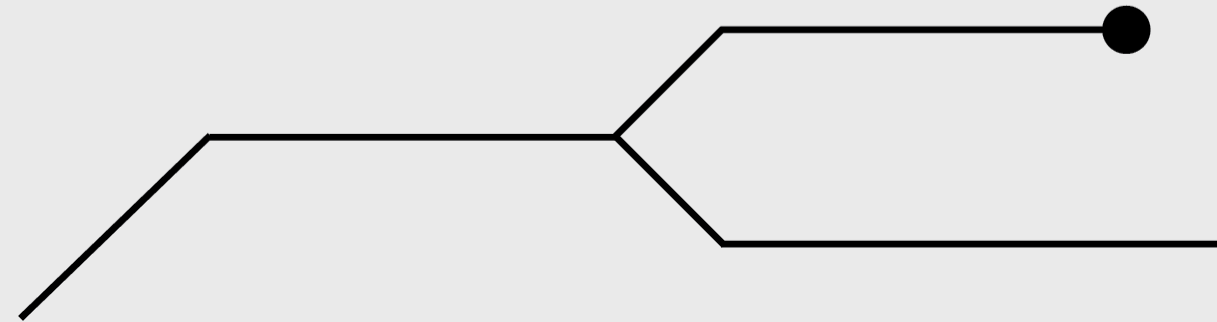
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Activity	Proposed Budget
Facilitate Workforce Development	\$0.5M

Questions? Next Steps...

- 1 Action: Motion to authorize, through resolution, County Administrator to enter into MOUs with CBO partners, staff to submit the grant application, and to allow the UG to enter into grant contract upon award
- 2 Fast Track Request for November 7 Commission Meeting. Applications due November 21, 2024
- 3 All subawards between the UG and CBOs will be reviewed and approved by Commission

Additional Information



Why CSO 19 & 55 Design & Construction?

1. Benefit to ratepayers:
 - Consent Decree: \$90M+/- projects
 - Grant provides up to \$40M to offset ratepayer cost
2. Alignment with grant requirements:

Requirement 1: Climate Action Strategies – Strategy 1

Strategy 1: Green Infrastructure and Nature-Based Solutions

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.⁴ Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

Why CSO 19 & 55 Design & Construction?

2. Alignment with grant requirements (continued): Requirement 2: Pollution Reduction Strategies – Strategy 3

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA's Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

Why Community Engagement?

1. Benefit to ratepayers:
 - Offset cost of engagement activities
2. Alignment with grant requirements:
Requirement 3:

Requirement 3. Community Engagement and Collaborative Governance Plan: Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

Why CSO 55 Non-Residential Stormwater Grants?

1. Benefit to ratepayers:
 - Reduction of impervious area and CSO volume credit for non-residential properties (stormwater rate credit)
2. Alignment with grant requirements:
Requirement 4:

Requirement 4. Community Strength Plan: Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing community members receive the benefits of these investments and can build on those benefits for future generations.

Why Mobility Improvements?

Requirement 1: Climate Action Strategies – Strategy 2

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.

Why CSO 19 Workforce Development?

Requirement 1: Climate Action Strategies – Strategy 8

Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.



Lead Applicant – Unified Government

UG Responsibilities

- Drive collaboration to create grant application
 - UG - Lead Applicant
 - Upon award, manage grant funds & schedule
- **Design & Construction of CSO 55 project**
 - Phase 1 (Design & Construct) – Surface stormwater treatment facilities
 - Phases 2 & 3 (Design) – Storm sewer separation and stormwater treatment facilities
- **Design & Construction of CSO 19 project**
 - Phase 2 (Design & Construct) - Surface stormwater treatment facilities
- Create and manage subawards for the commission's approval on partnership activities



Statutory Partnerships

Grant Eligibility Requirement

Section III. Eligibility Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

Grant Eligibility Requirement (continued)

1. Community-Based Non-Profit Organization (CBO)

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”

Grant Eligibility Requirement (continued)

B. Statutory Partnership Requirements and Collaborating Entities

Please refer to Section III.A above for who is eligible to apply for the grants. The Statutory Partnership application is comprised of one **Lead Applicant** (an eligible CBO, Federally recognized Tribe, **local government**, or institution of higher education) who enters into a Partnership Agreement with one **Statutory Partner** (which is one of the following eligible entities— a **CBO**, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. Please note that **a CBO must be either the Lead Applicant or a Statutory Partner in every Statutory Partnership** (e.g., there cannot be a statutory partnership of a local government and an institution of higher education or either of these entities and an Indian Tribe). In other words, as identified in Section III.A all Statutory Partnerships must include a CBO. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

CSO 55 Statutory Partner

- Drive Community Engagement:
 - Macro Vision
 - Strategic Planning
 - Historic Partnerships
- Promoters of Healthy Outcomes
 - Free Wheels For Kids Program
 - Central Avenue Reforestation Project



Background

- Founded in 1977
- Long history of successful collaboration with UG
- Pillars of community development:
 - Leadership
 - Community Pride
 - Business Excellence
 - Entrepreneurship
 - Healthy Living



Experience

- 2020 a Neighborhood Engagement Organization in partnership with the UG for the Central Area Master Plan, delivering responsibilities through COVID 19
- 2019 fruit tree and growth start deliveries to the community for Saint Margaret Park
- 2016, in partnership with the UG, performed the engagement activities with community members and local businesses regarding the Signage Code Rewrite
- 2014 Community Development Strategy improvements to the Central Area
- Bethany Park maintenance and improvements to existing trails, exercise equipment and community event inclusion
- In partnership with Latino Healf for All Coalition, promoted and participated in KU / UG walking clubs, organizing the community to participate in healthy practice
- Fiscally responsible for the installation of exercise equipment in Saint Margarets Park and the Gazebo and Shed installation at WCAC Pocket Park
- Conducted several neighborhood cleanups and leadership programs promoting civic engagement



CSO 19 Statutory Partners



GROUNDWORK
Northeast Revitalization Group

- Lead Statutory Partner
- Community Engagement

Douglass/Sumner Neighborhood Association

- Focus on Workforce Development

What We Do

Groundwork USA Mission: The mission of the Groundwork USA network is to bring about the sustained regeneration, improvement, and management of the physical environment by developing community-based partnerships that empower people, businesses, and organizations to promote environmental, economic, and social well-being.

Groundwork NRG Local Mission: Groundwork NRG's local mission is to sustain and revitalize our beloved Northeast KCK community through forward-looking and inclusive action rooted in the principles of equity, community cohesion, institutional transparency, and environmental justice.



Why We Do It



EQUITY. ENVIRONMENT. EVERYONE

Equity: Revitalization requires transparency and an equitable balance of power between residents, businesses, institutions, and government. Our vision is a Northeast KCK where frontline communities own the conditions of their built, natural, social, and cultural environment.

Environment: Northeast KCK has a wealth of social and environmental assets. Through community driven action and strategic investment in people and the natural and built environment, Groundwork NRG envisions a thriving ecosystem where residents are environmental stewards and leaders in the healing and restoration of their community.

Everyone: The residents of Northeast KCK represent broad and diverse backgrounds. As culturally and economically distinct new residents move in, we envision a comprehensive community engagement strategy that supports, preserves and elevates our rich multicultural heritage.

Org Highlights

- Food Sovereignty
 - Previous Activities: Over 1,500 boxes of food and milk at distribution events
- Tax Sale Advocacy:
 - Over 300 doors knocked across the county.
 - 2022-2024: Raised over \$125K in funding to keep residents in their homes across the county.
- Minor Home Repair
 - \$35K in supplemental funding for NE KCK minor home repair.
- Anchor Institution Capital Investment
 - Secured \$1.5M+ in Heritage Trail funding since adopting the NE KCK Heritage Trail plan.
 - Secured \$500K in Brownfield remediation funding for 1726 Quindaro, the future site of NE Grocers Cooperative.
- Workforce Development
 - Secured \$340K in Green Infrastructure Workforce Development funding.

Org Highlights

● Physical Interventions

- Planted over dozens of trees, and more than 100 native flowers, and broadcast over 1,000 square feet of native perennial seed.
- Green Team youth installed solar street lamps, and benches, constructed new trails and footpaths, and installed bird feeders and bird baths to support wildlife habitats in local neighborhoods.
- Jersey Creek Physical Improvements & Environmental Monitoring.
 - Previous Activities: Water quality monitoring, bench repair, lighting repair, wayfinding signage, trail counting.
 - Current Activities: rain garden installations, infrastructure improvements: new retaining walls, repairing city infrastructure, trail improvements.

ME RICH HERITAGE TRAIL PROJECT

SUMMER 2012	FALL 2012	WINTER 2012/2013	SPRING 2013
LISTENING + COMMUNITY	DEFINING OUR ROLE	PREFERRED ALIGNMENT	ME RICH HERITAGE TRAIL YEAR
ORALITY PROGRAMMING Initiative	CONVENE COMMUNITY MEETINGS	MEETINGS WITH MAYOR AND CITY COUNCIL	STANDARD PRACTICES Initiative
COMMUNITY ENGAGEMENT PROJECTS	FOCUS & KEY ACTION STRATEGIES	W/ COMMUNITY AND STATE	STATE OF THE ART Initiative
STATE OF THE ART Initiative	DEVELOP A COLLECTION STRATEGY	STATE OF THE ART Initiative	STATE OF THE ART Initiative
RESEARCH / ANALYSIS Initiative	TESTING / EVALUATION Initiative	W/ STATE COUNCIL Initiative	TRAIL MAP Initiative
ORALITY PROGRAM Initiative	A PREFERRED PRACTICE		TRAIL MAP Initiative
STATE OF THE ART Initiative	STATE OF THE ART Initiative		TRAIL MAP Initiative
STATE OF THE ART Initiative	CONVENE / MEETINGS		
STATE OF THE ART Initiative	TESTING / EVALUATION Initiative		
STATE OF THE ART Initiative	TESTING / EVALUATION Initiative		
STATE OF THE ART Initiative	TESTING / EVALUATION Initiative		

[illegible][illegible][illegible]

Free pumpkins and carving contest	
Trick-or-treating, free snacks, and refreshments	
Free raffle for a bicycle and other prizes	

[illegible]

NEKCK Heritage Trail

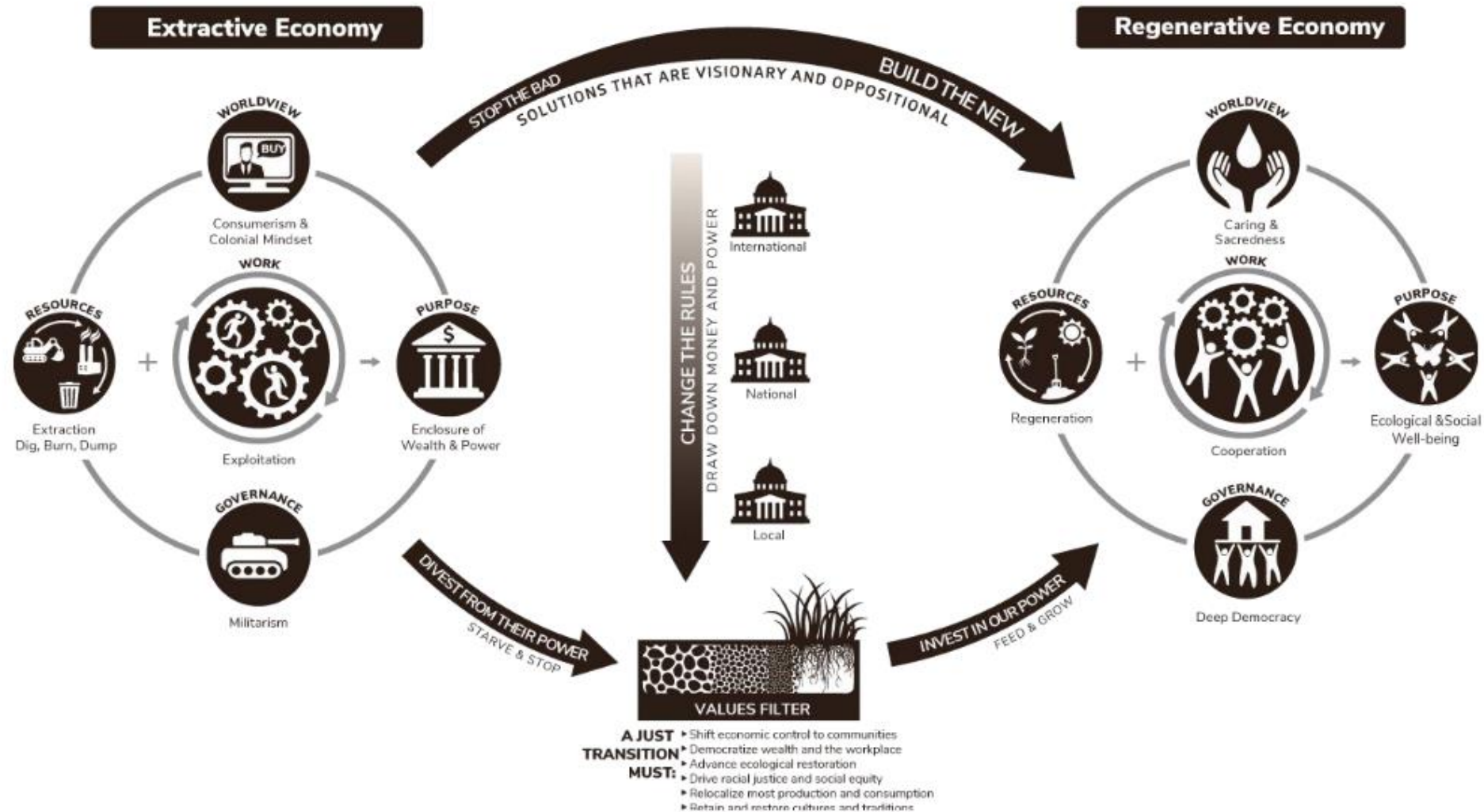
The NEKCK Heritage Trail was a priority project of the Northeast Area Master Plan.

Groundwork NRG partnered with the local government's planning department and applied for Planning Sustainable Places grant dollars to fund a planning process that included four guiding pillars, Environment, History, Mobility, and Economy.

Over the course of the year-long planning process, we hosted 6 Porch Conversations, 5 Steering Committee Meetings, Hired 4 Community Ambassadors, & held 3 Community-Wide Events.



Just Transition Framework



Just Transition Framework

- Front-loading and centering community.
- Focusing on healing and regeneration as active resistance.
- Paying residents for their valuable expertise.
- Co-learning together through peer-learning workshops.
- Partnerships that operate on shared values and uplift resident expertise and resident-led projects.
- Leveraging funding to support neighborhood-identified projects.
- Ensuring the plan is followed and doesn't set on a shelf.
- Inspecting what we expect.



Just Transition Analysis Example: NE Grocers

NE Grocers: Extractive Economy Analysis



Worldview - Using KCK as a source for sweat equity and a place to dig, dump, and burn. This area, this community has been mined for its resources for hundred of years.

Resources - Using KCK as a place for warehouses and factories that contribute to the decline of the environment and local health. There is no Earnings Tax like in neighboring communities.

Work - Food system workers underpaid, under-represented and over exploited. There is no Earnings Tax like in neighboring communities.

Purpose - to take from the community while overall quality of life declines

Governance - JoCo upper class not taxed for work in WYCO, while WYCO workers are

NE Grocer: Regenerative Economy Analysis



Worldview - To radically shift the political and economical landscape, and to stop the replication of harmful practices in our food system.

Resources - A community owned and operated cooperative grocery store. The community, The relationships, the history of the Quindaro Townsite, education, cooperative economics, cooperative leadership, farmers, land, Ally organizations that share our values.

Work - Skill building and job training programs including but not limited to agriculture and construction. Empowering community members with trades and skills.

Purpose - Build community power, health and education around issues of food sovereignty. Ownership of the land and our destiny.

Governance - Projects shaped by community input and the organization of cooperative economics. Not just one cooperative, but groups of cooperatives cooperating. (grocery co-op, pharmacy co-op)

CSO 19 Statutory Partners



GROUNDWORK
Northeast Revitalization Group

- Lead Statutory Partner
- Community Engagement

Douglass/Sumner Neighborhood Association

- Focus on Workforce Development

Douglas/Sumner Neighborhood Association

Our Mission

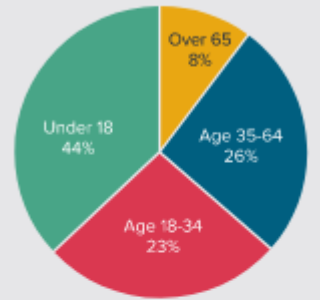
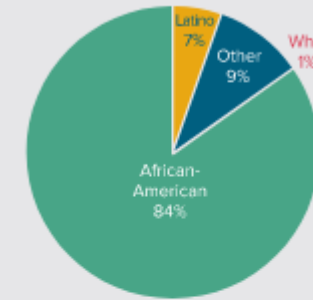
The Douglass/Sumner Neighborhood Association (DSNA) was formed in 1997 by a group of passionate residents who came together to address growing challenges in this traditionally African-American community. Our mission is to revitalize and preserve our culturally rich neighborhood. We envision a prosperous community that is affordable, safe, healthy and sustainable with multigenerational opportunities to grow, learn, live, do business, and raise families. In the next three years, DSNA will focus on implementing a housing strategy, increasing engagement and building organizational capacity to create a livable, vibrant multi-cultural community.

Douglas/Sumner Neighborhood Association

- Use the Grant to focus on Workforce Development
- Facilitate and organize the outreach for local workforce inclusion
- Facilitate and organize educational opportunities about stormwater maintenance and installation careers
- Utilize existing green infrastructure as maintenance training grounds
- Coordinate with innovative partner to achieve local goals
- Participate in grant outreach coordination activities with engagement partner

DIRECTIONAL CUES	GOALS
Over 150 vacant parcels in the WyCO Land Bank Aging housing stock in disrepair Lack of playspace for increasing population of neighborhood children	1 Increase and Improve Physical Development & Housing
Influx of new immigrant families Multiple languages, cultures and religious affiliations Low youth involvement in community leadership	2 Increase Neighborhood Engagement and Communication
All-volunteer organization Low residential population Limited income streams for programs and physical development	3 Increase Organizational Capacity

Total Population: 1,581

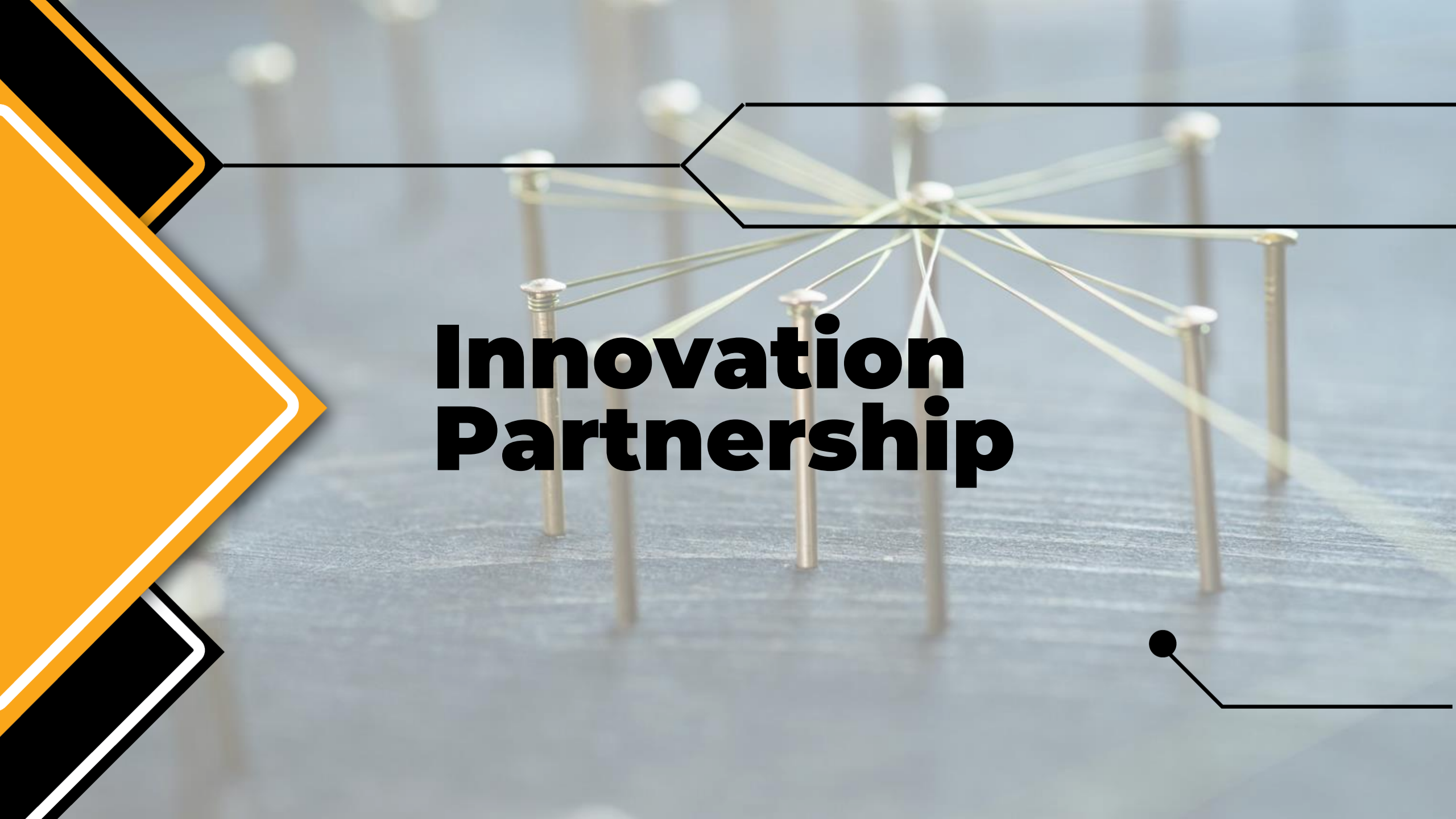


Owner Occupied 18%
Vacancy Rate 15%



Median Household Income \$17,679
Adults with At Least High School Education 65%
Unemployment Rate 29%

DOUGLASS/SUMNER
NEIGHBORHOOD ASSOCIATION
933 Walker Ave. ~ KC KS 66101



Innovation Partnership

Community Based Partnership

EPA's Collaborative project delivery model that brings together:

- Local government
- Private sector entities, and
- The community

Model created in partnership with EPA
UG has entered into partnership with Corvias Infrastructure Solutions (CIS) for CBP



CBP and EPA Change Grant

The CBP provides significant benefits aligned with proposed grant activities

- Programs and projects that foster economic growth via:
 - Workforce development
 - Local participation
 - Smaller construction bid packages
 - Engagement with local employers
- Comprehensive controls to meet grant reporting requirements



Benefits to Unified Government Residents

Benefits

- Reduced burden to ratepayers for large consent decree (CSO) projects
 - No match required of UG
 - Direct offset to ratepayers in tangible ways
- Opportunity for enhanced community involvement
 - Community to educate community on process
 - Workforce development and inclusion
- Investment in community benefits
 - Climate resilience and community health outcomes
 - Pollution reduction
 - Accessible interaction with natural systems



EPA Community Change Grant

Background



- EPA - \$3 billion through the Inflation Reduction Act (IRA) with \$2 billion for the Community Change Grants Program
- Key objective:
 - Fund environmental and climate justice activities to benefit disadvantaged communities

Grant Benefits and Goals



- EPA grant opportunity goals align with UG goals and needs
- Offset UG funding burden for large consent decree projects
 - No non-federal match required
 - Awards up to \$10M to \$20M
- Funding for concentrated community collaboration
- Innovation and community involved implementation

Grant Requirements



Comply with the content and submission requirements.



Meet the eligibility and statutory partnership requirements in Section III.A.



Meet threshold criteria in Section III.D, including that the projects will benefit disadvantaged communities.



Projects must be completed within three years.



Applications to conduct scientific research; assessment, removal, or remediation of Superfund sites; and permanent community relocation are ineligible.

- Awards made on rolling basis
 - Advantage to applying before deadline (Nov. 21, 2024)
- 3-year Period of Performance
- Relationship with Community-Based Organization
 - Termed 'statutory partnership'
 - MOU

Eligible Grant Activities



- Climate Action
 - Wet Weather Management & Treatment
 - Mobility & Transportation Options
 - Workforce Development
- Pollution Reduction
 - Clean Water Infrastructure
- All activities funded by grant – no request for volunteered time



MEETING DATE	PRESENTER	DEPARTMENT
	Khou Herr kherr@wycokck.org X8833	Health Department
AGENDA ITEM #		
RESOLUTION: APPROVAL OF AMERICORPS KANSAS FUNDING OPPORTUNITY GRANT RELATED TO AMERICORPS		
BACKGROUND		
• AmeriCorps is the federal agency for national service and volunteerism. AmeriCorps provides opportunities for Americans of all backgrounds to serve their country, address the nation's most pressing challenges, and improve lives and communities. • The Wyandotte County Health Department has been a subgrantee for the AmeriCorps Kansas program since 2022. AmeriCorps and the Centers for Disease Control and Prevention joined forces through Public Health AmeriCorps, supporting the recruitment, training, and development of the next generation of public health leaders to respond to the nation's public health needs since 2022. • The program has been funded by Centers for Disease Control and Prevention and AmeriCorps since September 2022 and will end August 31, 2025. • The Health Department is requesting \$75,600 from AmeriCorps Kansas (Kansas Department of Education) to continue building capacity and providing direct service opportunities in Wyandotte County. • The grant application deadline is January 31, 2025. The award notice will be made May 2025, with a program start date of September 1, 2025.		
RECOMMENDATION		
Approve • Approval of continued grant request.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
• Grant Request: \$75,600, with a required 24% (\$18,144) match* *Source of Match Funding: \$10,874 indirect costs (16.8%)		

\$7,270 administrative personnel cost
\$16,200 from site support payments for hosting AmeriCorps members

IT/POLICY CONSIDERATIONS

- No policy considerations.

PROCUREMENT CONSIDERATIONS

- No procurement considerations.

LEGAL CONSIDERATIONS

- No legal considerations.

ATTACHMENTS

Resolution for AmeriCorps Grant acceptance by HD FINAL

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

Def 10/21/2024

Approved

Tyone James

RESOLUTION NO. _____

**A RESOLUTION FOR THE ACCEPTANCE OF THE SERVICE YEAR 2025-2026
AMERICORPS KANSAS FUNDING OPPORTUNITY GRANT**

WHEREAS, the Wyandotte County Public Health Department wishes to apply for the service year 2025-2026 AmeriCorps Kansas Funding Opportunity grant, administered by the Kansas Volunteer Commission, on December 13, 2024, and expects to receive its award determination by May 16, 2025; and

WHEREAS, the grant term is one year, running from September 1, 2025, through August 31, 2026, with an award amount of \$75,600.00; and

WHEREAS, the grant would allow the Public Health Department to provide health education and violence prevention programming for youth; and

WHEREAS, the Health Department intends to recruit six or more national AmeriCorps Kansas service members to assist capacity building and direct service in providing the health education and violence prevention programming; and

WHEREAS, the national AmeriCorps Kansas service members will be placed at host sites which includes internal Unified Government departments and outside community partner organizations; and

WHEREAS, the Health Department's partnership with AmeriCorps Kansas promotes volunteerism, empowers community members to meet community needs, and improves educational and behavioral health outcomes.

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

Section 1. The Unified Government Board of Commissioners hereby approves the application for and, should the grant be awarded to the Public Health Department, its acceptance of the service year 2025-2026 AmeriCorps Kansas Funding Opportunity grant for a term of one year with an award amount of \$75,600.00.

Section 2. If the Public Health Department is awarded the service year 2025-2026 AmeriCorps Kansas Funding Opportunity grant, 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 Resolution.

Section 3. 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/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2024.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Mayor's Office
AGENDA ITEM #10.5.		
RESOLUTION: AMENDING THE TWO-YEAR MEETING CALENDAR		
BACKGROUND		
A resolution amending the two-year meeting calendar for the Unified Government Commission from February 2024 through January 2026. <i>On September 23, 2024, the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve changes for the Board of Commission meeting from October 31, 2024 to October 30, 2024.</i> <i>On October 28, 2024, the Administration and Human Services Standing Committee, chaired by Commissioner Davis, voted unanimously to approve changes for the Board of Commission meeting from January 2, 2025 to January 9, 2025, and changes for the Standing Committee meetings on December 30, 2024 to January 6, 2025.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Meeting Time resolution 2024-26 amendment, Amended Schedule (Holidays)		

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 2026.**

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;

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; and

WHEREAS, the Unified Government Board of Commissioners desires to show its support for family gatherings and holiday events by amending its schedule to eliminate any conflicts between full commission and standing committee meeting times and the end-of-the-year holidays.

**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 _____ DAY OF _____, 2024.**

Approved:

Tyrone A. Garner, Mayor/CEO

ATTEST:

Monica Sparks, Unified Government Clerk

Approved as to Form:

Angela Lawson, Acting Chief Counsel

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	5	FC
	26	P/Z & FC
October	3	FC
	30	P/Z & FC
Nov	7	FC
	21	FC
Dec	5	P/Z & FC
	19	FC

2025

January 29 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 4	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 6	ED/F	N/CD
January 27	PW/S	A/HS
February 3	ED/F	N/CD
February 24	PW/S	A/HS
March 3	ED/F	N/CD
March 24	PW/S	A/HS
March 31	ED/F	N/CD
April 21	PW/S	A/HS
April 28	ED/F	N/CD
May 19	PW/S	A/HS
June 2	ED/F	N/CD
June 23	PW/S	A/HS
June 30	ED/F	N/CD
July 28	PW/S	A/HS
August 4	ED/F	N/CD
August 25	PW/S	A/HS
September 8	ED/F	N/CD
September 22	PW/S	A/HS
September 29	ED/F	N/CD
October 27	PW/S	A/HS
November 3	ED/F	N/CD
November 17	PW/S	A/HS

December 1	ED/F	N/CD
December 15	PW/S	A/HS

Schedule for 2026 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>Immediately following</u>
January 5	ED/F	N/CD
January 26	PW/S	A/HS



Report to

Tracking ID: 21371

MEETING DATE	PRESENTER	DEPARTMENT
SEP 30 2024	Debbie Jonscher, Assistant Finance Director Alyse Villarreal, Fiscal Officer Shelley Kneuvean, Chief Financial Officer djonscher@wycokck.org, avillarreal@wycokck.org, skneuvean@wycokck.org x5847, x5273, x5849	Finance
AGENDA ITEM #		
RESOLUTION: AMENDING MASTER LEASE AGREEMENT		
BACKGROUND		
Approval of a resolution authorizing the Unified Government to add equipment to its Master Equipment Lease Purchase Agreement with Banc of America Corp, submitted by Shelley Kneuvean, Chief Financial Officer.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
R-17-24 authorized amendment number 3 to Master Equipment Lease Purchase Agreement with Bank of America dated as of March 11, 2021. Finance is requesting to amend the annex which details the list of equipment that may be financed in 2024 to add additional equipment approved in the Capital Equipment Improvement Program which was not included on the annex that was approved with R-17-24 on May 2, 2024.		
ATTACHMENTS		
Resolution authorizing additional Equipment under Master Lease 2021, 2024 LF Schedule for amendment		

Approved: [Signature]

As H

RESOLUTION NO. R-__-24

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ADD EQUIPMENT TO
ITS MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF
AMERICA PUBLIC CAPITAL CORP.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified on **Annex I** attached hereto (the “Equipment”); and

WHEREAS, the Unified Government previously approved the acquisition and installation of a portion of the Equipment, and now desires to approve the acquisition and installation of certain mowing equipment identified on **Annex I** attached hereto (the “Additional Equipment”); and

WHEREAS, the Unified Government previously approved the acquisition of the Additional Equipment in its 2025-2029 Capital Maintenance and Improvement Program; and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government to approve the lease of the Additional Equipment under its annually renewable Master Equipment Lease Purchase Agreement (together with all amendments, the “Lease”) with Banc of America Public Capital Corp (the “Lessor”), dated as of March 11, 2021.

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

Section 1. Authorization of Lease Transaction. The Unified Government states its intent to lease pursuant to the Lease and pursuant to separate Schedules of Equipment (the “Schedules”) some or all of the Additional Equipment in a maximum principal amount of \$426,800. The Unified Government expects to make capital expenditures after the date of this Resolution in connection with the purchase of the Additional Equipment, and the Unified Government intends to reimburse itself for such expenditures with the proceeds of the Lease.

Section 2. Authorization and Approval of Unified Government Documents. The obligation of the Unified Government to pay Rental Payments (as defined in the Lease) under the Lease and any Schedules is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease or any Schedule constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease and any Schedule will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver any Schedules on behalf of and as the act and deed of the Unified Government.

Section 3. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease, any Schedules and the Equipment.

Section 4. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this 31st day of October, 2024.

Mayor/CEO

ATTEST:

Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

ANNEX I

Annex 1 - 2023-2024 Unified Government Lease Financed Equipment Projects

CMIP Project #	Item/Project	Term (yrs)	Rate*	Principal**	Interest***	Annual Pmt****	Service, Maintenance
2023 Equipment (not financed)							
Fire- 212	Aerial/Quint	10		1,298,600	48,178	1,353,324	0
	Pumper	10		857,500	31,813	895,276	0
	Pumper	10		753,900	27,969	1,042,319	0
Public Works- 220	Salt Spreaders	7		262,500	9,365	305,941	0
	Dump Trucks	7		875,000	31,218	254,951	0
2024 Equipment							
Fire- 212	Aerials	10		2,373,300	88,049	2,421,478	0
	Pumpers	10		1,947,700	72,259	1,975,669	0
Public Works	Mowing Equipment	7		426,800	15,227	436,165	0
Transit	Cutaway Buses	5		500,000	17,687	517,687	0
		Total	\$	9,295,300			

* Interest is estimated, based on a formula agreed to in Master Lease Amendment #2. Estimated rates as of September 11, 2024:

5 year: 3.54 %

7 year: 3.57 %

10 year: 3.71 %

** Principal column is the estimated total purchase price without interest if paid for by cash.

*** Interest column is the annual interest amount using estimated rates.

**** Estimated



**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

October 25, 2024

Ms. Monica Sparks
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **CREAL ESTATES**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **CREAL ESTATES** located at 1223 Ann Ave and being developed by Emily Creal. 1870 North 26th Street and 2601 Garfield Avenue.

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.

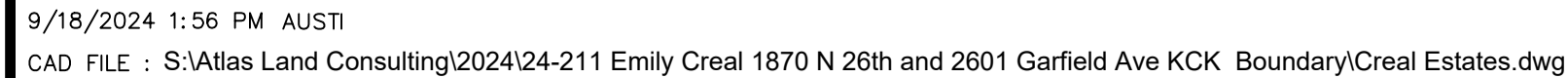
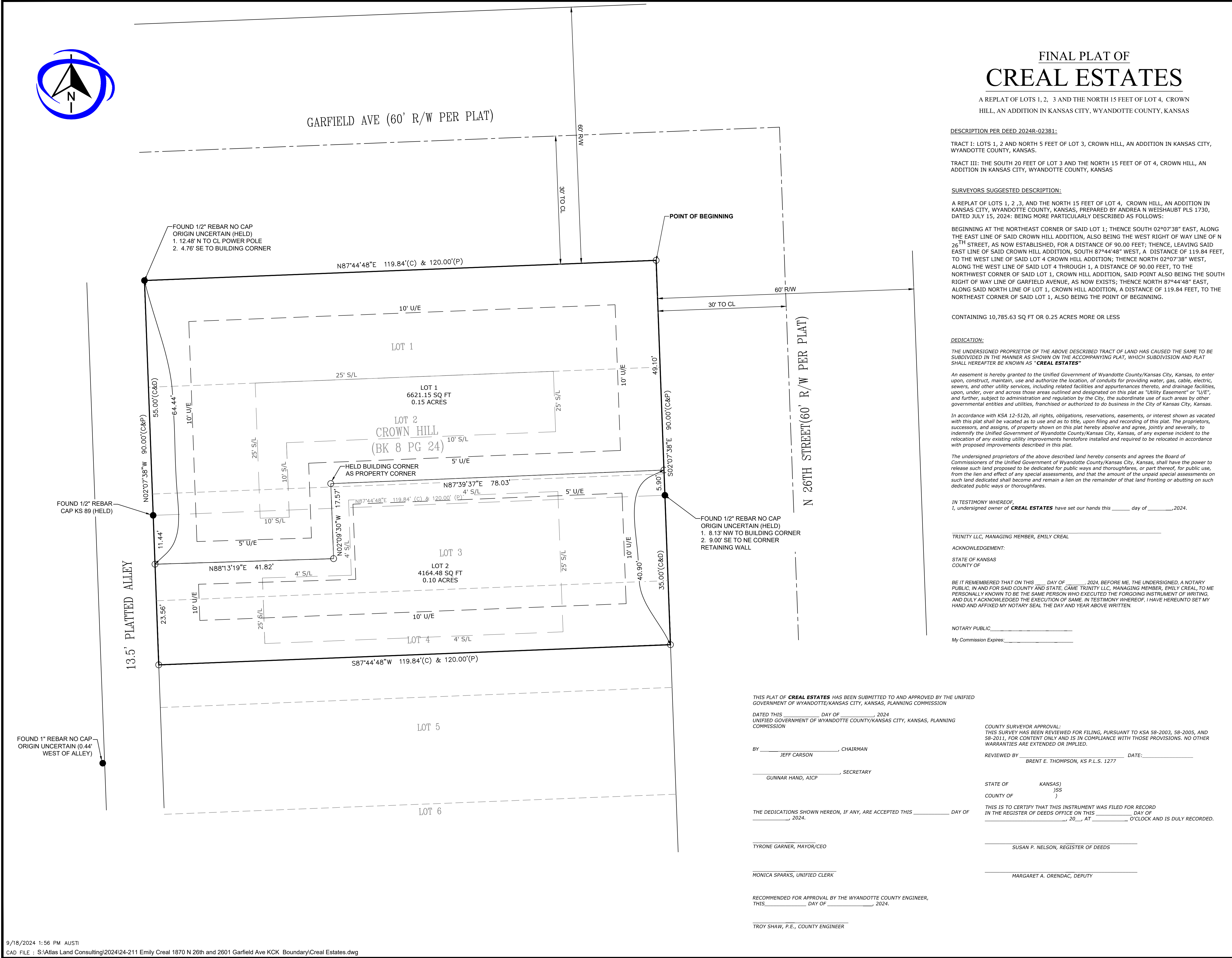
Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy Shaw
Date: 2024.10.25
13:19:40-05'00'

Troy Shaw, P.E.
County Engineer

Attachments





**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

October 25, 2024

Ms. Monica Sparks
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **ANN'S NEW ADDITION**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **ANN'S NEW ADDITION** located at 1223 Ann Ave and being developed by Pillar KC, LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2024.10.25
13:20:03-05'00'

Troy Shaw, P.E.
County Engineer

Attachments



County Administrator's Office
David W. Johnston, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: October 31, 2024

BOARD POSITION: UG Board of Park Commission

INCUMBENT REPLACED: Dani Gurley

ADDRESS: _____

TERM EXPIRATION DATE: 12-15-2025

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Nathan Brungardt

ADDRESS: _____

CELL/EMAIL ADDRESS: _____

TERM OF OFFICE: 11/7/2024 – 12/15/2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.

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

SPECIAL MEETING, THURSDAY, SEPTEMBER 26, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, September 26, 2024, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Ramirez, Commissioner Third District (arrived at 5:40 p.m.); Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO; presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Bridgette Cobbins and Alan Howze, Assistant County Administrators; Angela Lawson, Interim Chief Counsel; Dennis Rubin, Chief of Fire Department; J.J. Simma, President of IAFF Local 64; and Monica L. Sparks, Unified Government Clerk.

Mayor Garner said before I call the meeting to order I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone, please mute your phones at this time and this is specifically done to avoid any background noise. During the meeting, please make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking and please be sure to speak directly into the microphone so the public can hear your comments and an accurate record can be made of this meeting. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office.

Mayor Garner called the meeting to order.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, September 26, 2024, at 5:00 p.m. for a presentation regarding the Kansas City, Kansas Fire Department Master Plan in the fifth floor conference room of the Municipal Office Building. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Burns, Hill, Kane, Lopez, Stites, Davis, 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 tonight's Special Session is a scheduled presentation from the Kansas City, Kansas Fire Department related to a master plan that they've come up with in collaboration with the fire union to my understanding. We're glad to have both the Chief of the Fire Department, Mr. Rubin, here as well as the Chief Lodge Steward of Local 64. I'll just call him J.J., that's what everybody knows him as, glad to have him here, as well as command staff and numerous members of the fire union attending. We're glad to have you all here and anxious to hear the presentation.

In absence of our Administrator who is on business related matters, I'm going to turn this over to our Acting Administrator, Alan Howze, and he'll take the meeting from there.

Alan Howze, Acting County Administrator, said I'm actually going to turn it over and hand it to my colleague, Bridgette Cobbins, Assistant County Administrator, who's been kind of shepherding this effort for the creation of the master plan, which is an outgrowth of contractual requirements between IAFF and the Unified Government.

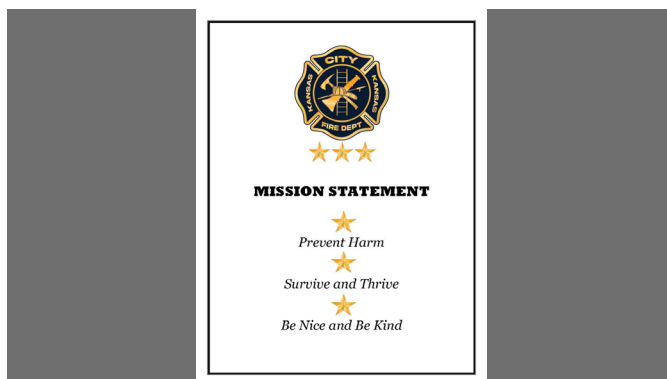
Bridgette Cobbins, Assistant County Administrator, said tonight we will have the master plan that's being presented by the Fire Department and IAFF 64 and J.J. as you had mentioned. We've been going over this for probably about 2.5 years trying to get to a consensus that we can present to the Commission. It will be a two-part part of this presentation. Tonight we will do an overview and then we'll follow up at our next one for the part two and with that, I'll turn it over to J.J. and then we'll follow it over with Chief Rubin.

J.J. Simma, President of the International Association of Firefighters Local 64, said before we get started I want to thank and recognize a number of our members and executive board who are here and have spent a considerable amount of time as well in this effort to bring forth a plan for the Fire Department looking towards the future. I'd like to give the Chief the opportunity to introduce himself as well.

Chief Dennis Rubin, Fire Department, said Mayor and commissioners, thank you as well as our Assistant Administrators. What an honor it is to be here and thank you for allowing us the time. We've estimated that both the International Association of Firefighters along with Fire Administration has put well over 2,000 person hours into putting this presentation together tonight and as we continue to forge ahead to finish the plan. Behind me and, of course, uniforms will be the staff that has worked so diligently whether it was to conduct research or to prepare slides for that matter, so we truly thank our team. If we can, we'd like to have the slides come up now.



Mr. Simma said, again, thank you for the opportunity to appear before you here this evening to deliver, as was stated, the first of two reports relating to the development of a master plan for the Kansas City, Kansas Fire Department. This evening's presentation will be a report primarily on station locations and conditions, age and condition of apparatus, current staffing levels and consideration of National Safety Standards.



Chief Ruben said with that, we'll start with our Mission Statement. Ever so briefly, it is to prevent harm in our community, to survive and thrive. That's both the community as well as our firefighters and to be nice and be kind. We have changed that significantly from several paragraphs

where, again, not many people knew, understood or could defend, if you will, our Mission Statement to ten simple words. We feel that each and every one of those words are very, very powerful.

SECTION 1 - PREFACE AND PROJECT INTRODUCTION

Mr. Simma said thank you Chief. I will open with brief discussion on the Memorandum of Agreement between parties and the purpose and goals of the project.

INTRODUCTION TO THE MOA AND MASTER PLAN

MEMORANDUM OF AGREEMENT OVERVIEW

- A LANDMARK AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 64, SET TO REDEFINE FIRE/EMS SERVICES STARTING JULY 1, 2022
- **EFFECTIVE FROM JULY 1, 2022:** AIM TO DEVELOP A COMPREHENSIVE MASTER PLAN FOR FIRE/EMS SERVICE DELIVERY
- AUTHORITY DERIVED FROM MOA ARTICLE 35, EMPHASIZING THE COLLABORATIVE EFFORT FOR THIS CRITICAL MISSION

Chief Ruben said with that said, this is a living document. As we prepare this program for you we'll be meeting quarterly and most importantly at the end of each year, as you'll see later, the year that we just completed will fall off of the report for you and then the new tenth year will be in its place, so it will be ever changing. Our hope is that the year that we're starting will be well defined, well supported, we'll have the appropriate finances that are necessary to move forward and we know the next year out will probably be fuzzy. Then, as you move further down the chart, we know no one has a crystal ball, but again, it's going to be a very, very good planning document for us to move forward with. We feel very good about it.

Mr. Simma said as you see, the union and Unified Government are parties to a Memorandum of Agreement, which became effective July 1, 2022. Article 35 of the agreement relates to staffing requirements of the Fire Department. It establishes the need for evaluation of service and the development of master plan. The agreement establishes criteria to guide the project and provides for a collaborative effort between the parties. Per the agreement, upon completion of the master plan the master plan shall be presented to the Commission for consideration and approval.

PURPOSE, GOALS, AND STRATEGIC PLANNING

STRATEGIC PLANNING AND COMMITTEE GOALS

- FORM A STRATEGIC PARTNERSHIP WITH IAFF LOCAL 64 AND FIRE ADMINISTRATION TO DEVELOP THE MASTER PLAN
- INTRODUCTION TO THE COMMITTEE'S PURPOSE: TO UNDERTAKE A COMPREHENSIVE ANALYSIS FOR FIRE/EMS SERVICES TO DEVELOP A TEN YEAR PLAN
- KEY FACTORS FOR PLAN DEVELOPMENT CONSIDERATION ARE STATION LOCATIONS, STAFFING, RESPONSE TIMES, COMMUNITY AND FIRE FIGHTER SAFETY ACCORDING TO NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 1710
- THE STRATEGIC PLANNING COMMITTEE, A JOINT UNION-MANAGEMENT INITIATIVE, IS TASKED WITH DEVELOPING RECOMMENDATIONS TO OPTIMIZE FIRE/EMS SERVICE DELIVERY. THIS INCLUDES EXAMINING VARIOUS REPORTS AND DATA TO INFORM THEIR DECISIONS

Pursuant to the agreement the department and the union were tasked with forming a Strategic Planning Committee, which would undertake a comprehensive Fire and EMS Service analysis. Factors to be considered include, but are not limited to, station locations, manpower and apparatus, response times, public and firefighter safety and minimum staffing requirements relating to the Memorandum of Agreement and NFPA 1710 Standards. To assist us, the last bullet, with our work the committee has taken into consideration current conditions of station and apparatus, past studies and reports. Establish National Safety Standards and Fire Service Industry Science. Additionally, Local 64 requested a GIS analysis with respect to response times and service coverage from our international offices.

STAFFING REQUIREMENTS

ANALYSIS OF MINIMUM STAFFING AND SAFETY STANDARDS

MINIMUM STAFFING REQUIREMENTS FROM MEMORANDUM OF AGREEMENT (P. 54-55):

- AT LEAST 73 SUPPRESSION PERSONNEL PER SHIFT
- THREE SAFETY OFFICERS ON DUTY AT ALL TIMES
- STAFFING LEVELS FOR PUMPERS, AND LADDER TRUCKS
- MINIMUM NUMBER OF COMPANIES

STRATEGIC ANALYSIS TO BE DETERMINED ARE:

- STATION LOCATIONS
- DEPLOYMENT STRATEGIES
- REACH AND MAINTAIN REQUIREMENT IN NFPA 1710 STANDARDS FOR FIRE AND EMERGENCY SERVICES

The Memorandum of Agreement establishes current minimum staffing requirements for the Fire Department as it relates to personnel on shift, apparatus staffing levels, and minimum number of companies to be in service. Findings of the committee will bring forth recommendations on current and future station locations and deployment of resources as well as goals to achieve NFPA Standards, 1710 Standards for staffing levels.

SECTION 2 – FIRE/EMS STATION LOCATIONS AND CONDITIONS

Chief Rubin said with that said, we're going to discuss and take a look at the fire station locations, conditions and where they're situated today. Before we move to the next slide, I need to point out no one in this room probably has direct and immediate responsibility for the conditions of the fire stations. It's our estimate that some fire stations probably haven't been touched in over 30 to 40 years. I don't believe anybody on the Commission has served that long, I certainly know no one on our staff or the local staff. I also want to point out, I know issue of the other agencies within the government such as Buildings and Maintenance, John Kelley and his group has been incredible along with all of Public Works as we've needed them. So, again, I think what you're going to see is a long-term collection of failure to act to maintain an appropriate fire station facility.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

- KCKFD PROTECTS 128 SQUARE MILES, SERVING OVER 153,345 RESIDENTS PLUS DAILY INFLUX OF WORKERS/VISITORS
- WE HAVE ONE OF AMERICA'S LARGEST RAIL HUBS WITHIN OUR BORDERS, AND BURIED UNDERNEATH OUR SOIL ARE MILES OF PETROLEUM AND NATURAL GAS PIPELINES
- KCKFD HAS BEEN DESIGNED TO BE AN ALL HAZARDS DEPARTMENT CAPABLE OF HANDLING EVERY TYPE OF INCIDENT

With that, a little background, as you probably well know, we take care of 128 square miles. That represents 153,345 people that we have to look after. Also, there's a fairly huge influx of work. According to some of the documents that I've got in my hands somewhere around 45 to as many as 60% of folks come in to work, our working force. I wasn't able to get a number, but I know it's significant. We have one of America's largest railway hubs. I'm not sure if this is accurate, but I'm told it's the second largest only that to Chicago. Underneath our soil are many, many miles of petroleum natural gas pipelines. I want to point that out in that typically a week we'll bring two or three gas leaks and perhaps once a month we'll have to evacuate an area, a street, or even a neighborhood because of a major gas pipeline break. As the infrastructure continues to fail, you know that's going to generate more need for service.

We are a designated hazardous materials response team. With that responsibility, there are only three others in the state of Kansas and, again, we find ourselves always when we alert to protect the community.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

ENHANCING EFFICIENCY THROUGH STRATEGIC CONSOLIDATION

- MERGER OF FIRE STATION 16 AND 17 INTO A SINGLE NEW FACILITY, THEREBY SAVING MORE THAN \$12 MILLION IN CONSTRUCTION COSTS
- CONSOLIDATION ENHANCES THE GREATER TURNER COMMUNITY WITH UPDATED FACILITIES AND APPARATUS
- THE NEW HOME OF MEDIC 17, TRUCK 17, PUMPER 16, READY RESERVE 16, BRUSH TRUCK 16, BATTALION CHIEF 2, AND SAFETY OFFICER 2

With that said, we've merged Station 16 and 17, thanks to this Commission for the funding, the insight, the background and the support to do it. We feel pretty strongly that perhaps it has saved as much as \$12M in new construction, one station instead of two and also about \$120K per station of maintenance cost per year that did not have to be paid, so thank you and congratulations to this Commission for that. It better protects the entire Turner area. It is now the home for Medic 17, Truck 17 Pumper 16, Ready Reserve 16, Ready Reserve Fire Truck in our system means that it's a fire truck completely ready to go without the staffing. If a truck breaks down, it's ready. If we have a large fire, say for instance, like Spanish Gardens, it's ready to be staffed with off-duty firefighters from our labor group to immediately go to a call. Again, it's so important and that's a

brand new function that we've been able to bring online. Brush Truck 16 lives there along with Battalion 2 and the Safety Officer in that battalion.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

STRATEGIC GOALS FOR OPTIMIZING STATION LOCATIONS

- MEET NFPA STANDARD 1710; INSURANCE SERVICES OFFICE (ISO); AND NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST) FOR STATION LOCATION AND RESPONSE TIMES
- FOUR MINUTE RESPONSE TIME GOAL FOR ARRIVAL OF THE FIRST UNIT
- DECEMBER 11, 2023, REORGANIZATION FROM 19 TO 18 STATIONS TO IMPROVE EFFICIENCY AND SAVE COSTS
- SPECIFIC FOCUS ON ENSURING A SAFE, CLEAN, AND COMFORTABLE WORKPLACE FOR FIRE/EMS PERSONNEL

As we talk about the staffing standards, just a little bit later, we're going to base the staffing standards as well as the response standards on National Fire Protection Association 1710. I know sometimes it seems like those standards are burdensome, but I must point out that all of the NFPA Standards, as we will continue to refer to them throughout the evening, are minimum standards. It's not the highest watermark, it's not the middle of the road, it's the minimum expectation that a Fire Department, or in our case, a government should operate. The Insurance Services points out along with our National Institute of Standards and Technology the fire station locations and response times.

When NFPA Standards were developed essentially by consensus group, the National Institute of Standards and Technology, Federal Government Agency, that employs two fire service scientists, they have documented the need for the staffing and for the fire stations, so where NFPA thinks it's a great idea, NIST tells us it's a must. It has provided that science and as we move forward with the plan we hope to be able to bring those documents forward sometime in the early year next year.

As we reorganized we went from 19 stations to 18. That occurred on December 11th and, of course, the focus is, and will always be, on having a safe, clean, and comfortable workplace for our employees. The fire stations are the backbone, if you will, of what we do for the business.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

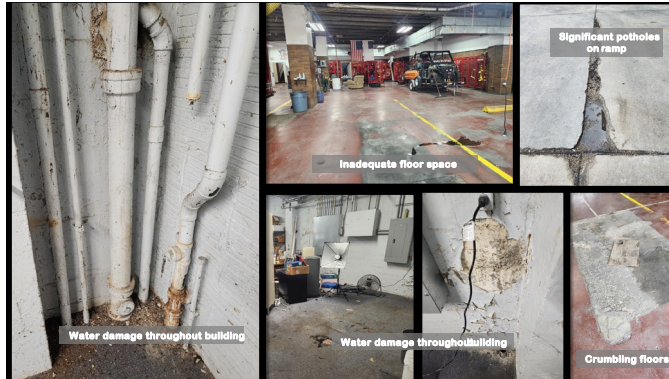
OPTIMIZING RESPONSE TIMES

- DEFINED TURNOUT TIME DURING THE DAY IS 80 SECONDS. THE NIGHT TURNOUT TIME IS 120 SECONDS FOR EMERGENCIES
- MAINTAIN A FOUR MINUTE TRAVEL TIME FOR FIRST RESPONDERS TO ANY EMERGENCY
- DETAILED RESPONSE TIME GOALS FOR SUBSEQUENT ARRIVING UNITS

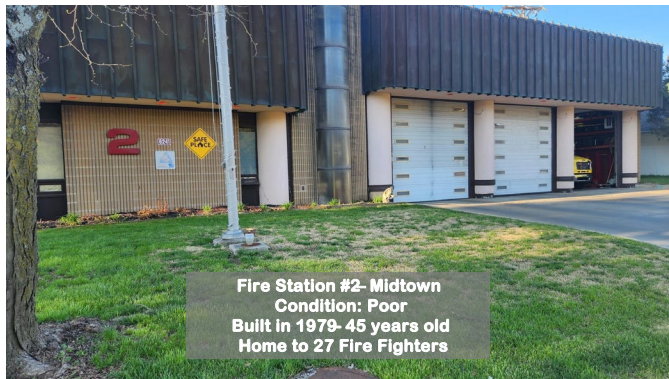
We're going to talk about response times this evening. The desired response times is for us to be underway in 80 seconds, 80 seconds a fire truck should be responding to a home, to an automobile accident or to a facility in our community. That's the daytime measure. As firefighters are allowed to go to sleep at 10 o'clock in the evening, that moves up to 120 seconds, but as you can see, to begin a government service within two minutes response, that's quite frankly spectacular. We're trying our hardest to maintain a four-minute travel time meaning that we're going to meet our goals of arriving somewhere close to the six minute window to be able to start fire operation services.



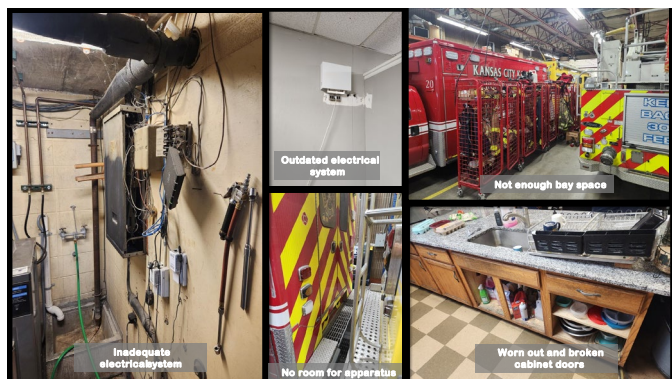
To take you on a tour, I hope this is a familiar building to all. This building was built in 1930. It's currently 94 years old and you may know it as Strawberry Hill or Fire Headquarters. The building has been incredible. It serves us well, but it's really in need of quite a lot of maintenance and upgrades. If not, this amazing treasure, if you will, will fail. It's home to 39 firefighters and perhaps there's a dozen folks that work in administration, so that building we truly get our money's worth.



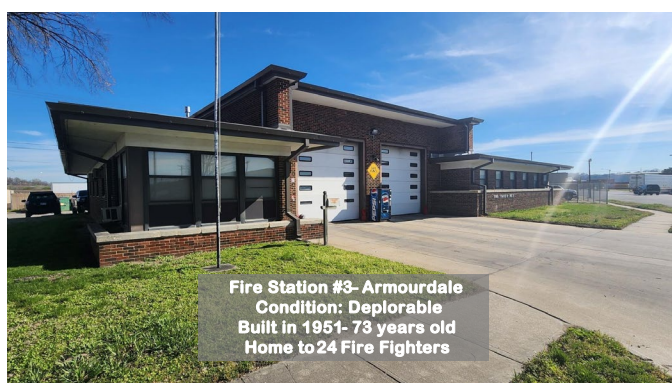
Taking you on a tour of the interior of the building, you can see some of the problems. We have water damage, broken pipes, headquarters floor space is not quite enough. This is actually a seven bay fire station, six you can count from the outside, one interior and every single bay in that fire house is full. There's significant potholes throughout the ramp area. There's not adequate office space, there's water damage throughout as well as crumbling floors. None of our buildings, with the exception of the two newest, would ever pass a plumbing current standard as well as an electrical code standard and, of course, a fire prevention inspection would be out of the question quite frankly.



We're moving along to Station 2, which is Midtown. The condition there is poor. With that said, it was built in 1979, 45 years old, and it's home to 27 of our firefighters, our brave and hardworking members.

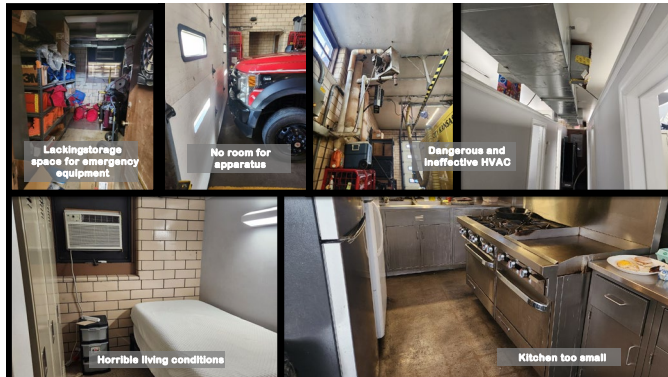


Taking a look at the inside of Station 2, there's wiring problems. It's just honestly quite a mess and the electrical system is inadequate. The outlets, we have problems associated with those. There's not enough apparatus space. The National Fire Protection Association points out that when a fire station opens it should have at least 50% more of the space than what you're currently occupying knowing that fire trucks have only gotten longer, taller and wider in history and that trend has never changed. We had a chance to meet with the Lawrence Fire Chief. They're in the process of purchasing Kansas first two electronic fire trucks, and for the record, they will be 18 inches longer than our current fire apparatus. I don't believe any of our stations would be able to house those units. You can see the tight floor space in the bottom center and, of course, the kitchen area is completely inadequate for the service. You have to remember as we go to the next slide...



firefighters are there 24 hours a day, 7 days a week, 365 days a year. This gets at least three times, if not more wear or use, than a typical office space. A fire station has got to be a hotel, it's got to provide a place to train, it's got to provide a restaurant, a place for the apparatus to stay, a place to do maintenance, so it is the picture, if you will, of a multi-purpose use building. Again, I think we've gotten just about every square dollar in return of the buildings that we've built in the past.

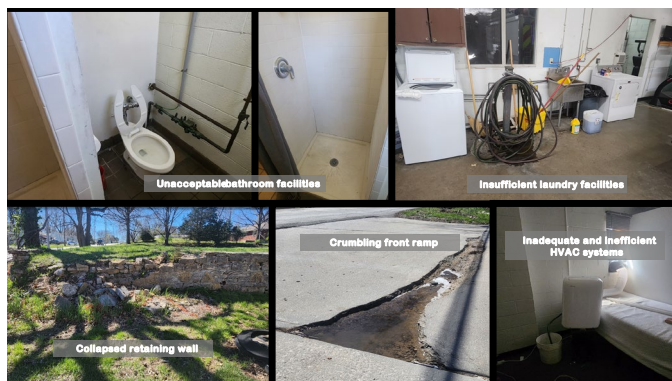
Armourdale was in a deplorable condition. It was built in 1951. It's 73 years old and home to 24 of our firefighters.



With that said, a quick peek on the inside. As you can see we lack storage area. Fire stations requires storage for so many reasons. We'll be talking about turnout and personal equipment here shortly. There's no room for the apparatus. There's probably about four to five inches between the door and the front of that ambulance. There's problems associated with the HVAC. Many of the stations still operate with window air-conditioners as you see in the next picture below, that's inefficient and ineffective. There's not enough room for a firefighter to be in that facility to be able to do study, to have private time and to hardly open their lockers. If you'll look at the kitchen, when the door is open to the refrigerator, the oven cannot be accessed. When the over is open, of course, the refrigerator doors cannot be opened and I don't know how a firefighter fits into that picture. It's a very, very, very tight quarters and, again, I know that most of the stations were designed—were built by the volunteer members who would eventually be incorporated into our great community.



This is the remnants of that. Again, nobody's fault, but we now have to take a look to the future and figure out what the strategy is to resolve these issues. We're looking at Bethel Station 4. Once again deplorable condition. It's 67 years old. It was built in 1957 and it's home to 16 firefighters.



I know that each of you know that's all three shifts added together, but again, there's somebody in that building representing us 24 hours a day, 365. The toilet facilities are just horrendous. I'm going to pause at this point and say as I was asked to consider to come here, and again, and I will continue to thank Ms. Bridgette as well as David for the opportunity, but I shared with them that my goal was to visit each fire station, to spend two or three nights at each to meet the shifts, look for an apartment later. As I visited the fire stations during my house hunting tour and other things, I don't think I could use the facilities. I knew I had to get an apartment if I was moving here because I couldn't do what the firefighters do and that is to sleep in the poor quarters, to use the toilet facilities that are so inadequate, but they do it with a smile and I appreciate that each and every day, but we've got to figure out some way for relief.

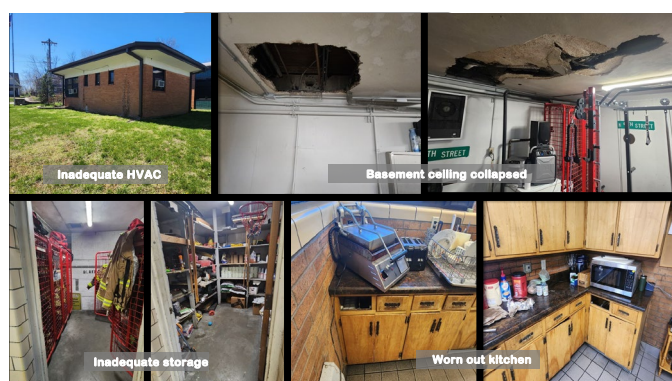
The laundry facilities are simply ineffective. After we go to a fire we ask the firefighters—National Standards demands the firefighters to wash their equipment, to wash their uniforms. Carcinogens are in the air whenever any items burn. Quite frankly, that's again a statement of science. We expect them to clean up, but in most of our fire stations we use residential grade machines instead of commercial. That causes a lot of problems in terms of maintenance upkeep and most importantly whether it's functioning or not. There's a retaining wall in front of the station that has failed as you can see in the bottom picture. With that the next expectation as the water is encouraged into the apparatus area where it shouldn't be, we'll see floods in the apparatus bay and, of course, it will continue to erode the foundation. There's crumbling ramps in front of the buildings, which is the case with most and you can see a portable air-conditioner in the bottom

right. That air-conditioner is connected to a hose. That hose empties into a bucket. A typical 24-hour shift, that bucket has got to be emptied three times because you know that an air-conditioning system is taking the humidity out of the air.

I also have to point out when I came to that same visit and toured the fire station, Station 2 Midtown did not have a functioning air-conditioning system. What I did without probably the proper authority I will tell you, is we purchased two portable air-conditioning units while I was in town, we placed them in Midtown. That air-conditioning unit is one of those two. In other words, we have to continue to keep on the move, portable air-conditioning systems to maintain our facility at some reasonable level.



Station 5 is Quindaro. Again 1960—or 1955, 69 years old for 24 firefighters. You again can probably begin...

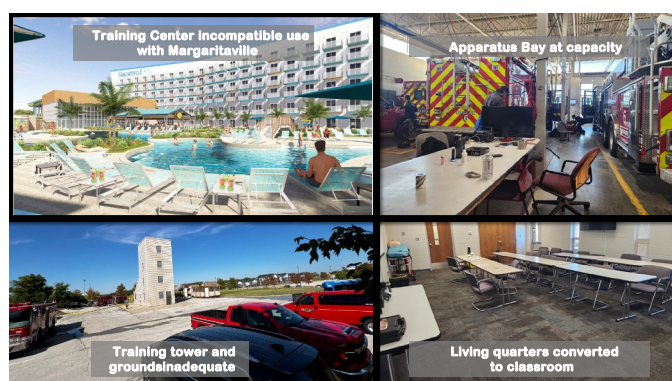


to see exactly the inadequate HV and ineffective. There's holes in the roof assembly and clearly that indicates that the roof is leaking. The problem with the holes, first of all, it violates the Fire Code. We would never allow that in a business and secondly, we're positive that mold continues to grow. We try to stay on top of it, do sampling to ensure that it's not black mold that will harm

our members, but without almost sampling daily, that's just about impossible. The lower left picture, you can see our turnout gear. Turnout gear in the stations that we built recently are in a negative pressure room. If you visited Station 16, we've urged you to try to open the door. It's very difficult at first, so what happens is all the carcinogens that the firefighters have picked up at incidents, whether they're automobile fires or whether they're fires in homes or apartments loaded with carcinogens and all that negative content goes out the roof immediately above the turnout gear. We have time to be able to properly wash it, get it back into service and it does remove some of those carcinogens, but not all. There's not enough storage area and you can see the kitchen is without a doubt worn out.



Station 6, one of the newer fire stations is in Legends/Village West. Poor condition, 23 years it's been around, it's home to 21 firefighters.



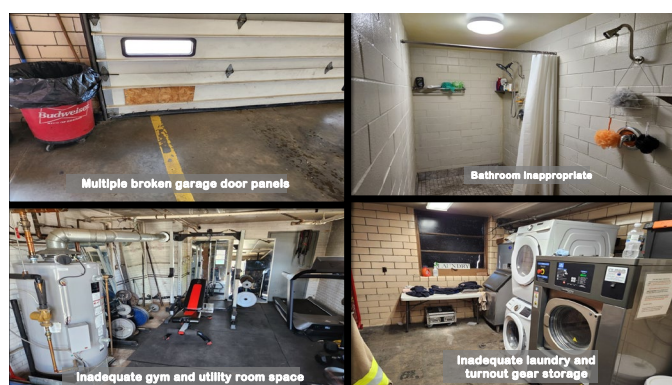
You're probably wondering why we have a picture of Margaritaville and boy are we excited for that facility for so many reasons, but our fire training center, the picture right below is probably about 100 or 150 yards from one to the other. As this building goes operational and we have fire training, required fire training by the state and by National Standards, and there's a huge cloud of

smoke that we'll send out during a wedding party or swimming pool party, it's incompatible. The use between the two will not work and we have to begin addressing that. I think we're going to work hard to figure out a way to get the training center separated and put it in an area, perhaps close to the interstate or far out west, where it won't be bothering anybody including livestock.

The apparatus bay is absolutely full, as you can see in the upper right picture, not much room left there and what we had to do to this station is to cut it up so that there's two classrooms. The life's blood of maintaining a Fire Department is and will always be our people. With our people if we don't have enough, it spikes the overtime, which is a headache for all. Firefighters don't want to work it meaning they hate to be forced overtime, administrative doesn't want it because of the cost. What's my point, we've got to have a proper training facility so that we can produce qualified, capable firefighters as responsible by the law and our current facility is very difficult to get that accomplished.



Argentine Station 7, again, deplorable condition, built in 1951 so it's 73 years old, 39 firefighters are aboard and again you can take a quick tour of the station.



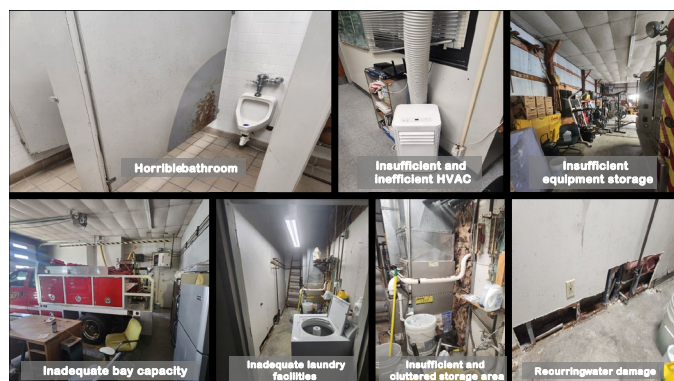
September 26, 2024

On this slide the doors have multiple problems between broken glass and panels. Panels have been patched together with plywood. Of course, that's a major problem in the wintertime with the cold. It's not air-conditioned, so that's not an issue unfortunately. The newer stations, the apparatus bays are air-conditioned, which is a wonderful thing, but again, we would hope when we modernize, that will occur. This is kind of hard to figure out, but this would be another station that I can't imagine a person would look forward to taking a shower. You start into the shower bay, you see the gooseneck shower head and then you have to go through the current curtain rather to get to the second shower. I don't know who set that up, but if you're in the outside shower, the person on the inside shower is going to pass you and vice versa. So again, very, very limited for the number of people who work there.

You can see that the storage area and the weight room, our gymnasium, are completely inadequate. Firefighters have got to stay in great shape. It is a very demanding job and we know if they don't, it's going to be problems associated with cardiac, which runs up a huge bill and of course staying in shape will help reduce the cancer risks. If you take a look at the laundry, there's one brand new nice looking machine. That's an extraction washer that's designed for turnout gear. It actually helps pull those carcinogens away, flushes them down the system. Next to it, however, is our washer and dryer, residential style, small and stacked which we use for the uniforms, which are just as important that we don't allow our members to put the same dirty uniform that's full of blood or other bodily fluids, indoor smoke and other components. Remember, we're going to see about 110 emergency responses each and every day in this community.



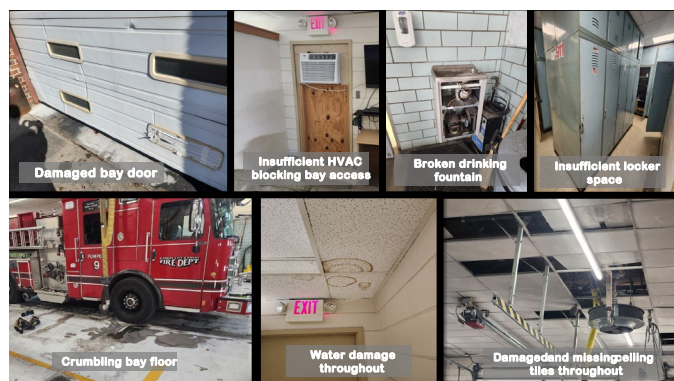
Station 8 would be west Piper. Again deplorable. This building at one time served as City Hall for the Piper community. It was built in 1979. It is a Butler Building or an aluminum clad building, if you will, 45 years old with 15 firefighters.



I would be—I am very nervous if a wind storm came along, probably if it was sustained winds at 60 or 70 miles an hour, I do believe that building would fall apart. We asked the shift commander to make sure that the members are moved out of that building to different facilities which lessens our protection when it is extremely high winds. It is an unsafe building to operate out of. The bathrooms, I think the pictures speak for themselves. Once again you can see another one of those portable air-conditioning units because it's simply inefficient. Storage as well as adequate bay capacity, we don't have that there. Inadequate laundry as well as other insufficient and cluttered storage areas and some of the wall has been removed. That was removed because of water damage, but it wasn't replaced, and the reason why is, we have to go back in and continue to work to resolve the water damage problems. This station and, one that we're going to see a little bit later on, has constant related drain problems. We bring in outside agencies to clear the drain and what they tell us is the entire plumbing system has got to be completely overhauled and replaced. Just merely using Rotor-Rooter to clean out the drains will not be the long-term answer.



Fire Station 9, Central Avenue/Bethany Park, one of our busiest. Again, the condition is deplorable. This building was built in 1967 and is 57 years old, home to 25 firefighters.



What's not going to be shown here is this building has a basement, which again, is not in a very good condition. Again, all of the water that starts at the ceiling comes through the bay and in the living quarters, break makes up the ceiling tiles which again is a fire code violation and that water makes it into the basement. If you look at the second picture from the right, you will see an exit sign. That exit sign is required by law and to my chagrin that exit sign is blocked by that panel. The reason why that plywood panel is there is so they can have HVAC access because there's not a functioning internal HVAC system. It's done with the window units.

The water fountains, I think that picture speaks volumes, completely disassembled, but once again you can see the other appliances right next to it, all out of repair. Locker space is horrible and there's not a separation for men and women. The fire bay floor inside where the fire truck parks, it's crumbling. The water damage is extensive and every one of those tiles would be written up as a fire code violation if it was any other building but ours.



When we take a look at Station 10, Rosedale, again poor condition. It's 29 years old, it's home to 30 of our firefighters.



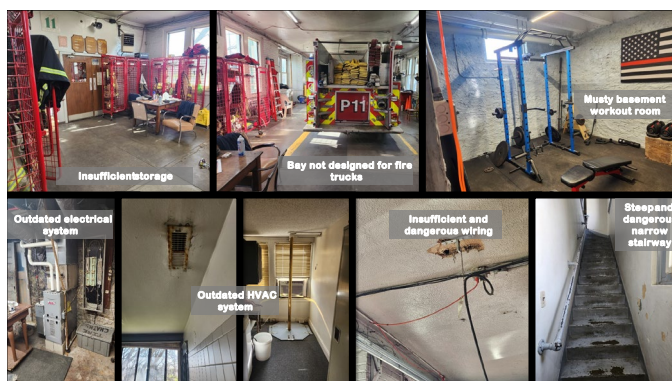
We have an inadequate working space. There's mold throughout the building and particularly in the showers and I promise part of the daily routine—and I get out to stations enough to verify this, our firefighters clean those stations to the best of their ability like it's our own, but there's not much left to clean quite frankly. There are windows broken out throughout the building which causes problems with the air-conditioning and heating that need to be repaired, without the money. There's cracked and deteriorating concrete throughout, inadequate laundry as well as a substandard kitchen. This again is a station where the drains have been clogged four times in the past six months. Outside contractors have come in and they've been very, very clear to tell us that it has to be replaced. It's not a question of getting one single clog out of the way, there's incursions into the pipes, there's breaks into the pipe that goes out into the street, that's got to be resolved.

The front ramp and the back ramp of this building requires \$150K of work immediately just to fix the apron, the place where the fire truck comes out, where the fire truck's got to be cleaned at and what we use for training and drills.



Heading to Station 11. This is old person of the system built in 1924, so it's 100 years old. In fact, November 2nd to be exact, we're going to have a dedication and a ceremony to celebrate that. It's home to 15 firefighters. To drive home my point about fire trucks, two fire trucks in 1924 fit

comfortably in that building, barely can fit one today. Fire trucks in that era were about the size of that SUV you see on the right-hand side of the building and were definitely not much bigger than a pickup truck.

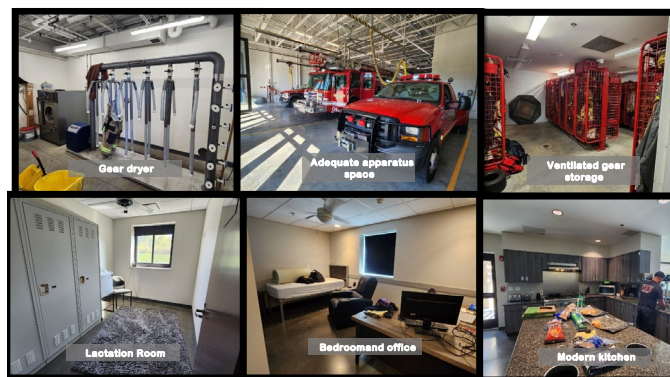


When we go inside you'll get a sense of what I'm describing. It's extremely tight quarters. We don't have the appropriate fitness, so it's kind of hard to say give me an hour or an hour and a half of fitness every day, please record it and do it religiously when they have equipment that doesn't work, there's not enough space, and worse than that it's either too cold when it's in the winter or too hot when it's in the summer. The turnout gear room, again deplorable. I hate to use that word but it's true meaning that they have to work, eat and be around that turnout gear that we know is a carcinogen. When you take a look at the bottom the electrical system is outdated. I'm pretty sure if I could get into the attic, and maybe only a few people may know this term, but I suspect this building is Knob-and-Tube and hasn't been changed since. If you haven't seen that, it's a historic relic and not many buildings in America claim to have that, but I do believe that's what's holding this building together in terms of the electrical system.

HVAC, once again you see the window units. There's insufficient wiring and damage and the staircase, if you've not walked up and down that staircase, you really need to. It's very narrow and you're saying all right, come on. Well, it's also curved and bent in every which way. Over those 100 years, I'm certain that this building has settled many, many times and it's difficult. I can see a person being injured coming down those stairs.



It's not all gloom and doom. There's Piper East. Piper East is the one on Hutton Road. We've been in business there for five years. It's a nice station. It's home to 24 of our firefighters and it gives some idea inside of the building of what we should be striving for.



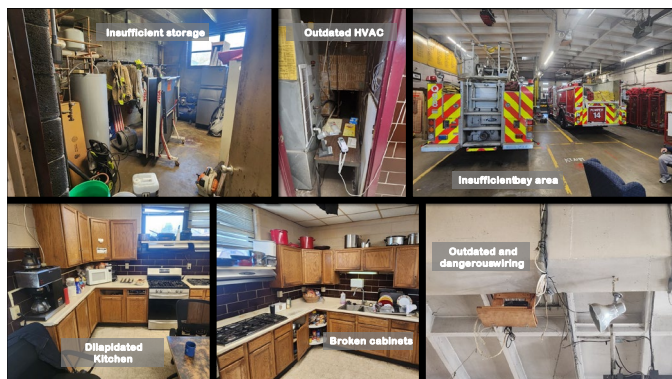
The first picture on the inside of the building is where we dry our turnout gear. If those look like steel skeletons of a human, well they are. The turnout gear can go over each one of those. In the wintertime it is miserable to put on a wet coat when it's in the minus degree or even below freezing and that immediately, and that's probably a wrong term to use, but quickly rather, is able to dry the turnout gear, the gloves, the helmets as well as the boots. We do have adequate space there although that building is full of fire trucks at this point. No growth in other words. It seems like every time I head to work, like 110th & Delaware, there's a brand new apartment project sign at least has gone up and the lot's being cleared, so we're going to continue to grow. I'm thankful for that. I know the new blood into the community means a lot to everyone in this room, but honestly it's going to put more requirements for us to have ambulances, ladder trucks, pumper, etc. You're taking a look at a modern turnout gear room. You can tell right away by it being clean and again when you go to open that door, it should pull some resistance because that's a negative pressure room. Downstairs we have—or the next slide down rather, we have a lactation room. Some people

were really questioning me about that. Well, that's not my rule, that's not my request, that's a federal law. We only have two buildings that meet that law that have lactation rooms. Some of our members may need that, our female members that are nursing, but we've also opened it up to all female members in the UG. If there's a police officer for instance or a Public Works member that may need to use that facility, they will be welcomed with open arms.

The next slide if you will shows the bedroom and office facility, which is reasonable. Our expectation is a person can do some work in that room. This happens to be an officer's room I believe. They've got a place to have a little bit of comfort, but also you see the workstation there, which again is really important when a person is asked to do individual study. Most all of our emergency medical required courses are done electronically. They've got to log into the computer, they've got to have a quiet place and I tell you, it's an 80% pass to get through those courses. I struggle with it simply by not having enough time to study the material correctly, so I can imagine firefighters in other stations that don't have this capability of a quiet room to do their work. It's got to be difficult.



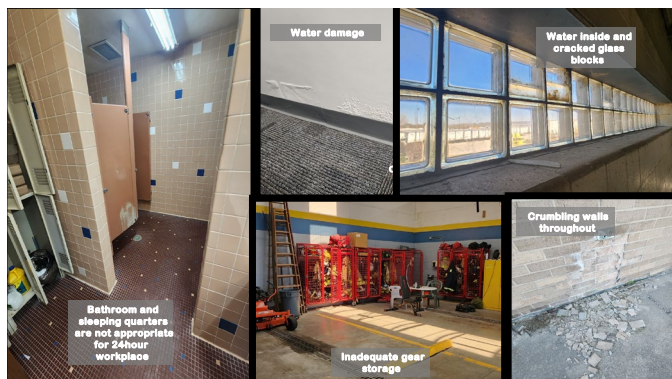
Station 14 is Klamm Park, deplorable condition, built in 1956, 68 years old. It's home to 30 of our firefighters.



I would have to say just about every aspect of this station is outdated and insufficient whether it's storage, HVAC, base space. This station is so small and compact some of the sitting room area, that's where the firefighters have a chance to relax or to have a discussion or to talk about today's planning happens right out with the apparatus, which is not good for anyone. The kitchen is so dilapidated, even though at some point we would like to consider this building for being rebuilt or at least remodeled, we're doing a facelift on those cabinets now. They're literally falling down and the two pictures you see probably don't do enough justice. There's outdated and dangerous wiring throughout and it represents a fire hazard if you will. Again, it could never pass a Standard Fire Prevention inspection.



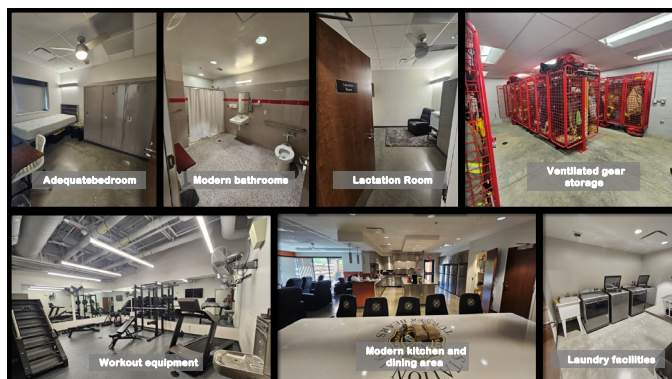
Fairfax, the condition is poor. Built in '87, 37 years with us, 19 firefighters live there as well as fire investigations, our Community Paramedicine Program, and the EMS Office and storage. I know this was a controversial building and at first I didn't fully understand. Haven't had a chance to be in that area to respond to Manna Pro, to respond to a subterranean pumping station that burned up. This facility protects probably the most dangerous area in our community, if not, the most dangerous area.



I know we always talk about the automobile facility, which is huge and important, but the other areas there, it's amazing the hazards that are in that place. I understand they don't run often, but I'm telling you the potential there is simply off the scale, not to mention trains that go through as well as planes that fly above. Male and female employees work in the same environment, not a very appropriate place. Water damage throughout. Those glass windows, the glass breaks, they were beautiful I'm sure when they were installed many years ago. Most are cracked or broken. Almost all have signs of deterioration and they're beginning to fail. They need maintenance, they need to be replaced. Crumbling walls are throughout the building.



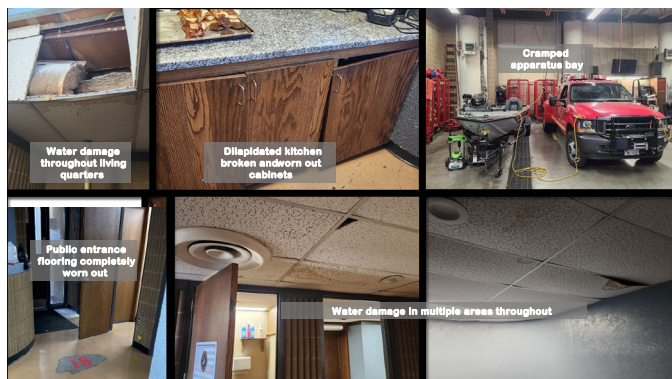
We'll move to Station 16 and give you what our vision of what a fire station would be. I know a lot of hands went into building this place. I know a tremendous amount of support happened from this Commission. Thank you our County Administrator, our Assistant Administrator's. Wow, it was just a true effort.



Forty-five folks work in this station and once again you can take a quick look at what an adequate bedroom looks like, modern bathrooms. There's the lactation room. Again, a well-vented and properly maintained storage of turnout gear. The fitness room, when I see that I'm thinking I want to go there and workout. It's great, it's amazing, it has all the appropriate equipment that's necessary for our firefighters to stay in their physical shape. Again, one the job, heart attack, one firefighter that gets placed off for a year, year and a half that we have to pay overtime for, plus their salary pays for something like that time and time again. There's a kitchen area where everybody can sit together. Absolutely another important feature and then we can see the laundry facilities. All of those are commercial machines and we truly thank you for that.



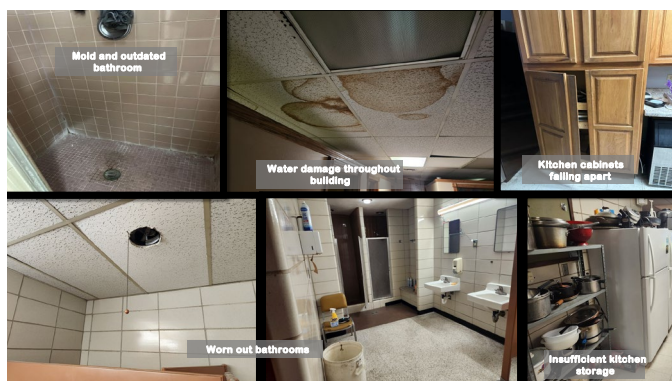
Welborn comes up next, poor condition built in 1978, it's 46 years old and home to 24 of our members.



Water damage throughout the building, dilapidated kitchen, broke down and worn out cabinets. There's not enough space to put all the equipment in. You're taking a look at one of our hard bottom boats. We operate with four of those. You can see the pickup truck next to it that carries it. The public entranceway, the floor is completely gone so much so they tell me that the firefighters chipped that space out. You can see if it looks a little bit like an arrowhead, they did that trying to make it look presentable, which again, I wish we could do better for them. There's water damage throughout and clearly when the tiles fall, we know that the roof is leaking. When the roof leaks, we know that there's going to be mold.



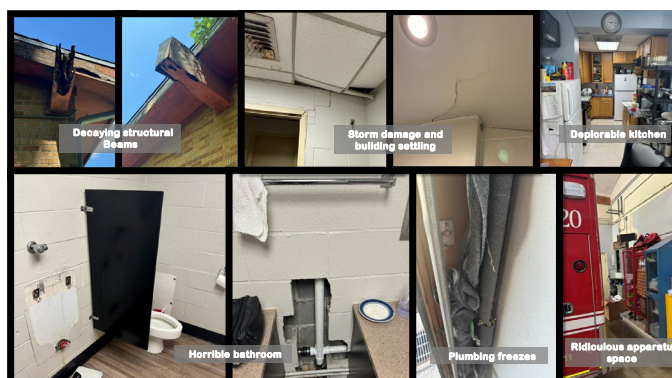
Station 19, Victory Hills. Again, you're probably aware, this would be—I'm going to call Police Precinct West. Police Officers are probably going to growl. I'm not sure we have precincts, but where I come from that's what it would be called. To give you some idea, 1972, 52 years old, and 24 firefighters work there.



You'll see the same repetitive behaviors. We have mold, outdated bathroom, we have water damage throughout. The kitchen cabinets are literally falling apart, bathrooms are not functional, and then an insufficient kitchen.



We'll get to the last of the collection, Muncie/Stony Point. Deplorable, built in 1967, 57 years ago, 15 firefighters work there.



Again, this is one of the stations that was handed over as annexation occurred by volunteers. The decaying structural beams amazing. A top these beams are the components that hold up the roof.

The trusses assemblies, once these fail, will fail, and that roof line will collapse. One thing that a firefighter always worries about is the overhead, will that area fall while they're inside fighting fire. If this building were to ever catch on fire, I assure you that would be the first thing to go based on the fact the structural beams—I think when the termites stop holding hands, it'll collapse. Just teasing, but as you can see, the damage is remarkable. Storm damage, we have water throughout the building, roof is failing, kitchen is deplorable. That bathroom, again, just a horrible setting. Another building that the wall has been removed to access the pipe to keep the drains open and working and it hasn't been replaced only because the firefighters or an outside contractor will be back in that building often, have to access that exact area instead of repairing it and then have to break the wall again. It stays that way.

The plumbing freezes. We had two or three events last winter, since I've been with you, where we've had to work on getting the ice out of the fire station. It just is not a very healthy place for our members to work. Spacing is absolutely, positively ridiculous.

We'll take questions as we go. I'm sure you're probably well aware of that and we certainly have planned some time at the end for questions also.

Commissioner Hill said thank you for this presentation. I just have one quick question. On Station 16, do you have separate quarters for men and women? It's your new facility. **Chief Ruben** said yes ma'am. Each person has a separate room. They have their lockers and bedroom. They can close and lock the door. The toilet facilities are one person use, much like you have at your home. They can go into that bathroom, lock the door, have a sink, a stool and a shower. Well designed, well prepared and well planned. Again, we're so thankful for that.

Commissioner Kane said wow, Station 15, the former Chief, Deputy Chief, and the Administrator were damn glad to close that facility and it's the most volatile area in all of Wyandotte County. I worked down there for 35 years. I'm glad you brought that up. It is the lack of leadership then, the lack of the skills that the Administrator had and was a vindictive situation that they were in. They didn't necessarily like the Fire Department and did everything they could to jam them and they did and I'm damn glad you brought that up because people have to realize you're right, there's not that many runs down there, but they're dangerous. **Chief Rubin** said I couldn't agree more. I think you spoke perfectly and, again, I know that when we have a call there, I try not to butt in to

too many calls. I went on a vehicle struck by a train today, again, I felt compelled, but that is an area when a call comes out, I usually start that way knowing the volume and level of danger to our people and if some of those commodities were to be released, this community would see a disaster of epic proportion.

Commissioner Kane said for the general public, the former Chief said that there was a piece of equipment on the fire trucks that told them where the trains are at. That's pretty damn—**Chief Rubin** said it's not too crazy. We have an application where we can begin trying to track the trains, but I guess what I would question upon is, so okay, now that we've tracked the train, we've got a lot of work to do. Trains are—again, I felt compelled, thank goodness the train was not harmed. I believe we're going to end up with a fatality from that call, but a van was crushed (inaudible). **Commissioner Kane** said and we're damn lucky that General Motors didn't catch on fire while that was closed. **Chief Rubin** said we are in a position to protect it now I promise and rightfully and justifiably so. Again, I feel like I could be a fire service expert in any courtroom in America and I assure you that fire station is needed.

Chief Rubin said when we move into staffing, of course again, that's the life's blood. I would love to tell you that all the Administrators with the wonderful uniforms and the great stripes—sorry. **Mayor Garner** said Commissioner Stites.

Commissioner Stites said I think we can all agree that it was totally stupid for 15 to ever close and then to have the resistance that we had for that station that it took for us to get that thing back open for all the reasons named. So, one of the questions that I've have, and obviously, you've done a great job at depicting deplorable. **Chief Rubin** said yes sir. **Commissioner Stites** said what have we done—you know this is my first go around as a commissioner, I'm three years in, what have we done for all of the years. Is there not a maintenance budget. Is there any kind of a budget—has there not been money allocated for repairs or to get things done and how have we got to this position that we're in right now? **Chief Rubin** said I think you've characterized it. There wasn't the appropriate dollars set aside to perform maintenance. We receive approximately about \$200K. With that \$200K, it's got to maintain—and you saw the collection of buildings that are in, quite frankly, between deplorable and poor. We have two that are acceptable and we always run out of money at the end. We try to save our money as best we can because when you go and

if you get a chance to visit Klamm Park, do. We had to put, that we weren't expecting, about \$15K in there because the cabinet doors are literally falling off. So, this has been kicking the can down. I'm not much on blame. I'm very, very, very focused on repair, moving forward, presenting to you along with our Local, along with the support of the International Association of Firefighters, what we think is going to be a palatable plan. We feel like once we have that together, not ready for prime time yet, we'll work with the County Administrator's to determine what the funding sources might look like and how we'll get there, but we're just not ready to provide that part of the presentation yet. This is to give you an update as to where we've come from, where we're at, and where our head is focused. **Commissioner Stites** said I'll have some follow-up questions when we get to the end.

Mr. Simma said I'll just comment as well. We believe the amount of information we're bringing forth to the Chief's point, we needed to break this up into two parts. This is everything that we've done to this point. The plan is coming. We'll bring further detailed proposals and ideas forth to you all to consider as to how we can try to rectify it as we move forward. We felt like it was going to need to be done in two parts just due to the size and the amount of information we had to bring forth.

Mayor Garner said just to follow up with the commissioner, to President Simma and Chief Rubin and to all our firefighters, EMS workers, as your Mayor I just want to apologize to you all for the conditions that you all have had to work in. I don't know how we got here and I worked here for 32 years. I'm shocked and I've been in several fire stations and I was surprised. I don't know what the budget looks like over these years to get us to this point. I've asked from day one as Mayor where's all our money going and nobody has been able to tell me that with confidence to say how we've been managing and spending our money here at the Unified Government for all these years for everything to be crumbling in this community. Our bridges, our streets, our roads, trash blown up and down the street, our infrastructure, our employees are working in deplorable conditions. I don't know how we got here.

I just left from Minneapolis, St. Paul and I was just overwhelmed with how well managed, how well run, and how well planned and thought out those communities are. As the Mayor and CEO I'm supposed to be the visionary. I'm going to do my best to sell this community and

champion everything great and wonderful about Wyandotte County, but this isn't it. This is not it. To have a safe, a great community, you've got to have a safe community and that starts with really supporting our police and our firemen and making sure that they have not just the resources, but the environment they need to operate safely.

Again, I apologize, but I also want to thank you because I can tell you before I became Mayor I wouldn't have seen this right here. The cooperation and collaboration between the rank and file with the leadership of Mr. Simma and our Fire Chief is unprecedented. I don't see this in other communities, so I want to applaud you all for identifying these problems. Number one, I always say find it as unpleasant as it may be and get it out there because that's how you fix it because you've got to face it and then you work for solutions to fix these problems and that's good management. What I'm seeing right now is not just good management, but good leadership and so I applaud you all on what you're doing because that's what needs to happen. I know people get on me all the time that say oh the Mayor is mean to employees. No I'm not, we've got great employees, but we need to call out people that need to be called out, when they need to be called out when they fail, not just this Unified Government, but this community. I don't mind taking the darts, the arrows, and the slings or whatever comes with that, but you've got to call a spade a spade and call it like it is because that's how you fix it. You can't brush it under the rug and you can't ignore it because if you all aren't safe, if your conditions are bad, morale is bad, I want you to go out and feel good about giving services to our residents in this community and not just police and fire, but every employee in this Unified Government. I always say it starts with leadership. It starts with leadership and what I'm seeing here tonight is great leadership.

I'll even go a step further, I just want to thank you all for your service, all our firemen, all our police officers, all our EMS workers, all our Unified Government employees because you're not the only ones working in deplorable conditions. This is just a microcosm of a broader problem and, again, I don't know where all the money's going over all these years. You know when you talk about \$470M, I don't know how we got here especially when our Administrator says 44% of it goes to, you know, to debt. I don't know how we got here, but we've got to do better.

So, thank you all for having the courage to show, not just us, but this community on the things that we need to get fixed. One of the things that's going to come as a result of this, and I want the community to be aware, off the recommendation of both Commissioner Burroughs At-Large and Commissioner Bynum who two years in a row—this Commission is going to be working

overtime probably Wednesdays starting next month to look at our budget on ways we can do better on budgeting and really allocating our resources and giving clear direction to the leadership here that's not elected.

One thing I'd like for you all to consider, for the public to consider, and for this Unified Government to consider and I brought it up when I first became Mayor and I made the mistake of trying to have a bright idea to give solutions and I got beat down by this Commission of the past, but that's okay, I'm going to look past that because it's about how we look forward. But trying to find good solutions to these problems and I know taxes—nobody likes taxes, it's a bad word around here. This Commission took the unprecedented steps to go revenue neutral this year and a lot of people appreciate that and hopefully they'll realize that moving forward. When you look at all the needs we have, failing bridges, infrastructure, the needs of our employees, how do we better serve this community, you've got to have the money to be able to get it done. So, I'm going to go back to what I said back in 2022, and I'm going to go right back there, is that maybe property taxes isn't the answer, but I challenge everyone to think about a sales tax initiative to address the most pressing issues that is impacting our community. Why is that, well, property taxes some say is regressive, sales taxes, but so is property taxes. People actually lose their homes and become homeless. At least sales taxes when you talk about taxes is another option that we maybe can consider where other people that shop here and come from outside of here can actually have a stake in improving the quality of life of those people that want to actually live here and employees that are forced to work here because they have no choice, but they do a good job doing that.

I want to throw that out there, but I just want to say thank you all for your leadership and thank you for collaborating. I know that was my call to action from day one. I can tell you in support of this Commission I have never seen, I've said it before, and I say it everywhere I go, you have probably the most public safety and employee friendly Commission that I've ever seen in the 32 years that I've worked here. This Commission truly supports our employees and I want you all to know that and I don't want that to go unnoticed or unheard.

When Commissioner Kane talked about Station 15, I know he fought for that. He was down there with me and so was Commissioner Bynum, I believe Commissioner Burroughs and some of the other commissioners, Commissioner Stites and some of the other commissioners and this Commission made it a point because, exactly what you said Chief, we recognized that station was too vital. When I hear about General Motors having concerns and they may or may not see

Wyandotte County as an option for the future, when you have other big corporations there that may or may not see Wyandotte County as an option for the future, just because of a fire station being closed, I really applaud this Commission for saying let's get it done and they delivered not for the Unified Government, but for our community. I believe that you have a Commission that's going to keep doing that, so I just wanted to put that out there.

Again, I apologize. I know the opportunity for us to get better is there. We will get better. We're going to get better treating our employees the way they deserve to be treated, the rank and file, but thank you for identifying those things. Thank you all for your service.

Commissioner Kane said, Mayor, thank you for going down there and getting it open pretty damn quick, but what is there, 100 and some businesses down there and they all signed something that said this is unsafe. They all talked to everybody and an example of what's going on, it took five years to build Station 12 because they said the dirt had to settle. Of course, you know, I worked for a construction group, I take them out there and they say they're full of it, but one of the things I talked about a long time ago and I worked on joint programs for the UAW at General Motors in safety, I had a salary counterpart. We would do exactly what you guys are doing. We would come and present together and then tell our bosses, what you guys are doing, this is what we want. This is where we need to go and I am going to point out even the Mayor at the time wanted it closed. They wouldn't even settle their contract for five years, sorry six years, and if they could have went on strike, they would have went on strike. That's why in my mind it's important to have joint programs so we can all stand here and trust me, because you guys know how I am, we would go in the furthest room away from everyone else, nobody could hear the cussing and screaming and we would walk out and we'd all say the same thing and I think that's the direction you all are going and I wish some of the other partners would do the same thing.

SECTION 3 – OPERATIONAL STAFFING

Chief Rubin said moving along to the staffing section.

CHALLENGES IN MODERN FIREFIGHTING

- FIREFIGHTING IS A DANGEROUS PROFESSION
- 2022: 96 FIRE FIGHTER LINE OF DUTY DEATHS*
- 2023: 89 FIRE FIGHTER LINE OF DUTY DEATHS*
- 80,000 SERIOUS FIRE FIGHTER INJURIES ANNUALLY IN THE U.S.
- THE FIRE AND EMERGENCY MEDICAL PROFESSION DEMANDS HIGH LEVELS OF PERSONAL INTEGRITY, TRAINING, EDUCATION, EXPERIENCE, AND COMMITMENT
- KCKFD MEMBERS FACE OVER 36,000 EMERGENCY INCIDENTS EACH YEAR, GROWING BY APPROXIMATELY 1,000 CALLS ANNUALLY

*National Fallen Firefighters Foundation (NFFF)

We have some challenges not because of the finance or money, but we are about the most dangerous labor profession. We teeter back and forth between us, the Police Department, and underground mine workers. In 2022, according to the National Fallen Firefighter Foundation, that tracks these records and provides a significant sum of money to people who die in the line of duty, so the government has a pretty big, vested interest in it, 96 firefighters died in the line of duty in 2022, 89 firefighters died in the line of duty in 2023, over 80,000 serious injuries. Now, when a firefighter has a small cut or nick, I assure this Commission they may or may not report it, but it will never make it to this level. These are all serious injuries and as you can see this is a profession that requires folks to put their life on the line literally regularly. Fire Emergency Services has a high level of demand. We expect personal integrity, high level of training, education, experience, and commitment and we go through a very detailed process to hire the next firefighters before you can become a firefighter in our community. I would say it's probably easier, and I mean this, to get into Harvard University. Of course you have to be one-dimensional, you have to have great grades. For us you have to be smart, for us you have to pass background checks, you have to be physically fit, you have to pass a psychological examination, and then you go before a group of

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your peers to decide whether you're going to fit into our organization. We face over 36,000 emergencies per year and what's interesting and in some ways it's a good notion, in other ways I wish we could curtail it, but we move up about 1,000 calls a year everywhere—every year. Somewhere between 3 to 5% and as I'm always reminded, three things cause us to respond to calls. Those reasons why we go to calls men, women and children. The more folks we have in our community, the more apartment projects and housing subdivisions, the more cars on the road, etc. puts us in a position to be very concerned about the fact we're going to continue to increase in our call loads.



In 2023 we had 36,162 calls that ended in seven civilian fire deaths I'm sad to say. The good news is it wasn't any more than that but, of course, our goal is to get that to zero, 1,825 non-emergency transports were responded to. What that means is about six non-emergency transports occur each day and if you'll go back to the previous report provided by the Center for Public Safety Management/International City Managers Association, they recommend either we change how we do that business or perhaps, and we will probably most likely recommend, it's time for us to get out of that business. It's a profit loss, a significant one as well as it takes about an ambulance to— or about half of an ambulance to an ambulance out of business each day. We know a typical day we'll probably be in a situation where there's not enough ambulances in this community and we'll speak about that later.

We have a difficult time recruiting our members. We figure it's somewhere between 10 to 15 persons, each person, to make one new recruit. In other words, that's the washout rate, whether it's the physical ability test, whether it's the psychological or other background, it's hard for us to maintain those standards.

STAFFING STANDARDS AND CHALLENGES

- NFPA STANDARD 1710 RECOMMENDS MINIMUM STAFFING OF 4 FIRE FIGHTERS ON EACH PUMPER, LADDER TRUCK, AND HEAVY RESCUE. FURTHERMORE, HAZARDOUS MATERIALS UNITS ARE RECOMMENDED BY NFPA TO BE STAFFED BY 6 FIRE FIGHTERS
- CURRENT KCKFD STAFFING IS 3 FIRE FIGHTERS ON PUMPERS, 4 FIRE FIGHTERS ON LADDER TRUCKS AND RESCUES
- 1 LADDER TRUCK, 2 AMBULANCES, AND 2 HAZARDOUS MATERIALS UNITS ARE CROSS-STAFFED AT THE EXPENSE OF PLACING OTHER COMPANIES OUT OF SERVICE
- DISCREPANCIES BETWEEN CURRENT STAFFING AND LEVELS RECOMMENDED IN NFPA STANDARD 1710 HIGHLIGHT THE NEED FOR INCREASED STAFFING

This next slide discusses the fact that the National Fire Protection Association once again said that there should be four firefighters on a pumper. There should be four firefighters on a ladder truck and heavy rescue and where we talk about the Fairfax area, hazardous materials units are recommended to be staffed by six. Our current staffing is three on a pumper, not great. Certainly for now, we can work with that, but we do have four on a ladder truck and on the rescue, which does meet the National Minimum Standard. One ladder truck, two ambulances, and both of our hazardous materials units are cross-staffed. What that means is whichever call comes out first, if the call that comes out first in Midtown, for instance, State Avenue Station 2 and it's for Hazmat, the members take the Hazmat. If it's for the Quint company, they take that ladder truck. The discrepancies between the current staffing level and NFPA, that will be highlighted in increasing our staffing, if you will, overtime and we'll get to that in the next report in the early part of '25.

NIST FLASHOVER VIDEO



If we can have this video, what it describes is how fast a modern day building goes to flashover. (Video was shown.) **Chief Rubin** said speaking is one of the fire scientists. Again, I need to mention that is a federal agency. Dan Madrzykowski was a scientist, not the narrator, but the voice that was giving benchmarks and we know fires burn a lot hotter and a lot quicker than they have in days gone by, which puts our people at absolutely great risk. The idea for us to have the proper

people at the proper place at the proper time to take the steps that are necessary should prevent again what's called flashover.

OPERATIONAL STAFFING

ENHANCING EFFICIENCY THROUGH IMPROVED STAFFING

- THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'S (NIST) FIREGROUND FIELD EXPERIMENTS STUDY SHOWS SIGNIFICANT EFFICIENCY GAINS WITH 4 PERSON CREWS. TASKS ARE COMPLETED 25% FASTER, LEADING TO QUICKER FIRE EXTINGUISHMENT AND RESCUE
- 4 PERSON CREWS COMPLETED TASKS 7 MINUTES FASTER THAN 2 PERSON CREWS
- EFFICIENT STAFFING NOT ONLY SAVES LIVES BUT ALSO IMPROVES OVERALL CUSTOMER SERVICE

The fireground experiments were done throughout the nation. It started in Chicago, moved to New York City. Charlotte, North Carolina was another major community and they took a look at what it takes to put a proper fire out properly and, again, it was done with science, scientific measurements. Things like thermocouples and, of course, time was also a very important element.

The reason why firefighting crews need to be at four persons, if possible, and again being the National Minimum Standard, is there are so many things that have to happen simultaneously. A pumper company needs to have a supply of water, needs to move a hose line into place, needs to attack the fire, take care of things like fire extension, the truck company at the same time needs to begin performing search and rescue, we've got to get folks to the attic area, prevent fire from extending, and I could go on. I know this is not a fire class, but I want to say that when the chips are down and the worst conditions exist, having the proper staffing at the proper place, at the proper time, doing the proper things will end up having less fatalities, less damage and, of course, less firefighter injuries and even fatalities.

We don't have to go back any further than yesterday where we buried one of Kansas City, Missouri's brave individuals and that occurred in a training setting. Efficient staffing not only saves lives, but it improves the overall customer service.



The next video clip, very short, will describe the impact of crew size put together by the National Institute of Standards and Technology. (Video was shown.) **Chief Rubin** said with that, I think you get the idea the numbers that NFPA put together are validated by scientific measure which makes me very pleased.

KCKFD 2022 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 1			
Pumper 1	1953	96.0% (1874)	4.0% (79)
Pumper 5	1317	90.4% (1190)	9.6% (127)
Pumper 9	1804	93.6% (1688)	6.4% (116)
Pumper 11	2056	91.3% (1877)	8.7% (179)
Pumper 14	1465	91.0% (1333)	9.0% (132)
Pumper 15	57	86.0% (49)	14.0% (8)
Pumper 18	2146	90.6% (1944)	9.4% (362)
Total Battalion 1	10798	92.2% (9955)	9.3% (1003)

You're looking at what's described as a report card, where to be able to respond to have the appropriate amount of people at the right place, at the right time to do our jobs 90% of the time. The reason why it's not at 100%, quite frankly, when one fire truck goes out on a call about 100-110 times a day, there would have to be a second and in some cases a third fire truck. No community could possibly afford that. We break this down by central downtown district and most of the stations get pretty close. When we begin moving a little further out, this is actually 2022 and we're going to move to 2023 next.

KCKFD 2023 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 1			
Pumper 1	2193	96.1% (2108)	3.9% (85)
Pumper 5	1207	91.5% (1104)	8.5% (103)
Pumper 9	1995	94.1% (1877)	5.9% (118)
Pumper 11	2107	90.6% (1908)	9.4% (199)
Pumper 14	1643	89.0% (1463)	11.0% (180)
Pumper 15	269	85.1% (229)	14.9% (40)
Pumper 18	1641	86.3% (1417)	13.7% (224)
Total Battalion 1	11055	91.4% (10106)	8.6% (949)

KCKFD 2022 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	543	86.0% (467)	14.0% (76)
Pumper 7	1281	80.2% (1028)	19.8% (253)
Pumper 10	908	71.6% (650)	28.4% (258)
Pumper 16	585	79.1% (463)	20.9% (122)
Pumper 17	754	75.9% (572)	24.1% (182)
Pumper 20	837	68.6% (574)	31.4% (263)
Total Battalion 2	4908	76.5% (3754)	23.5% 1154

You can see that the—you moved up too many.

KCKFD 2023 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	638	84.6% (540)	15.4% (98)
Pumper 7	1328	81.3% (1079)	18.7% (249)
Pumper 10	979	69.4% (679)	30.6% (300)
Pumper 16	626	74.4% (466)	25.6% (160)
Pumper 17/ Truck 17	720	67.6% (487)	32.4% (233)
Pumper 20	847	69.4% (588)	30.6% (259)
Total Battalion 2	5138	74.7% (3839)	25.3% (1299)

There really isn't much change between '22 and '23.

KCKFD 2023 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 1			
Pumper 1	2193	96.1% (2108)	3.9% (85)
Pumper 5	1207	91.5% (1104)	8.5% (103)
Pumper 9	1995	94.1% (1877)	5.9% (118)
Pumper 11	2107	90.6% (1908)	9.4% (199)
Pumper 14	1643	89.0% (1463)	11.0% (180)
Pumper 15	269	85.1% (229)	14.9% (40)
Pumper 18	1641	86.3% (1417)	13.7% (224)
Total Battalion 1	11055	91.4% (10106)	8.6% (949)

When you begin moving throughout the community and you head to the north side of town...

KCKFD 2022 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	543	86.0% (467)	14.0% (76)
Pumper 7	1281	80.2% (1028)	19.8% (253)
Pumper 10	908	71.6% (650)	28.4% (258)
Pumper 16	585	79.1% (463)	20.9% (122)
Pumper 17	754	75.9% (572)	24.1% (182)
Pumper 20	837	68.6% (574)	31.4% (263)
Total Battalion 2	4908	76.5% (3754)	23.5% 1154

which is Battalion 2, the numbers get worse.

KCKFD 2023 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	638	84.6% (540)	15.4% (98)
Pumper 7	1328	81.3% (1079)	18.7% (249)
Pumper 10	979	69.4% (679)	30.6% (300)
Pumper 16	626	74.4% (466)	25.6% (160)
Pumper 17/ Truck 17	720	67.6% (487)	32.4% (233)
Pumper 20	847	69.4% (588)	30.6% (259)
Total Battalion 2	5138	74.7% (3839)	25.3% (1299)

Then, when you go out west where there's a lot of open space...

KCKFD 2022 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Falling to meet Goal
Battalion 3			
Quint 2	1453	79.8% (1159)	20.2% (294)
Pumper 4	990	79.9% (791)	20.1% (199)
Tower 6/Rescue 6	599	85.6% (513)	14.4% (86)
Pumper 8	540	51.3% (277)	48.7% (263)
Quint 12	867	77.4% (671)	22.6% (196)
Pumper 19	2000	88.2% (1764)	11.8% (236)
Total Battalion 3	5898	79.6% (4696)	20.4% (1202)

yet again, both years reflect the fact that we're missing the targets.

KCKFD 2023 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Falling to meet Goal
Battalion 3			
Quint 2	1382	76.3% (1054)	23.7% (328)
Pumper 4	1017	80.7% (821)	19.3% (196)
Tower 6/Rescue 6	665	82.0% (545)	18.0% (120)
Pumper 8	480	45.4% (218)	54.6% (262)
Quint 12	874	72.8% (636)	27.2% (238)
Pumper 19	1926	83.9% (1615)	16.1% (311)
Total Battalion 3	6344	77.1% (4889)	22.9% (1455)

There are a few that you might want to pay attention in your report that less than 50% of the time we're meeting that target. So again, it just gives you some scientific measurement of how your Fire Department is doing.

Mr. Simma said I wanted to emphasize and speak to these slides and reference to the videos and minimum staffing as well. When we discuss NFPA Standards, the things you hear us talk about are specifically minimums. When we look at 90%, that is to meet the bar. 90% sounds good, it's being compliant with the standard; however, that is the minimum to be just that. When you look at our numbers in our—especially in our Battalion 2 and Battalion 3 where we're in the 70s and 80s, some in the 40s, and those red numbers, those are the areas where we don't make the benchmarks to be compliant. That's where we need to find a progress.

SECTION 4 – KCKFD EMERGENCY MEDICAL SERVICES

Chief Rubin said, of course, with that said we're going to move right into the Emergency Medical Services section. I think we have some pretty good news to report there.

KCKFD EMERGENCY MEDICAL SERVICES

HISTORY OF KCKFD EMERGENCY MEDICAL SERVICES

- KCKFD WAS ONE OF THE FIRST ADVANCED LIFE SUPPORT AMBULANCE SERVICES IN THE NATION IN 1974
- INITIALLY PARTNERED WITH BASIC LIFE SUPPORT RESPONDERS AND PRIVATE AMBULANCE COMPANIES
- KCKFD EXITED AMBULANCE TRANSPORT SERVICE IN 1995
- KCKFD ASSUMED RESPONSIBILITY FOR ALL EMERGENCY MEDICAL SERVICES IN 2004

The background and history is at one time we had the entire community of Emergency Medical Services under our purview, but for whatever reason we exited the Emergency Medical Services, which represents about 70% of our responses in 1995. However, in 2004 we reassumed it and...

KCKFD EMERGENCY MEDICAL SERVICES

KCKFD EMS BY THE NUMBERS IN 2023

- OUT OF 36,162 INCIDENTS, 26,196 WERE EMS RESPONSES, ACCOUNTING FOR 72% OF THE TOTAL
- KCKFD PROVIDED 17,571 PATIENT TRANSPORTS TO DEFINITIVE CARE FACILITIES
- EMERGENCY MEDICAL SERVICES ARE CRITICAL FOR OUR COMMUNITY'S HEALTH AND WELLNESS

I would say somewhere on the order of about 80 to 85% of American communities are protected by fire-based EMS. That's how our system is described and with that said, there's 80 to 85% of

communities are in highly densely areas like Kansas City, Kansas metro, so they are closer, about 90% of all people are protected by. Without a doubt firebase EMS historically has represented the very best in-patient care. You can get some semblance of how many folks that we treat, 26,196 times we went on calls. Of that 17,571 were transported to definitive care. Definitive care, of course, means a hospital. We have provided a critical connection for a lot of our community including the folks that are disenfranchised and unhoused to be able to get services.

KCKFD EMERGENCY MEDICAL SERVICES

EMS BILLING AND REVENUE

- EMS OPERATIONS GENERATED APPROXIMATELY \$4.3 MILLION IN REVENUE IN 2022.
- REVENUE GENERATED FOR 2023 WAS \$5.9 MILLION
- BILLING CHALLENGES PERSIST WITH UNINSURED PATIENTS
- A LACK OF COLLECTION SERVICES PROHIBITS OUR ABILITY TO OBTAIN COST NEUTRAL SERVICE DELIVERY

When we look at our billing, again, some good news. In '22 we collected \$4.3M, in '23 we're at \$5.9M. Of course, '24 the numbers aren't in yet, but that's encouraging. We did increase the billing rate. However, the last comment says we do billing, but we do not do collections. In other words, soft billing after three or so billings go out, it's forgiven. I can't explain why. I wasn't here when it got started, but our recommendation will be to find a collection agency and to go after that money that is rightfully ours. I'd love to tell you that we break even with our Emergency Medical Care & Service, but that just doesn't happen.

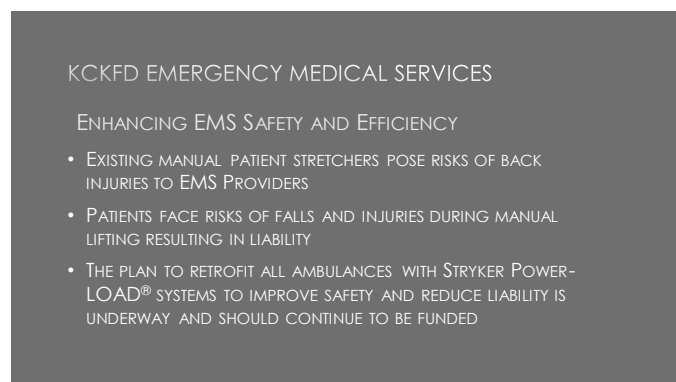
KCKFD EMERGENCY MEDICAL SERVICES

CHALLENGES IN AMBULANCE AVAILABILITY

- AVERAGE AMBULANCE TRANSPORT CYCLE TIME OF 50 TO 90 MINUTES WHICH LIMITS AMBULANCE AVAILABILITY
- REDUCED AMBULANCE AVAILABILITY IMPACTS EMERGENCY RESPONSE DURING CRITICAL TIMES
- KCKFD OFTEN EXPERIENCES NO OR LIMITED AMBULANCE AVAILABILITY

Some of the challenges, our ambulance transports cycle time. Cycle time is from the time the bell rings until that ambulance can take the next call and it ranges between 50 to 90 minutes. The

further away the hospital, the more involved the patient care is, the more cleanup that has to be done between calls pushes it out further. In a typical day three to four times, which I mentioned, we will experience two ambulances available citywide out of eleven, one ambulance available citywide out of eleven, or zero ambulances. When we get to those numbers, we have to rely on our neighbors. We expect Edwardsville or Bonner Springs to help us, but I would daresay typically when we're busy, they're busy. We have to rely on Kansas City, Missouri more times than not to come in and help us. Two problems with that, the response time to physically have an ambulance there, we will have a paramedic delivered by the pumper, thank goodness—or a ladder truck, but they're going to be waiting there for quite a while. That billing I just mentioned, that's money that leaves our community. That will be billed by whatever ambulance takes the person to definitive care.



Next, some of the enhancements. We have a collection of ambulances that need to be upgraded. Most of the ambulances do not have what's called the Power Lift System. Essentially the firefighters have to manually lift the stretcher up. The problems there is back and back injuries. The patient may or may not be secure. I think we're dealing to settle one patient that fell from the litter, time back, but bottom line is this Stryker Power System, which only are represented by a few of our ambulances, that needs to move throughout the system. I don't have to tell you it's a pretty big expense, somewhere about \$65,000 a copy, but again, one firefighter back injury would probably pay for ten of those devices. One patient dropped while trying to get a heavier person, for instance, up into an ambulance would probably buy 50 of those.

KCKFD EMERGENCY MEDICAL SERVICES

COMMUNITY PARAMEDICINE PROGRAM

- COMMUNITY PARAMEDICINE PROVIDES IN-HOME MEDICAL CARE REDUCING HOSPITAL VISITS
- FOCUSES ON NON-EMERGENCY CARE FOR THE UNHOUSED, ELDERLY, OR THOSE WITH LIMITED MOBILITY
- THIS PROGRAM DECREASES EMERGENCY CALLS AND REDUCES EMERGENCY MEDICAL SERVICES STRAIN
- INEVITABLY THIS PROGRAM MUST BE EXPANDED

The last section of EMS we're going to talk about our Community Paramedicine Program. Essentially we have one person that goes out and works very hard to reduce our medical workload. They do in-care services and it's a whole host of services. We started off a contract with one of the medical facilities. That has since ceased. We fund it entirely, but this is one of those programs where we know we're going to recommend that it will be expanded.

SECTION 5 – APPARATUS REPLACEMENT PLAN

The last section that we're going to share with you this evening besides doing a summary, is that we should have the appropriate vehicles.

APPARATUS REPLACEMENT PLAN

- THE PRIMARY GOAL OF THE EMERGENCY VEHICLE FLEET IS TO ENSURE EFFECTIVE, EFFICIENT, AND SAFE RESPONSES
- THIS MASTER PLAN IS A "LIVING DOCUMENT" THAT MUST ADAPT TO THE EVER EVOLVING COMMUNITY NEEDS AND NFPA MINIMUM STANDARDS

It wasn't very long ago that I had to appear before this Commission, the County Administrator, and the Assistants to talk about having five fire stations without fire trucks. I've never experienced that, quite frankly, and again it's been a long time that I've been working in the system, but we got it fixed. Thanks for your help.

APPARATUS REPLACEMENT PLAN

FRONT-LINE EMERGENCY RESPONSE FLEET

- **AMBULANCES:** ELEVEN FRONT-LINE AMBULANCES , MODEL YEARS FROM 2014 - 2022, HANDLE THE MAJORITY OF OVER 36,000 CALLS EACH YEAR
- **PUMPERS:** FIFTEEN FRONT-LINE PUMPERS, RANGING FROM 2006 - 2024, EQUIPPED TO PUMP 1,500 GALLONS OF WATER PER MINUTE, SERVE AS THE BACKBONE OF FIREFIGHTING EFFORTS
- **LADDER TRUCKS:** SEVEN LADDER TRUCKS WITH REACHES FROM 75 TO 107 FEET, ESSENTIAL FOR RESCUE MISSIONS AND HIGH-RISE OPERATIONS , VARYING IN MODEL YEARS FROM 2011 - 2024

We need 11 ambulances that are frontline. Again, right now, our ambulances range from 2014 to 2022. It may sound like great but when you begin looking at the mileage you'll get a better picture. We're in a condition today that we probably haven't been in, in maybe as much as 20-25 years where a fire fleet is reasonable. We have 15 frontline, 150-gallon per minute pumpers, and then we have 7 ladder trucks that are frontline.

APPARATUS REPLACEMENT PLAN

SPECIALIZED FLEET VEHICLES AND SUPPORT UNITS

- **RESCUE UNITS:** TWO RESCUE COMPANIES, VITAL FOR MANY EMERGENCIES SUCH AS VEHICLE EXTRICATION, EXTINGUISHING ROOFS ON FIRE, VENTILATING SMOKE AND GASES, AND RESOLVING BUILDING AND TRENCH COLLAPSES. OUR FLEET VARIES IN MODEL YEARS FROM 2020 AND 2024
- **HAZARDOUS MATERIAL UNITS:** PROTECTORS OF THE ENVIRONMENT (AIR, WATER, AND SOIL) FROM CHEMICAL SPILLS AND OTHER MANMADE HAZARDS. BOTH SPECIALIZED UNITS ARE MODEL YEAR 2024
- **BRUSH TRUCKS:** FIVE BRUSH TRUCKS, CRUCIAL FOR COMBATING WILDLAND FIRES IN RURAL AND OFF-ROAD AREAS. THESE VEHICLES' MODEL YEARS RANGE FROM 2003 TO 2006

There are a couple of rescue units and, again, without a doubt, one's a 2020, the other one is a 2024. We just received two hazardous materials units that are replacing two ancient ones and outdated. We have a brush fire collection of brush fire trucks that range from '03 to '06.

APPARATUS REPLACEMENT PLAN

APPARATUS REPLACEMENT CRITERIA

- **SERVICE LIFE:** FRONT-LINE APPARATUS SERVE FOR APPROXIMATELY 10 - 15 YEARS BASED ON THEIR TYPE OF SERVICE. RESERVE STATUS STARTS AT 11 - 20 YEARS
- **VEHICLE CONDITION:** MILEAGE, ENGINE HOURS, VEHICLE AGE, WEAR, AND MAINTENANCE COSTS ARE USED TO DETERMINE DATE OF SURPLUS STATUS
- **OPERATIONAL EFFICIENCY:** ENSURE VEHICLES MEET CURRENT OPERATIONAL AND EFFICIENCY STANDARDS
- **SAFETY COMPLIANCE:** CONTINUOUSLY CHECK ADHERENCE TO NFPA MINIMUM STANDARDS

Service Life replacement for pumpers should be between 10 to 15 years. At 15 it can go into reserve status and we're going to keep them a little longer than recommended because some of the oldest reserves are going to move to our Training Division. What we do when they're completed used up, we sell them and we get just pennies back. It's a situation where our Fire Department, which I think is for the better, when we turn in a vehicle it really is worn out. It has really given as much service as it can and in some cases the age and mileage is just astronomical. The safety considerations as well as environmental are always a concern.

APPARATUS REPLACEMENT PLAN

FLEET REPLACEMENT TIMELINE

- **ANNUAL TARGETS:** REPLACE 1.5 PUMPERS AND 3 - 4 AMBULANCES EACH YEAR
- **SPECIALIZED UNITS:** REPLACE ONE LADDER TRUCK OR HEAVY RESCUE ANNUALLY
- **LONG-TERM REVIEW:** CONTINUOUSLY EVALUATE FLEET NEEDS FOR FUTURE PLANNING
- **BUDGET PLANNING:** ALLOCATE FUTURE BUDGETS FOR SYSTEMATIC VEHICLE REPLACEMENT

This next one speaks to the target. We're hoping to be able to replace 1.5 pumpers per year. If you're saying, Chief, how are you going to do that, 1 one year, 2 the next, 1 one year, 2 the next. You get the idea. We need somewhere between 3 to 4 ambulances every year. When we get to the mileage it'll make a little more sense. We simply wear those ambulances out. An ambulance probably could gain somewhere between, I don't know, five or six thousand a month. You can begin looking at what it's going to look annually and when you see the results here in a while, remember they're just constantly on the road in this community.

APPARATUS REPLACEMENT PLAN

LONG-TERM REPLACEMENT STRATEGY

- CONTINUOUS REVIEW AND ASSESSMENT OF FLEET TO ENSURE READINESS
- BUDGET PLANNING INCORPORATES SYSTEMATIC REPLACEMENT OF VEHICLES
- GOAL TO MAINTAIN OPERATIONAL AND SAFETY COMPLIANCE

We'll continue to do a long-term review, and again, we will try to work our hardest to make sure we have a functional and operational goal.

10 Year Ambulance Replacement Cycle							
	Year	Unit ID	Location	Mileage	Engine Hours	Status	Estimated Disposition
1	2014	0968	Reserve	180,480	20,470	Active	To be sold 2017
		7794	Reserve	175,419	55,575	Active	To be sold 2017
2	2015	0112	Reserve	151,894	25,342	Out	Send to Manufacturer to Trade Location (8-2015)
		4006	05 - Mount	620,420	11,462	Overhauled	Excess stock 2015
3	2016	0702	Reserve	155,414	13,208	Wrecked	Getting bids for repair
		0715	4 - Bethel	147,176	2,539	Active	To be sold 2016
4	2017	2008	17 - Turner	135,792	6,005	Active	To be sold 2018
		9057	Reserve	8,765	852	Active	In service 2018
5	2018	0276	Reserve	151,500	1,255	Active	In service 2018
		0057	12 - Piper	213,455	49,814	Active	Send to Training 2018
6	2019	0881	19 - Victory Hills	177,275	2,533	Active	To be sold 2017
		0032	10 - Welton	146,430	7,421	Active	To be sold 2018
7	2020	2004	9 - Central	105,795	6,583	Active	To be sold 2019
		2005	7 - Argonne	85,124	5,721	Active	To be sold 2019
8	2021	0607	5 - Calhoun	62,286	1,445	Repair	Return to service Fall 2018
		0432	2 - Midtown	105,777	4,604	Active	To be sold 2018
9	2022	0296	3 - Amundson	89,694	2,730	Active	To be sold 2018
		2023				In Production	To be delivered 01-2025
10	2024					In Production	To be delivered 01-2025
		2025					2 new/1 remount to be delivered Fall 2025
11	2026						2 new/1 remount to be delivered Spring of 2026
		2027					2 new/1 remount to be delivered in 2027
12	2028						2 new/1 remount to be delivered in 2028
		2029					2 new/1 remount to be delivered in 2029
13	2030						2 new/1 remount to be delivered in 2030
		2031					3 new/1 remount to be delivered in 2031
14	2032						3 new/1 remount to be delivered in 2032
		2033					3 new/1 remount to be delivered in 2033
15	2034						3 new/1 remount to be delivered in 2034
		2035					3 new/1 remount to be delivered in 2035
New to Five years of service or Under 100,000 miles							
Up to Ten years of service or 150,001 to 200,000 miles							

New to Five years of service or Under 150,000 miles

Five to Ten years of service or 150,001 to 200,000 miles

Over Ten years of service or Over 200,000 miles

I wanted to get to the next couple of slides and you can certainly digest this, but if you take a look at some of the mileage of the ambulances, there's one with 195,000, 147,000, 134,000, 177,000, 145,000 and I could certainly go on. In the middle of the summer we asked for permission to buy two used ambulances. The reason why we asked is because we found and learned that two were available, very little mileage, for the price of essentially one. We were granted that and that was just simply a stop gap measure. We need to have at least two ambulances new and one ambulance remounted each year to continue. When we put three to four as we look forward and more ambulances are needed, we're going to have to expand the fleet. The mileage is just almost intolerable and, again, it's only going to continue to go up.

10 Year Pump Replacement Cycle							
	Year	Unit ID	Location	Mileage	Engine Hours	Status	Disposition
1	2001	Reserve Pump 1		198,091	17,390	Reserve	To Reserve 2021/Nov to 2026
2	2001	Reserve Pump 2		198,090	17,441	Reserve	To Training 2001/Jan to 2027
3	2002	Reserve Pump 4		69,017	7,572	Reserve	To Training 2004/Jan to 2028
4	2007	Reserve Pump 1		218,197	2,433	Reserve	To Training 2007/Jan to 2030
5	2007	Reserve Pump 2		70,811	7,712	Reserve	To Training 2007/Jan to 2029
6	2011	Pump 5	Chickadee	63,518	6,734	Active	To Reserve 2025
7	2011	Pump 10	Kennelwood Park	67,494	13,080	Active	To Reserve 2025
8	2011	Pump 4	Ardenmore	148,906	5,624	Active	To Reserve 2026
9	2016	Pump 10	Boulders	61,676	5,000	Active	To Reserve 2026
10	2016	Pump 15	Fall-Rise	48,805	4,732	Active	To Reserve 2027
11	2019	Pump 1	Wendbury Hill	46,627	5,455	Active	To Reserve 2028
12	2019	Pump 9	Bentley Park	60,533	5,196	Active	To Reserve 2028
13	2020	Pump 18	Woolston	58,975	5,444	Active	To Reserve 2028
14	2020	Pump 10	Kenny Ridge	54,191	4,271	Active	To Reserve 2029
15	2021	Pump 7	Argentine	32,003	4,130	Active	To Reserve 2030
16	2021	Pump 20	Maple	26,420	2,299	Active	To Reserve 2031
17	2021	Pump 4	Bethel	113,618	780	Active	To Reserve 2032
18	2021	Pump 8	Piper	5,740	430	Active	To Reserve 2032
19	2021	Pump 16	Turner	10,441	725	Active	To Reserve 2033
20	2021	Pump 14	Klaxon Park	5,168	414	Active	To Reserve 2034
21	2022						To be delivered Winter 2024
22	2024						To be delivered Winter 2026
23	2026						To be delivered 2028
24	2028						To be delivered 2030
25	2030						To be delivered 2031
26	2032						To be delivered 2032
27	2033						To be delivered 2033
28	2034						To be delivered 2034
29	2035						To be delivered 2035
30	2036						To be delivered 2036

10 to 15 years of service and under 10,000 miles

15 to 20 years of service or 10,001 to 100,000 miles

20 to 25 years of service or 100,001 to 200,000 miles

Pumpers, we're in a little bit better shape. When you see green, that's pretty good. When you see yellow, that's caution and when we get to the red numbers, pumpers are a little different. They don't take the wear and tear. The heavy weight, they carry an average of two tons of water approximately 12 tons of weight total. Brakes don't last as long as they would with an ambulance although we wear those out pretty quickly because of the mileage. These vehicles are replaced in an earlier cycle as you can take a look at the report. I'm trying to move ahead as quick as I can to save some time for questions for the Commission.

18 Year Specialized Apparatus Replacement Cycle								
	Year	UID ID	Location	Mileage	Engine Hours	Status	Estimated Disposition	
1	2008	00000000000000000000	Phoenix	164,479	16,058	Active		
2	2008	00000000000000000000	Phoenix Truck 1	48,472	3,182	Active		
3	2008	00000000000000000000	Phoenix Truck 1	155,255	17,894	Not Active		
4	2008	00000000000000000000	Truck 6	Village West	77,244	7,091	Active	
5	2008	00000000000000000000	Quint 2	Midtown	43,408	4,153	Active	
6	2008	00000000000000000000	Truck 10	Westside	35,489	3,469	Active	
7	2008	00000000000000000000	Quint 14	Page	45,708	4,469	Active	
8	2008	00000000000000000000	Truck 14	Elmwood Park	22,861	2,440	Active	
9	2008	00000000000000000000	Truck 7	Argentine	87,208	2,208	Active	
10	2008	00000000000000000000	Truck 17	Turner	3,360	393	Active	
11	2008	00000000000000000000	Ladder Truck				To be Delivered in 2025	
12	2008	00000000000000000000	Ladder Truck				To be Delivered in 2026	
13	2008	00000000000000000000	Ladder Truck				To be Delivered in 2027	
14	2008	00000000000000000000	Ladder Truck				To be Delivered in 2028	
15	2008	00000000000000000000	Ladder Truck				To be Delivered in 2032	
16	2008	00000000000000000000	Ladder Truck				To be Delivered in 2033	
17	2008	00000000000000000000	Ladder Truck				To be Delivered in 2034	
18	2008	00000000000000000000	Ladder Truck				To be Delivered in 2035	

18 Year Specialized Apparatus Replacement Cycle

Last Updated: 20-06-2024

The next is specialized apparatus. Ladder trucks, heavy rescues and, again, green is good. I don't think we've probably had this many vehicles in appropriate condition ever and we're in a position where we have most of the frontline vehicles in green. Yellow would be reserves and, of course, red would be something we're either going to get rid of or move it to Training.

10 Year HazMat Replacement Cycle						
	Year	Unit ID	Location	Mileage	Engine Hours	Disposition
1	2005	Reserve HazMat 1		24,536	2,327	Reserve To become Air Unit
2	2006	Reserve HazMat 2		26,549	2,511	Reserve To become Command Unit
3	2023	HazMat 3	Armourdale	0	0	Active
4	2024	HazMat 2	Midtown	0	0	Active

New to 10 years of service
11 to 15 years of service
16 years of service or older

We have to have reserve vehicles for essentially every two frontline. There needs to be one reserve and what we work so hard is that they're now ready reserves and I described that earlier. Hazmat is on the next page...

10 Year Rescue Unit Replacement Plan						
	Year	Unit ID	Location	Mileage	Engine Hours	Disposition
1	2003	Reserve Rescue 1		44,147	3,139	Reserve To Training in 2031
2	2018	Rescue Support	Strawberry Hill	42,942	3,240	Active
3	2020	Rescue 1	Strawberry Hill	19,543	1,527	Active To Reserve in 2031
4	2024	Rescue 6	Village West	1,779	106	Active To Reserve in 2036
5	2029					To be delivered 2031
6	2034					To be delivered 2036

New to 10 years of service
11 to 15 years of service
16 years of service or older

as well as the rescue units...

10 Year Brush Truck Replacement Cycle						
	Year	Unit ID	Location	Mileage	Status	Disposition
1	2003	Brush 18	Welborn	26,854	Active	To Reserve 2030
2	2003	Brush 9	Central Ave	19,553	Active	To Reserve 2031
3	2005	Brush 8	Piper	39,761	Active	To Reserve 2033
4	2006	Brush 16	Turner	9,664	Active	To Reserve 2034
5	2006	Brush 12	Piper	14,155	Active	To Reserve 2035
6	2029					To Be Delivered 2030
7	2030					To Be Delivered 2031
8	2032					To Be Delivered 2033
9	2033					To Be Delivered 2034
10	2034					To Be Delivered 2035

New to 10 years of service
11 to 15 years of service
16 years of service and older

and the brush trucks. Brush trucks again are a weak spot. They take care of wildland fires. When we don't have a huge wildland fire season, we don't need them. When there is one, when it's dry

in the spring and in the fall primarily, they get excessive use. I see that the mileage is low, but when you look at the model year, you can imagine the problems.

10 Year Boat Replacement Plan					
	Year	Unit ID	Location	Status	Disposition
1	2006	Inflatable		Reserve	For use in disaster deployment
2	2008	Boat 1	Strawberry Hill	Active	
3	2011	Inflatable		Reserve	For use in disaster deployment
4	2014	Boat 6	Village West	Active	
5	2017	Inflatable 6	Village West	Active	Stored on Rescue Unit
6	2021	Inflatable 1	Strawberry Hill	Active	Stored on Rescue Unit
7	2023	Boat 18	Welborn	Active	
8	2023	Boat 21	Strawberry Hill	Active	

New to 10 years of service
11 to 15 years of service
16 years of service and older

That takes us to the boats. With the waterways that we have from the lake to the Kaw River to the Missouri River it's important for us to have and maintain.

SECTION 6 – SUMMARY

When we go to the summary, we would just like to share with you that I think you'll continue to find the labor and management will conduct and work hard to have quarterly meetings once the plan is ready to go.

MASTER PLAN SUMMARY

- LABOR - MANAGEMENT QUARTERLY MASTER PLAN PROGRESS MEETINGS WILL BE HELD
- ANNUAL PLAN EVALUATION TO IDENTIFY OUR SUCCESSES, BARRIERS, AND OPPORTUNITIES
- ONE ADDITIONAL YEAR WILL BE ADDED TO THE MASTER PLAN IN THE JANUARY QUARTERLY MEETING

Quarterly meetings we'll take a look at our successes, our barriers and our opportunities and we'll be reporting back to this Commission, when asked of course, and also annually. At the end of the year we'll drop one year, that's what the living document speaks to and we'll add the next year.

IN CONCLUSION

PATH FORWARD:

1. NEXT MEETING SCHEDULED WITH BOARD OF COMMISSIONERS IN THE FIRST QUARTER OF 2025
2. MASTER PLAN APPROVAL BY UG COMMISSION
3. MASTER PLAN FUNDING BY CHIEF FINANCIAL OFFICER AND BUDGET DEPARTMENT
4. IMPLEMENT KCKFD MASTER PLAN
5. ANNUAL REVIEW AND MASTER PLAN UPDATES

In conclusion, we're hoping to get back a visit sometime in the first quarter of 2025. That'll give us time to finish out the plan. We're hoping for approval by the Commission as well as the Chief Financial Officer helping us and the Budget Officer figuring out how we can get to the funding mechanism. Again, we'll start to implement the plan at that point.

SPECIAL THANK YOU TO:

- UG BOARD OF COMMISSIONERS
- MAYOR / CEO TYRONE GARNER AND STAFF
- UG EXECUTIVE STAFF MEMBERS
- IAFF LOCAL 64 LEADERSHIP
- FIRE ADMINISTRATION STAFF

I would like to share a special thanks. First of all, to this board. Mayor, we appreciate the apology; however, not necessary. We understand the reality and how this came along and how it came about. Clearly this board has demonstrated, as you often say, the support that you have for both our Police Department and Fire Department in the likes of Station 16 and Station 12 and we thank you. Thank you particularly, Mayor, and your staff. Anytime we've asked for assistance, information, your staff members have always come to our aid. The executives that are here, Mr. Johnston as well as Ms. Cobbins and Mr. Howze, has been extraordinary. The leadership of the Local has been amazing to work with. I'm very impressed each and every day. I think we've come to agreement somewhere between 90 to 95% of exactly what he wants, I want and what I want, he wants. There is a gap. There is a chasm, we're not giving away the candy store. They don't have round heels, but we can't do our job without them.

When you say, Mayor, that most communities don't have this relationship, I don't understand it. I've never worked in an environment like that. I've been the Fire Chief in the city of Atlanta, I've been the Fire Chief in Washington D.C. I don't want to get too boastful, but I assure you the relationships with our Local was equally the same. We can't do the job without him, end of story. So, again, we cannot thank you and your staff enough.

Then finally, the fire administrative people, whether it's running a slide projector or putting together the comments or doing research or another crazy idea that the Chief has that got to go into the plan, doing the research, we'll never be able to thank them enough. With that, Mayor, that closes our comments unless there's a closing comment from Mr. President and then we'll take whatever questions we have time for.

Mr. Simma said I'll echo the Chief's comments. Thank you all again for the opportunity to come here tonight. For our executive board members who worked hard on this as well as the Chief's

staff. It is a work in progress. We're still working. We look forward to coming back to you in a few months with some detailed plans and recommendations as to how we can move this thing forward in the future.



Commissioner Burns said thank you Chief and J.J. Are you aware of any federal grant money out there to be brought in to help alleviate our funding problem? **Chief Rubin** said yes. We are currently enjoying a \$5M staffing grant. That grant kicked off in March of 2023. We have applied for a \$200K training grant that we're holding our breath and hope that we get access to that money next month. We'll continue to file for the three types of federal grants that are out there. Fire Act Grant takes care of things like training. SAFER Grant is Safe Staffing for Community, that's the \$5M grant and then there's a Fire Prevention Grant that we're also going to go after, but yes sir, that is a consideration and, in fact, we've cashed in on it. **Commissioner Burns** said are you aware of any funding to repair our stations? **Chief Rubin** said no sir. Fire station during the Obama inauguration, sorry during Obama administration had shovel-ready projects. That money has all dried up. The three federal pots, I'm pretty sure that I'm correct on that, staffing, equipment and training and fire prevention. **Commissioner Burns** said thank you both for all you do.

Commissioner Ramirez said just overall, Chief, thank you for the new vision and I am sure President Simma would agree and rank and file, a breath of fresh air to our Fire Department. I did like how you said it's going to be give and take between Labor and Administration of what the master plan is going to look like. That's government, it's compromise and finding that sweet spot where everyone is okay to be at.

I do thank you. First you were Interim and then I'm happy that our Administrator asked you to be our full-time Chief. Thank you for all you've done. You've been very respectful. You're

respected our rank and file and our administration and you respect our community, so I thank you for that. I thank you J.J. for all that you do and for labor and making sure that all our firefighters have what they need and fighting for them, so I thank you.

Commissioner Kane said well we've got to thank Bridgette for bringing him in. One of the things, Commissioner Burns, is we asked Bach for the SAFER Grant and then we were supposed to have a phone call with him and because Station 12 was supposed to be manned with that SAFER Grant. Then Bach decided, him and the Chief, that they were going to go ahead and rob 15s with people and put them out at 12s. We were supposed to talk to the lady at 4:00 and it was supposed to be a three-way call and when I called Doug he said she didn't know what the hell she was talking about. This is FEMA. These are the people that give the money and there was a fight for a long time that finally ended when the old boy left. But, this is what we're supposed to do. We're supposed to work together, we're supposed—and you can yell and cuss and get madder than hell and at the end of the day you got to figure it out and you guys are figuring it out. That's how bad things were and like the fire stations, they've been neglected since (inaudible). I'm just glad we got some sort of push now to either repair, replace or tear down in a lot of cases. Thanks for what you guys do.

Commissioner Stites said I'll start off by saying thank you for the presentation and bringing these things to light. If you haven't been in those, you don't know what they look like and I'm going to reiterate what the Mayor said. You know what, I apologize because I wouldn't want to work in those conditions. With that being said, as a retired police officer, unfortunately I believe the Police Department could come here and put on this very same presentation with the conditions they're living in where they're at and I'm just piggybacking on what you've presented. The reason I'm saying that is, as you guys move through with your thoughts on physical structures—you know I worked out of West Patrol for many, many years and that was a combination police station and fire station. I think that's what Number 20 on the fire—**Chief Rubin** said Number 19—**Commissioner Stites** said maybe there's an opportunity for us to do some combination as we look at building new structures. I don't know if these other ones are in any condition to repair. I think they really just need to be replaced. That's what it looks like to me anyway and maybe there's an opportunity for us to combine and I don't know if that's outdated, we don't do that anymore or there's good reasons or bad reasons to it. I'm just saying it always has seemed to me that if you

can have one air-conditioner versus two air-conditioners, it makes sense. If you have one septic tank or one sewer or one parking lot, it just seems to make a little more sense, so I don't know if that's a—**Chief Rubin** said I think we would be open to it sir. I think it's a great idea. If President Simma would allow, we'll meet with the Chief of Police and their local president as we continue to flush out the plan and see where there would be opportunities to have joint facilities. I think the one out west is an example. Quite frankly, I'm very familiar with things like that where the police and fire have shared facilities. Again, we would be open to that of course.

Commissioner Stites said yeah and I appreciate that and if there is anything on my end, coming from that Police Department world, I'd be glad to assist on that in any way I can.

Commissioner Bynum said I really appreciate the presentation and all the thoroughness and the data that you presented. It's really important for us to hear all of that information and it makes your stomach turn a bit to see the visual representation and, of course, we'll all be thinking about that for many budgets to come and also considering the Mayor's suggestion of a potential sales tax. It's making me think of—the prior Mayor had asked Public Works to make subcommittees with the commissioners to study our infrastructure and come up with a master plan for infrastructure because, of course, the needs there are also astronomical and so we did that. We worked directly with the team from Public Works and created a master plan that was adopted by the Commission.

Then, last week Commissioner Ramirez had asked in light of our budget situation to sit down and revisit that. So last week we met with the Administrator, the CFO, and the Interim Department Head and Commissioner Ramirez and I to kind of look at where we are with that and where can we go given our budget situation. Our CFO immediately said where's your funding plan, which we didn't have and so I'm thinking a new way now about not only do we need a master plan or a strategic plan in that case, but we need a funding plan. So, I'm curious in all of the hours of prep to bring this forward, have you yet met with our CFO to begin those really critical conversations because looking at it this way feels almost impossible to dig our way out of this kind of situation even after you showed us the pictures of the buildings. Then we talked about ambulances and people and pumpers adding dollars with every slide. The funding plan is going to be really important and I'm appreciative of the Mayor bringing a potential sales tax and I think we need to look at everything. But I'm just curious, have those conversations started because I

think they're going to be critical finding our way out of this and it's obviously going to have to be a multi-year process that does it. So, it's a big, long question.

Chief Rubin said yes ma'am. We're looking at a plan that would be well underway in 10 years and probably wouldn't be finished for 20, perhaps even 25. Dr. Kneuvean has met with us on a couple of occasions to start giving us some broad parameters so that myself and President and his staff can help refine that to make sure that it can be developed in such a way, reasonable bites. We prefer user fees to taxes for obvious reasons. We feel like there are several areas that perhaps would be low-hanging fruit for us to provide some of the funding stream that we're going to need, so we're hoping that we can be self-contained when the plan is finally produced, reviewed and approved by the Local as well as the Fire Administration to get it to you in the first quarter of next year, but that is absolutely in the plan.

Commissioner Burroughs said I just want to state how refreshing it is on behalf of the department and the union to be sitting here collectively in front of this body in unison. It's something that the community has an opportunity to witness that hasn't been the case in the past for whatever the differences that we've heard this evening and some of the issues that arose. I've had the privilege of coming down and having dinner with many of the firefighters at a lot of the stations and I agree the conditions are at the very least challenging, but at the most are deplorable. I can share with you that if any of the commissioners and their individual spouses had to come down to spend one or two days in those conditions, they would be at the table pretty quickly wanting to address it. So, my apologies along with the Mayor, that you've had to live in an environment and I mean live in an environment because that's what you do that is not conducive to the respect that you deserve as Public Safety employees.

I'm very proud of the fact that we haven't seen the issues in the press that we've seen in the past. The relationship building is refreshing. The community risk that we both take as administration and bargaining unit when press hits, that is not flattering to either entity. It's a disrespect to this community and it's refreshing to see you both sitting at the table looking for a way to resolve the issues that we face. These issues aren't new. For whatever reason some of them have been kicked down the road. I believe you have commissioners here that don't want to kick the can, refuse to kick the can, and want to address these issues and we stand ready to partner

with you as you two have partnered with one another. I'm very grateful to see the leadership that I see here this evening, thank you.

Chief Rubin said I think we would be more than willing to make accommodations for commissioners to spend the night or your spouses, just say when, anytime, we say.

Commissioner Lopez said I just want to say thank you. I love that we're all Dottes here. It just proves, you know, our firefighters, you guys are real badasses, I love it. I agree with Commissioner Bynum—before we do anything, we need this 2023 audit. We need to see the actual numbers before we really start digging in deep because otherwise we're just running blind here. I'm thinking the audit was supposed to be done by now, but once that's done, then we can really, really dig deep and figure out where we're at. I do want to say, I really appreciate you guys. I know—I've done some numbers here. It looks like, according to your report, 454 firefighters altogether. (inaudible) one hundred, 53,345 residents, that's a ratio of 1 to 338, that's a huge responsibility and I love you guys for it.

Commissioner Hill said I'm just going to say this real briefly, thank you again to the Fire Department. We appreciate your work. I personally have called because I've seen people in despair and you call came readily into the community to help them, but I had no idea of the deplorable conditions that you all have had to work in. I frankly don't understand how we're breaking our own code with the electricity and the plumbing and the ceilings being in disrepair and mold. I just had no idea, so thank you for this. This was a great education for me.

Commissioner Davis said I'll be brief. Thank you all so much President Simma. Thank you Chief and to both of your teams. I know this has been—just to get to this point has been a lot of work, a lot of patients, quite frankly, a lot of compromising coming to a consensus. So, as professionals, I think it speaks volumes to both of you and your leadership teams to get our community to this point. I don't want to echo too much of what has been said, but in my mind revenue neutral keeps coming up and I just couldn't help it in part because, as Mayor Garner alluded to, and said it's not just the Fire Department. We had the same conversation with Public Works, we've had the same conversation with our Police Department, we had the same conversation with Parks & Rec. It's across the board and it's not to minimize anything that's been

presented, it's to say that as a community we're going to have to figure out what investment we are willing to make. I think that we have the opportunity to maybe not solve every issue, but to do better year by year by year so that the maintenance and the repairs are better and perhaps there are some other cost-saving measures as Commissioner Stites has eloquently stated.

With the budget process I think one of the things that we need to hear and see are a multiple of folks that are impacted by our decisions participating in that. Quite frankly, I was surprised by the lack of, at least from my end, communication or participation in the budget process from some of our unions and folks that are definitely going to be and are currently impacted by our decisions in the future. I think I would love to hear and see more of this as we get closer to that decision because when we get downstairs we hear a lot from residents that are talking from their end of expenses, which is very legitimate and very fair, and I hear that. On the other side, our services and so finding that balance is going to be key, but we can't do it if everybody's not at the table as we are making that decision. I'm very excited that this was not the whole plan because I'm like wait a minute, so like does this just kind of leave us on the hook, not necessarily, provide some recommendations or solutions, so I'm excited for the Part Two of this.

If I could make a recommendation, perhaps we look at what other cities of similar size and similar economic challenges have gone through and how they have helped provide greater investment and better repair for their Fire Departments because we're not the only ones dealing with this. Perhaps there are some strategies that we can implement that we haven't thought of, some maintenance tactics that we haven't thought of so that we can get there.

I've been to a few of our fire stations, at least the two that are in my district, both 2 and 19 and just visiting those, I can tell you it is not luxurious at all. They are truly—to see that every day sociologically and then go and provide the service for our community, quite frankly, is one of the hardest jobs. So, sincerely thank you all and I want us to continue to do better and for us to provide realistic solutions so that you all feel confident that you can lead the folks in your department and they valued by us.

Chief Rubin said we appreciate that and I feel like I must say our firefighters, again, will go to 110 calls and they'll do it respectfully, they'll do it quickly, they'll give their 100%. I don't care what the facilities are, if they got worse, I don't know how that would happen. I have full and complete faith that our firefighters will always march on. Whatever this community needs comes first.

Mayor Garner said I'll just close it with, again, what you've seen here tonight from this Commission is an unwavering support. We really appreciate the presentation. I just have to keep saying it. When you go from no communication to collaboration, just professionalism that you all have shown as leaders speaks volumes because relationships are key to finding real solutions to problems. I know you're not going to agree on everything, but what I'm saying is you're agreeing on most things and I'm anxious to see the recommendations. Chief, thank you, you are already thinking about the financing options and that's great. I just threw one out there but, you know, obviously you're ten steps ahead of me, so great to hear that as well.

Mr. President, thank you. I know you all have been through a lot. Going six years without a contract, I can tell you that I gave a call to action to our Interim Administrator, she went to work and, again, I'm just going to repeat it. I know I mentioned earlier, you call a spade a spade because I've been in management and executive leadership for a long time and I've ran across people that I wouldn't let lead a boy scout troop to hand out bottle water, you know what I'm saying, and I've seen some educated idiots in my lifetime and it doesn't mean nothing. But then you call those people out and you help them get better, do you follow me, but you have to recognize that. I know some other boards that I've been on I've tried to tell my colleagues let's throw away these rubber stamps, you know what I'm saying, and really help the leadership become what we need them to be and be successful in all that we want them to do.

I say that to say that when I was a Deputy Chief a lot of people thought I was a decisionmaker. I was a facilitator and I can say that I just want to give Bridgette Cobbins a lot of credit because when that call to action went out to Interim Harrison-Lee, Bridgette stepped right in and worked right with you all. I've sat in those meetings with her and said I'm going to do whatever I need to do to make things right and she did that and her leadership really helped what you all are seeing here today and so I've got to give credit to Bridgette Cobbins on her leadership and what she did in this process because she gets overlooked a lot, but she's often that background person getting it done in ways that you can't even begin to see.

Then, our Legal team, there were a lot of issues that the union had with Legal and Legal said okay, we're going in a different direction and they stepped up and you got your contract and so really it wasn't so much of anything I did Commissioner Kane. I know you said that earlier, but it wasn't so much of me other than just saying here's the direction, here's the vision, let's get it done and staff got it done in cooperation, so it's really good to see this.

Chief, I know you said you—I’m just talking about from my personal experience, I haven’t seen this level of collaboration and cooperation at this level of professionalism with the union and the Chief sitting around the table finding solutions and working out problems and agreeing on it. I’m not saying it doesn’t happen and that was communication channels in it. I just, in my career, and I can only speak for myself, I’ve never seen this right here. I applaud you all because this is what leadership and this is what public service is all about, throwing away all of the differences and saying we’re professionals. We aren’t going to agree, but we’re going to find what we can agree on, we’re going to get things done for the people that we’re here to serve, so thank you for your leadership. We’re glad to have you. Thank you Mr. Simma as well and I’m anxious to hear these recommendations.

I’m going to close this out because we’ve got to get to the next commission meeting, but thank you all again. Any other questions, comments for our Commission?

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to **adjourn**. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Burns, Ramirez, Hill, Kane, Lopez, Stites, Davis.

MAYOR GARNER AJOURNED

THE MEETING AT 6:49 p.m.

Monica L. Sparks
Unified Government Clerk

dt

September 26, 2024

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

SPECIAL MEETING, THURSDAY, OCTOBER 3, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, October 3, 2024, with eight members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Mayor Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; Ramirez, Commissioner Third District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Assistant Counsel; Rodney Lucas, Executive Assistant to County Administrator; and Monica L. Sparks, Unified Government Clerk.

Mayor Garner called the meeting to order at 5:00 p.m.

SECOND AMENDED NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in person on Thursday, October 3, 2024, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for purposes of going into Executive Session for consultation with counsel on matters that would be deemed privileged in an attorney-client relationship such as litigation or claims against the city, immediately followed by an Executive Session relating to employer-employee relations and negotiations. The Executive Session portion of the meeting is closed to the public under the Kansas Open Meetings Act.

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.

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

Mayor Garner said we have two different matters on tonight's Special Meeting. The original Executive Session, at least in part, has been cancelled. At this time, I'm going to ask our Commission to go into Executive Session on another Executive Session matter for consultation with counsel on matters that would be deemed privileged as it relates to attorney-client relationships such as litigation or claims against the Unified Government of Wyandotte County/Kansas City, Kansas. Do we have a motion for Executive Session?

Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to go into Executive Session until 5:25 p.m. to consult with our attorneys and to discuss confidential matters related to pending claims and litigation as permitted under the Kansas Open Meetings Act; and that Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Senior Counsel; and Beth Evers Guerra, Outside Counsel; be present to participate in the discussion and that we reconvene in open session at 5:25 p.m. in the fifth floor conference room. Roll call was taken and there were seven "Ayes," Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO; presiding. **Staff present:** Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Senior Counsel. **Others present:** Beth Evers Guerra, Outside Counsel.

Mayor Garner reconvened back into Special Meeting at 5:25 p.m.

Mayor Garner said do we have a motion to go into Executive Session to discuss matters related to Employer-Employee Relations.

Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to go into Executive Session until 6:00 p.m. in the fifth floor conference room to consult with our attorneys and to discuss confidential matters related to labor negotiations as permitted under

the Kansas Open Meetings Act; and that Alan Howze, Acting County Administrator; Angela Lawson, Casey Meyer, Ryan Denk, Outside Counsel, John Droppelmann, Shakeva Christian, Shelley Kneuvean, Rodney Lucas, and Reginald Lindsey participate in the discussion and that we reconvene in open session at 6:00 p.m. in the fifth floor conference room. Roll call was taken and there were seven “Ayes,” Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO; presiding. **Staff present:** Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Assistant Counsel; John Droppelmann, Deputy Chief/Fire Marshall; Shakeva Christian, Manager in Human Resources; Shelley Kneuvean, Chief Financial Officer; Rodney Lucas, Executive Assistant to County Administrator; and Reginald Lindsey, Budget Director. **Others present:** Ryan Denk, Outside Counsel.

Mayor Garner reconvened into Special Session at 6:00 p.m.

Commissioner Burroughs made a motion, seconded by Commissioner Lopez, to adjourn. Roll call was taken and there were seven “Ayes,” Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum.

**MAYOR GARNER AJOURNED
THE MEETING AT 6:05 p.m.**

Monica L. Sparks
Unified Government Clerk

dt

October 3, 2024

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

PLANNING & ZONING AND
 REGULAR SESSION
 AUGUST 31, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, August 31, 2023, with seven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; and Garner, Mayor/CEO, presiding. Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh 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; Alyssa Marcy, Long Range Planner; Wendy Green, Senior Counsel; Monica Sparks, Deputy UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

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

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

Mayor Garner said I will now call this meeting to order. Clerk, roll call.

Roll call: Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson, Garner. **Ms. Sparks** said we have an absence memo for Stites, Davis, Ramirez, and Kane.

Mayor Garner said tonight, we're going to have an invocation given by Commissioner Harold Johnson, Pastor of Faith Deliverance Church of God in Christ, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions tonight for this agenda? **Ms. Sparks** said there are no revisions.

PLANNING AND ZONING AGENDA

Mayor Garner asked, Clerk, could you please read the statement?

Monica Sparks, Deputy UG Clerk, read the statement, required by state law.

Ms. Sparks asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? (No disclosures were made.)

PLANNING AND ZONING CONSENT AGENDA

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

I'll now ask if anyone in attendance would like to set aside an item? Seeing none. Clerk, is there anyone joining us virtually who'd like to...sorry. The Clerk advised the items need to be read.

Ms. Sparks read the items on the Planning and Zoning Consent Agenda.

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

I'll ask if anyone in attendance would like to set aside an item. Seeing none. Clerk, anyone joining us virtually who'd like to set aside an item? **Ms. Sparks** said there are no hands raised.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all items on the Planning and Zoning Consent Agenda, as submitted. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212661...SPECIAL USE PERMIT APPLICATION SP2023-034 - JAMES M. VIENS

Synopsis: Special Use Permit to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, James Viens, is requesting a Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on property. This Special Use Permit is being requested as a renewal of SP2021-036. The Planning Commission voted 10 to 0 to recommend approval of SP2023-034, for five (5) years, subject to:

1. Per Section 27-593(a)(10)a. Fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
2. No eggs or chickens may be commercially sold, whether on site or off site;
3. No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;
4. The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).
 - i. Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.
 - ii. Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.
 - iii. Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.
 - iv. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;

5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
6. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
7. 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;
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. 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;
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. 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; and,

11. 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 McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-034 for five years, subject to the stipulations. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212662...SPECIAL USE PERMIT APPLICATION SP2023-043 - FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC

Synopsis: Special Use Permit to operate a children's daycare at 2605 West 39th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Faris Farassati, is requesting the renewal of a Special Use Permit (SP-2020-76) for the purpose of the continued operation of a day care center at 2605 West 39th Avenue. The applicant lapsed on their previous application, which expired on December 10, 2022. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-043, for two (2) years, subject to:

1. The following previous conditions of approval shall remain in effect:
 - a. Sidewalks are required to be installed. Please install a new 5-footwide sidewalk on the north/west side of the property along 39th Avenue/Lake Avenue to the western edge of the property.
 - b. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue.
 - c. Landscaping is required and must be maintained. Please install street trees every 30 feet along Springfield and 39th/Lake Avenue.
 - d. Install a trash enclosure.
 - e. Repaint the building;
2. The applicant and their General Contractor shall complete and close out their DRC Building Permit, DRC21-0019 and any other active Building Permits;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to

- confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 5. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. 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;
 11. 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;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

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

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-043 for two years, subject to the stipulations.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – 212663...SPECIAL USE PERMIT APPLICATION SP2023-051 - RUBEN ROSALES

Synopsis: Special Use Permit to operate a Short-Term Rental at 2924 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ruben Rosales, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2924 Eaton Street. This is the owner's primary residence; however, they would not be on-site while the property is rented out. This would be the first and only permitted short-term rental on the 2900 block of Eaton Street. There is one other unpermitted short-term rental on the block at 2904 Eaton Street. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-051, for one (1) year, subject to:

1. The following items must be addressed prior to publication of SP2023-051:
 - o There is a slight leak on the shut off valve to the furnace.
 - o Replace the stair railings that have more than a 4" space between balusters.
2. Any additional repairs not addressed prior to approval of SP2023-051 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).
4. The landscaping outside must be maintained.
5. Maximum number of guests is seven (7).
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
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; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-051 for one year, subject to the stipulations. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212664...SPECIAL USE PERMIT APPLICATION SP2023-053 - ELIZABETH HARDING

Synopsis: Special Use Permit to operate a Short-Term Rental at 2822 West 43rd Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Elizabeth Harding, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2822 W. 43rd Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2800 block of 43rd Avenue. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-053, for one (1) year, subject to:

1. Only one (1) unit of the duplex may be used as a short-term rental.
2. Any additional repairs not addressed prior to approval of SP2023-053 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests is three (3)
4. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street.
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented.
7. Applicant is to maintain liability insurance.
8. The property must remain in proper maintenance and free of hazards, pests, or infestations.
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign

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

12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
14. All existing and future driveways must feature curb cuts that are constructed to UG standards.
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
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.

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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-053 for one year, subject to the stipulations. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212665...SPECIAL USE PERMIT APPLICATION SP2023-056 - CALEB AND MADISON BERCIUNAS

Synopsis: Special Use Permit to operate a Short-Term Rental at 4206 Mission Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Caleb and Madison Berciunas, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4206 Mission Road. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-056, for one (1) year, subject to:

1. The following repairs must be complete prior to the publication of this short-term rental with proof of repairs shown to Staff.
 - o Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional;
 - o Remove the poison ivy found within the yard;
 - o Remove mold found in the kitchen sink cabinet;
 - o Install smoke and carbon monoxide detectors;
 - o Remove or secure bare wires in the rear basement ceiling;
 - o Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets.
 - o Cover the open wire splice in the south basement ceiling between HVAC duct pipes;
 - o Remove or secure Romex wiring in basement stairwell;
 - o Cover open electrical wire junction box between furnace equipment and foundation wall.
2. Any additional repairs not addressed prior to approval of SP2023-056 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests allowed is six (6).

4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
5. Applicant shall ensure that guest vehicles do not impede the sidewalk.
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
8. Applicant is to maintain liability insurance.
9. The property must remain in proper maintenance and free of hazards, pests, or infestations.
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
15. All existing and future driveways must feature curb cuts that are constructed to UG standards.
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning

Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-056 for one year, subject to the stipulations.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

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

Item No. 1 – 212641...AN ORDINANCE rezoning property at 9400 State Avenue (COZ2022-039), from A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-90-23,** “An ordinance rezoning property hereinafter described located at approximately 9400 State Avenue, in Kansas City, Kansas, by

changing the same from its present zoning of A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212643...AN ORDINANCE authorizing a Special Use Permit at 9400 State Avenue (SP2022-097) for an event center at the Margaritaville Resort Hotel, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-91-23**, “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 an event center at the Margaritaville Resort Hotel at 9400 State Avenue Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 - 212644...AN ORDINANCE rezoning property at 6340 Riverview Avenue, (COZ2022-048) 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-92-23**, “An ordinance rezoning property hereinafter described located at approximately 6340 Riverview Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212645...AN ORDINANCE rezoning property at 2508 North 12th Street and 1208 Cleveland Avenue, (COZ2023-011) from R-2 Two Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-93-23**, “An ordinance. rezoning property hereinafter described located at approximately 2508 North 12th Street and 1208 Cleveland Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-2 Two Family District to RP-5 Planned Apartment District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212646...AN ORDINANCE rezoning property at 3542 North 51st Street, 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-94-23**, “An ordinance rezoning property hereinafter described located at approximately 3542 North 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 6 – 212648...AN ORDINANCE authorizing a Special Use Permit at 527 Tenny Avenue, (SP2023-016) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-95-23**, “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 527 Tenny Avenue, Kansas City, Kansas.” **Commissioner McKiernan**

made a motion, seconded by Commissioner Johnson, to approve the ordinance. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 7 – 212649...AN ORDINANCE authorizing a Special Use Permit at 4610 Lloyd Street (SP2023-027) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-96-23**, “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 4610 Lloyd Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 8 – 212650...AN ORDINANCE authorizing a Special Use Permit at 2716 North 119th Street, (SP2023-028) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-97-23**, “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 2716 North 119th Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 9 – 212653...AN ORDINANCE authorizing a Special Use Permit at 1010 Merriam Lane, (SP2023-029) for a used car dealership, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-98-23**, “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 used car dealership at 1010 Merriam Lane, Kansas City, Kansas” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 10 – 212656...AN ORDINANCE authorizing a Special Use Permit at 1945 West Lawrence Court, (SP2023-032) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-99-23**, “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 1945 West Lawrence Court, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 11 – 212657...AN ORDINANCE authorizing a Special Use Permit at 3716 Springfield Street, (SP2023-035) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-100-23**, “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 3716 Springfield Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212667...SPECIAL USE PERMIT APPLICATION SP2023-046 - AARON LILLY

Synopsis: Special Use Permit to operate a Short-Term Rental at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Christine and Aaron Lilly, are requesting a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other unpermitted short-term rental on the block. This property was previously permitted as a Short-Term Rental under SP2021-065, however, the owner of the property has changed since the previous approval. The Planning Commission voted 9 to 1 to recommend approval of Special Use Permit Application SP2023-046, for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-046 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use

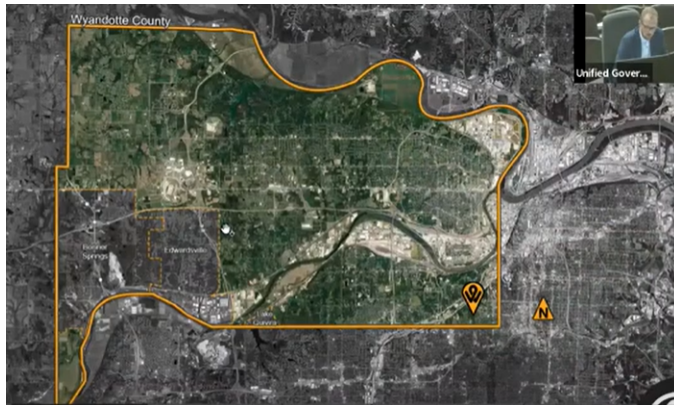
of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process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

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

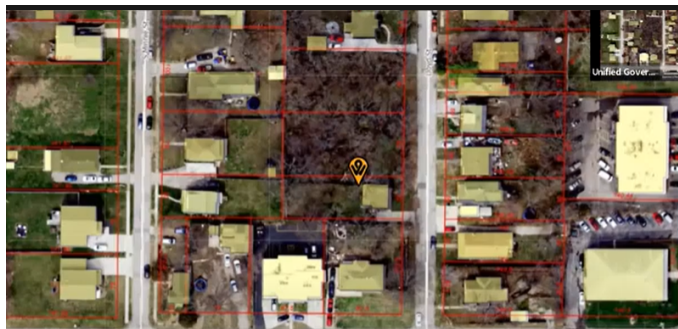
conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-046	
Petitioner	Address
Aaron & Christine Lilly	4138 Lloyd Street
Synopsis Click to expand for precise seeking	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. If approved, there is one (1) unpermitted short-term rental that must cease operation.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. This is as a result of a change in ownership.



This is in the Rosedale Area Plan.

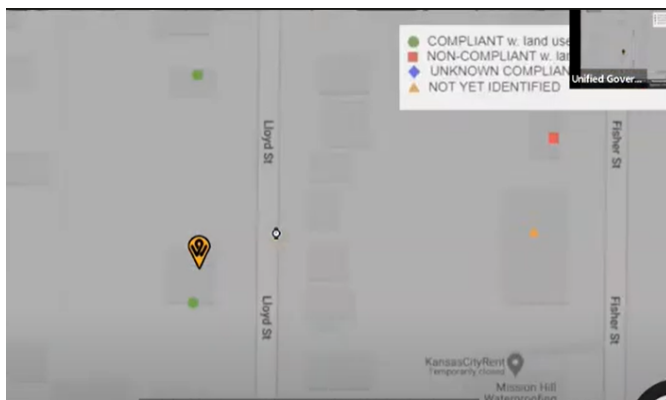


Staff received no letters of support; no letters in opposition.

August 31, 2023



There is a notice of violation on this property but it relates to operating a short-term rental without a special use permit, which is why they are here tonight.



Staff agrees with Planning Commission and recommends approval for one year, with conditions.





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

Staff Recommendation

Approval

Mayor Garner said if the applicant is present, you're more than welcome to present your application.

Aaron Lilly, 4138 Lloyd Street, said the request is for a special use permit to operate as a short-term rental.

Mayor Garner said I will now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, is there anyone that has sent you notification who wish to express comments in opposition of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition? Seeing

none. Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said the public hearing is closed. Would the petitioner like to make any closing comments? (No response.)

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any calls for service at this address for the police? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any code violations documented by the NRC other than the one you previously mentioned? **Mr. Hand** said no. **Commissioner McKiernan** asked, did anyone submit a letter of opposition to the Planning Commission regarding this property? **Mr. Hand** said no and nobody was in...**Commissioner McKiernan** said and no one testified in opposition at the Planning Commission meeting. Given the answers to those questions, I find no reason to overturn the Planning Commission's decision and I move to uphold the approval of the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-046 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212668...SPECIAL USE PERMIT APPLICATION SP2023-048 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 3925 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield. The property has operated as an unpermitted short-term rental since August 2022. The Planning Commission voted 8 to 2 to recommend approval of Special Use Permit Application SP2023-048, for one (1) year, subject to:

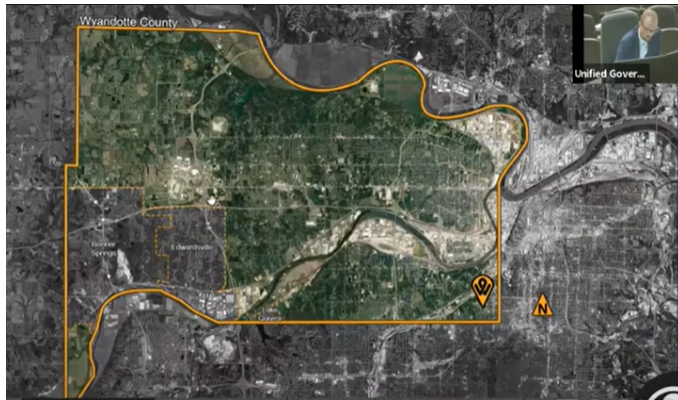
1. The driveway apron and sidewalk shall be repaired or replaced. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
2. Exterior handrails shall be installed;
3. Any additional repairs not addressed prior to approval of SP2023-048 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
4. Maximum number of guests shall be seven (7);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private

property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

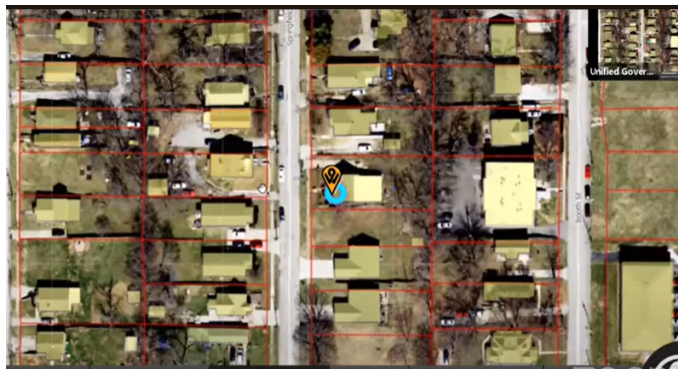
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty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

Case	
SP2023-048	
Petitioner	Address
Lance Pierce & NeShae Wells	3925 Springfield Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3925 block of Springfield Street.	

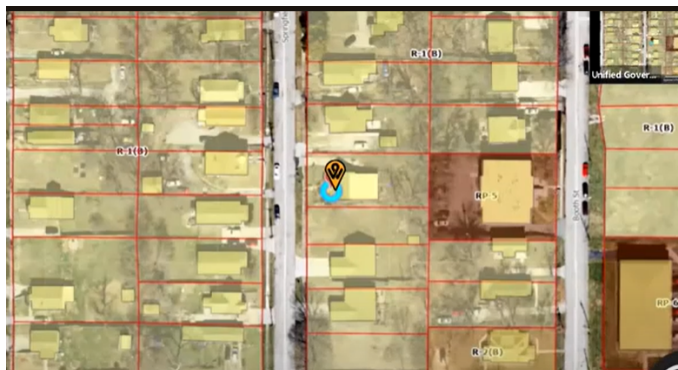
Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. This property is non-owner occupied.



This is also in the Rosedale area.

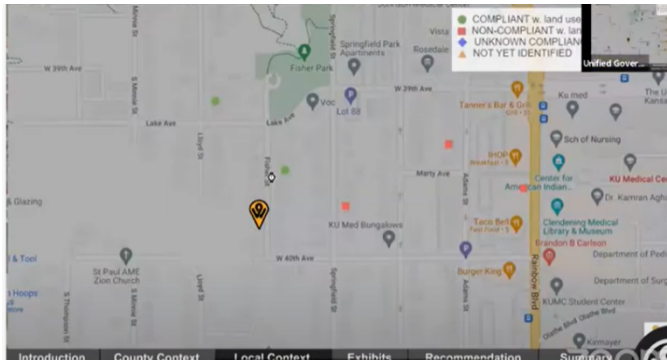


Staff received no letters of support; no letters in opposition.



There are no notices of violation. This would be the first and only short-term rental on this block of Springfield. Staff agrees with Planning Commission and recommends approval for one year, with conditions.

August 31, 2023



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



Staff Recommendation
Approval

Mayor Garner said I'll ask the applicant or representative to present the application.

Lance Pierce, 3917 Bell Street, KCMO, said we're applying for a short-term rental license.

Mayor Garner said I will now open the public hearing. Clerk, were any notifications received from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone in the audience who would like to speak in opposition of this item? Seeing none. Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing. Petitioner, would you like to make some closing comments? **Mr. Pierce** said no, I have no closing comments.

Commissioner McKiernan said, Mr. Hand, I think you know what questions I'm going to ask here. During the time that this property was operating without a permit, were there any neighbor complaints about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any police calls for service at this address? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any code violations documented by the NRC? **Mr. Hand** said no. **Commissioner McKiernan** said and no one submitted a letter of opposition to the Planning

Commission and no one appeared to testify against, in opposition at the Planning Commission meeting. Is that correct? **Mr. Hand** said that's correct. **Commissioner McKiernan** said given the answers to those questions, I find no reason to overturn the Planning Commission's decision and I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-048 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – 212669...SPECIAL USE PERMIT APPLICATION SP2023-049 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 4028 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth. The property was previously permitted as a short-term rental; however, the permit has lapsed. The Planning Commission voted 8 to 2 to recommend approval of Special Use Permit Application SP2023-049, for one (1) year, subject to:

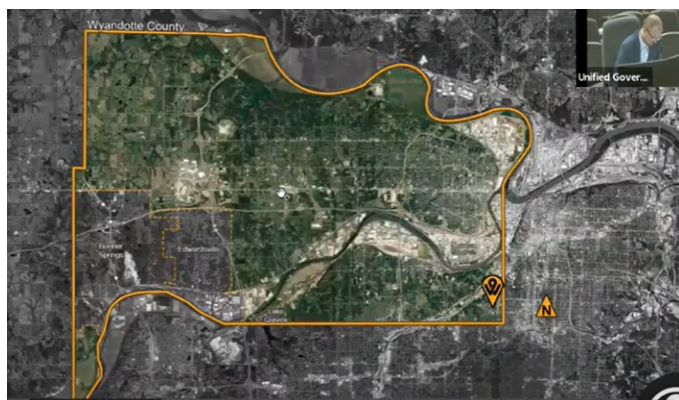
1. Only one (1) unit in the duplex may be rented as a short-term rental.
2. The applicant shall install a retaining wall in the rear yard where the former garage once stood. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
3. The applicant shall replace the curbing along 41st Avenue. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
4. Any additional repairs not addressed prior to approval of SP2023-049 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
5. Maximum number of guests is seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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; and,
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-049	
Petitioner	Address
Lance Pierce & NeShae Wells	4028 Booth Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth Street. If approved, there is one (1) other non-permitted short-term rental on the block that would be required to cease operation.	

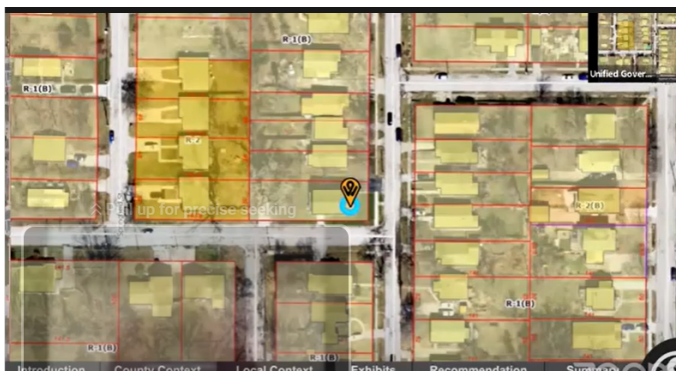
Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. It is also non-owner occupied.



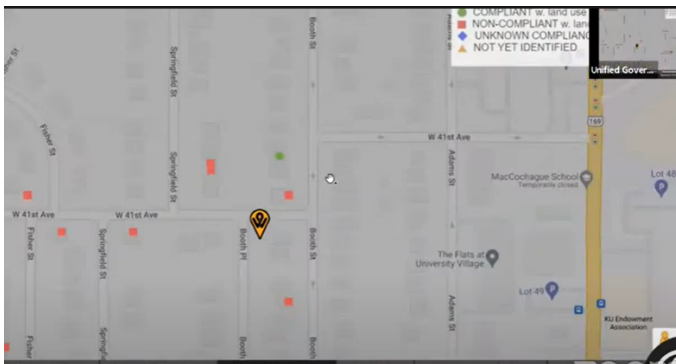
This is also in the Rosedale Area Plan.



Staff has received no letters in support; no letters in opposition.



There are some older notices of violation which were addressed through the rehab of this property in regard to this project.



Staff agrees with Planning Commission and recommends approval for one year, with conditions. I would note there is one unpermitted short-term rental also on this block that will require enforcement action if the Board of Commissioners move forward with approval for this site.

August 31, 2023



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

Mayor Garner said I'll ask the applicant or representative to present their application.

Lance Pierce, 3917 Bell Street, KCMO, said we are seeking a short-term rental license on this property.

Mayor Garner said I will now open the public hearing. Clerk, have you received any notification from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who

would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone who would like to express comments in opposition? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone in the audience who would like to speak in opposition of this item? **Ms. Sparks** said we do have a hand raised.

Louise Lynch, resident of Kansas City, KS, 3rd District, said I do have some questions and concerns as I hear all of these short-term rentals being approved. I'd like to know, listening to all these short-term rentals, why the Pierce group is going for a short term as opposed to a regular rental being we have such a shortage of housing problem in the KCK area. I hear all these short terms being approved and now two on one block. Most of the time these are going to be higher rentals because they're short term with less ability to enforce other compliances, rules, and regulations. Why are we doing so many of these? I'd like to know why the group is not going for a long term to try and help out the housing shortage in this area. I'd like the commissioners to be accountable for doing so many of these as opposed to trying to help the housing situation for those residents that live here for a long term.

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

Mayor Garner said I will now close the public hearing. Petitioner, would you like to make some closing comments?

Mr. Pierce asked, would you like me to respond to that or was that for the commissioners? We're following the rules that have been passed by the City Council of Kansas City, KS, and then seeking in accordance with those laws that were passed to operate a short-term rental in this property.

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints received about this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any police calls for service documented at

this address? **Mr. Hand** said no. **Commissioner McKiernan** asked, do I understand you to say that any code violations that may have been or are currently noted for this address have either been addressed or are being addressed currently? **Mr. Hand** said not in this particular case, but there is one later on. **Commissioner McKiernan** asked, did anyone submit a letter of opposition to the Planning Commission for this application? **Mr. Hand** said no. **Commissioner McKiernan** asked, did anyone testify in opposition at the Planning Commission meeting for this application? **Mr. Hand** said no. **Commissioner McKiernan** said based on those answers, I find no reason to overturn the Planning Commission's decision, and I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-049 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212670...SPECIAL USE PERMIT APPLICATION SP2023-050 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 4456 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4456 Springfield. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Springfield. The property is currently being used as a short-term rental without a permit. The Planning Commission voted 8 to 2 to recommend approval of Special Use Permit Application SP2023-050, for one (1) year, subject to:

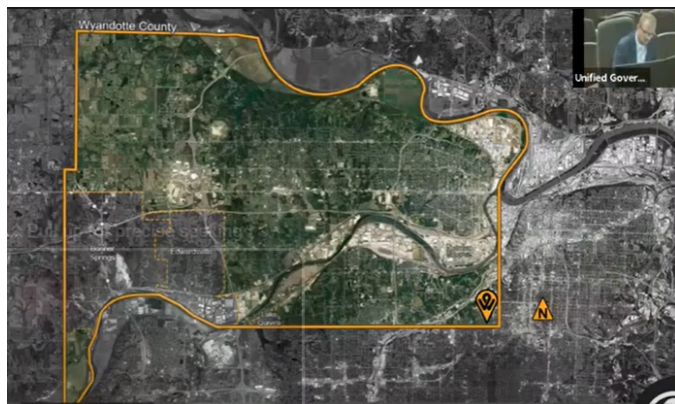
1. Any additional repairs not addressed prior to approval of SP2023-050 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests is six (6).
3. All parking must be off-street, maximum number of vehicles is two (2).
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;
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. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).

Case	
SP2023-050	
Petitioner	Address
Lance Pierce & NeShae Wells	4456 Springfield Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Springfield Street. If approved, there is one (1) other non-permitted short-term rental on the block that would be required to cease operation.	

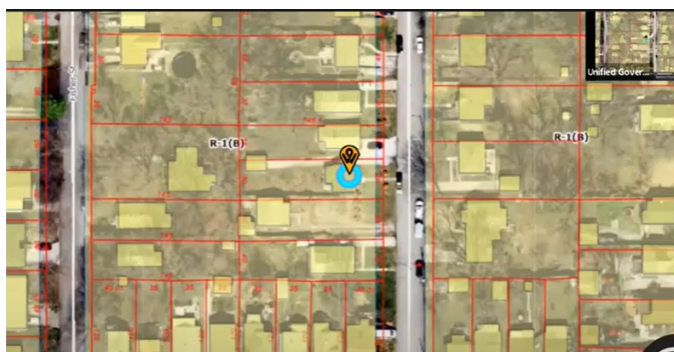
Gunnar Hand, Director of Planning and Urban Design, said we have another special use permit for a short-term rental, also non-owner occupied.



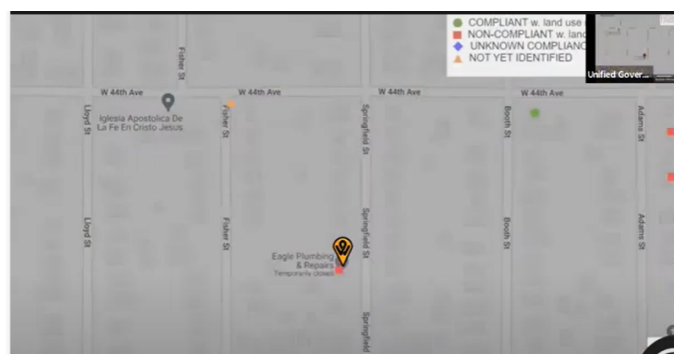
Also in the Rosedale Area Plan.



Staff has received no letters in support; no letters in opposition.



There are some older notices of violation related to this property, but all have been addressed or rectified to date. Staff agrees with the Planning Commission's recommendation of one year, with conditions.



August 31, 2023



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

Staff Recommendation

Approval

Mayor Garner said I'll ask the applicant or representative to present the application request.

Lance Pierce, 3917 Bell Street, KCMO, said we are seeking a short-term rental application at this property.

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 the item? **Ms. Sparks**

said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone expressing their comments in opposition of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing. Would the petitioner like to make any closing comments or remarks? **Mr. Pierce** said no remarks are needed.

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints received about this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any calls for service for this property address? **Mr. Hand** said no. **Commissioner McKiernan** asked, do I understand that all previous code violations have now been addressed? **Mr. Hand** said that is correct. **Commissioner McKiernan** asked, did anyone submit a letter of opposition to the Planning Commission? **Mr. Hand** said no. **Commissioner McKiernan** asked, did anyone testify in opposition at the Planning Commission meeting? **Mr. Hand** said no. **Commissioner McKiernan** said given the answers to those questions, I find no reason to overturn the Planning Commission's decision. I move to uphold the approval of the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-050 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212671...SPECIAL USE PERMIT APPLICATION SP2023-052 - ANDREW BESELICA

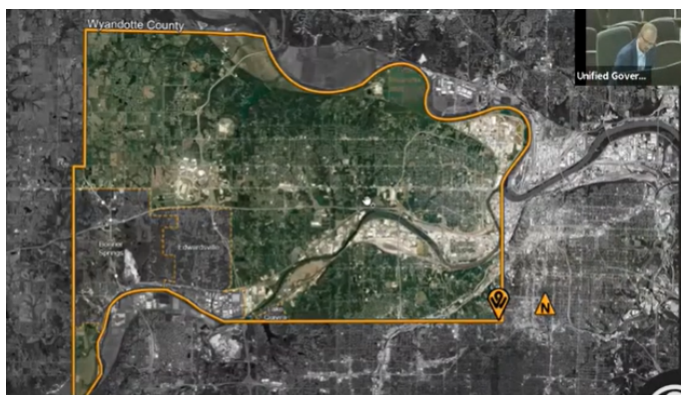
Synopsis: Special Use Permit to operate a Short-Term Rental at 2504 West 47th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Andrew Beselica, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2504 W. 47th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of 47th Avenue. The Planning Commission voted 9 to 1 to recommend approval of Special Use Permit Application SP2023-052, for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-052 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be seven (7).
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

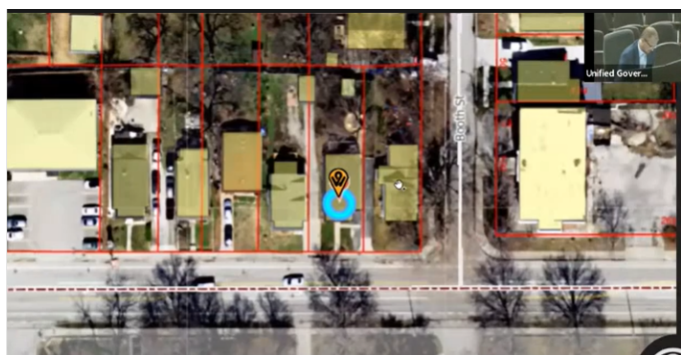
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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.
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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case	
SP2023-052	
Petitioner	Address
Andrew Beselica	2504 West 47 th Avenue
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of West 47 th Avenue.	

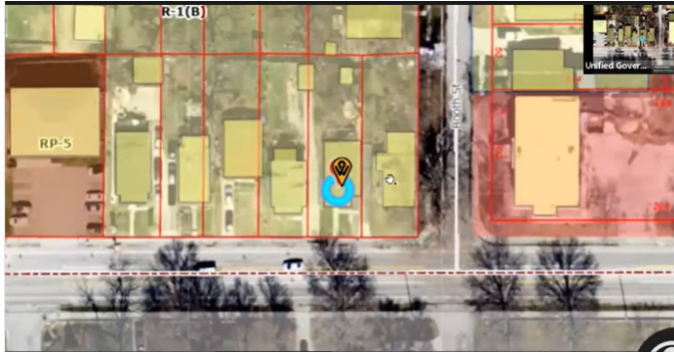
Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. It's also non-owner occupied.



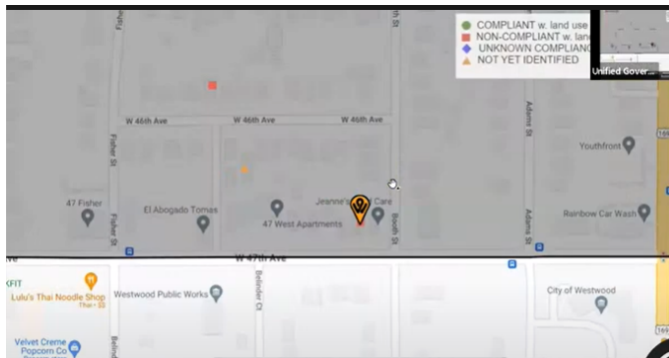
It is also in the Rosedale Area Plan.



Staff has received no letters in support; no letters in opposition. There was one member of the public in attendance at the Planning Commission hearing earlier this month that did speak in opposition to this case. Although, it was more in general to special use permits for short-term rentals.



There are no notices of violation on this property. Staff agrees with the Planning Commission's recommendation for approval for one year, with conditions.



Mayor Garner asked, Clerk, have you received any notifications from anyone who would like to express their comments in opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone who would like to speak, that is present, in opposition to this item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll close the public hearing. Petitioner, would you like to make some closing comments. **Andrew Beselica**, Applicant, said no closing comments. Thank you.

Commissioner McKiernan said, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints received about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any police calls for service documented at this address? **Mr. Hand** said none. **Commissioner McKiernan** asked, do I understand that all previous code violations have now been addressed? **Mr. Hand** said correct. **Commissioner McKiernan** said you said no one submitted a letter of opposition to the Planning Commission and no one testified in opposition at the Planning Commission. **Mr. Hand** said there was one...**Commissioner McKiernan** said I'm sorry. There was one member who testified at the Planning Commission. I would just note that there was no one testifying in opposition tonight. Based on the answers to these questions, I find no reason to overturn the Planning Commission's decision. I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-052 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 6 – 212672...SPECIAL USE PERMIT APPLICATION SP2023-054 - ASHLEY SIVILS

Synopsis: Special Use Permit to operate a Short-Term Rental at 719 Lyon Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ashley Sivils, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 719 Lyon Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years. The Planning Commission voted 9 to 1 to recommend approval of Special Use Permit Application SP2023-054, for one (1) year, subject to:

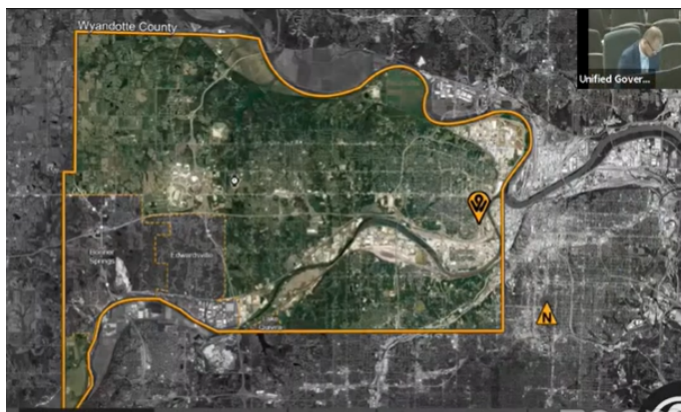
1. The applicant shall repair the following items prior to publication of their ordinance. Proof of replacement must be sent to staff.
 - o The trees and limbs must be removed from the power line.
 - o Smoke detectors and carbon monoxide detectors must be installed.
 - o The steps with more than 4" gap must be repaired.
2. Any additional repairs not addressed prior to approval of SP2023-054 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. The applicant shall repair and replace the driveway apron into the alleyway.
4. The applicant shall be required to clear brush from driveway apron.
5. Maximum number of guests shall be seven (7).
6. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
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; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. 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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case		
SP2023-054		
Petitioner	Address	
Ashley Sivils	719 Lyon Avenue	
Synopsis		
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue.		

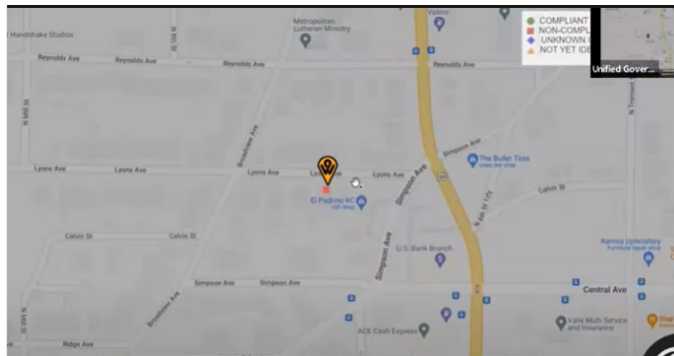
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. It is also non-owner occupied.



This one is in the Central Area Plan.



Staff received no letters in support. No letters in opposition. There are quite a few notices of violation as it relates to this property over the last couple of years, mostly in regard to maintenance and things like trash. Then older ones as it relates to boarded windows, again, which would go to prior to the property being rehabbed. The trash complaints are as soon as 2022 to 2023. We anticipate questions from the commissioners. Staff does, however, agree with the Planning Commission's recommendation of approval for one year, with conditions.





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

Staff Recommendation

Approval

Mayor Garner said I'll ask the applicant or representative to present the application request.

Ashley Sivils, 425 Washington Street, Apt. 207, KCMO, said I am asking for a special use permit for a short-term rental.

Mayor Garner said I will now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in opposition to this item? **Ms. Sparks** said no hands are raised.

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

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighborhood complaints about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any police calls for service at this address? **Mr. Hand** said none.

Commissioner McKiernan said regarding the code violations, Ms. Sivils, I'll ask you, when you acquired this property, was it vacant and unimproved? **Ms. Sivils** said no. I bought it after it was rehabbed. **Commissioner McKiernan** said you bought it after it was rehabbed. What date was that? **Ms. Sivils** said in 2021.

Commissioner McKiernan asked, Mr. Hand, how many code violations have we had since 2021 on this property? **Mr. Hand** said two, one in 2022 and one in 2023, both for trash not collected.

Commissioner McKiernan asked, Ms. Sivils, do you have procedures in place to ensure that your guests do not leave trash that violate code at this address? **Ms. Sivils** said yes, I do. **Commissioner McKiernan** asked, will you be responsible for clearing said trash if said trash is ever found again at this address? **Ms. Sivils** said yes, I will. **Commissioner McKiernan** said yes, you will.

Were there any code violations other than these two documented, Mr. Hand? **Mr. Hand** said no. All 2020 and before when it was an abandoned house. **Commissioner McKiernan** said and no one submitted a letter in opposition to the Planning Commission? **Mr. Hand** said no. **Commissioner McKiernan** said and no one testified in opposition at the Planning Commission meeting. **Mr. Hand** said correct.

Commissioner McKiernan said, Ms. Sivils, I cannot emphasize to you how important it is that short-term rental operators and guests be good neighbors to all around them. I can look at your property. It is in my district. It looks spectacular. We want to make sure that it continues to look spectacular and be an asset to the neighborhood so that this special use permit can be renewed and not revoked.

Commissioner McKiernan said all that being said, I find no basis...

Mayor Garner said I have a point of order before you do that. I have a question. Mr. Hand, there were conditions. What were those conditions?

Mr. Hand said standard conditions for all short-term rentals as well as that they would have a maximum of seven guests at any given time, two cars off-street, and that they would help us clear some of the alleyway at this location. At this location, there is an alleyway that goes down the middle of the block, but because there's commercial uses on Simpson Avenue, it's an L alleyway. It probably was a T alleyway at some point. You can only get to this property and the off-street parking because there is no driveway off Lyon Avenue from Broadview Avenue, so we asked her to help us with the alleyway.

We also have an open case with cops that we have opened. The abutting property to the east is effectively using that L alleyway as their driveway, and there's an inoperable vehicle as well as an RV being stored right there, so we're trying to clear the alleyway so that there is now two points of access for all houses on that street, both sides of that street.

Commissioner McKiernan said I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-054 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PLAN REVIEW APPLICATION

Item No. 1 – 212666...PLAN REVIEW APPLICATION PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER

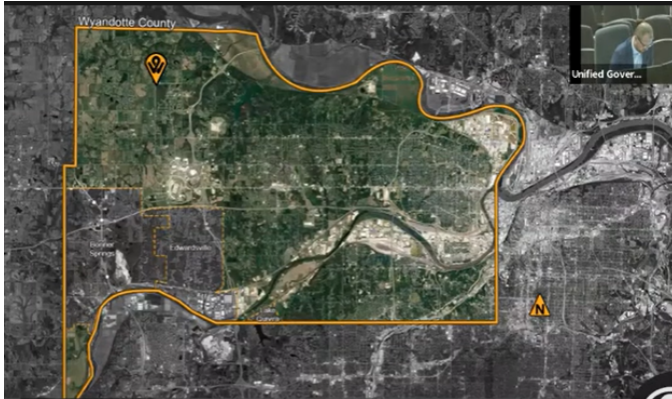
Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application PR2023-014, subject to:

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
6. 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;
7. 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;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
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.

Case		
PR2023-014		
Petitioner	Address	
Jacob Hudson	10601 Hutton Road	
Synopsis		
To approve a Preliminary Development Plan for a 7,508 square foot expansion of the Vineyard Church of Piper as well as expansion of the parking lot.		

Gunnar Hand, Director of Planning and Urban Design, said this is a preliminary development plan for the expansion of a church and expansion of their existing parking lot.

August 31, 2023



This is in the Prairie-Delaware-Piper Area Plan.



Staff's received no letters in support; no letters in opposition. There are no notices of violation.



Staff does agree with the Planning Commission's recommendation of approval;



however, at the Planning Commission hearing, the applicant had asked for us to amend condition No. 2 and condition No. 8. Both of those changes required counsel with the County Engineer, which we have done since the Planning Commission. We've come to an agreement with both the applicant, County Engineer, and staff on amendments to condition No. 2 and condition No. 8; however, if we were to make a motion tonight to approve with those changed conditions, we would need eight votes and there are only seven of you total here.

I've spoken with the applicant, who is not here tonight, and he is open to a holdover for 30 days.





Mayor Garner said seeing as we don't have a quorum necessary to codify a vote, I believe a motion may be in order to hold it over.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to hold Plan Review Application PR2023-014 for 30 days. Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

MISCELLANEOUS

Item No. 1 – 212683...PRESENTATION: PLAN KCK STRATEGIES

Synopsis: Update regarding Plan KCK strategies provided by Gunner H. Hand, AICP, Director of Planning and Urban Design.



August 31, 2023

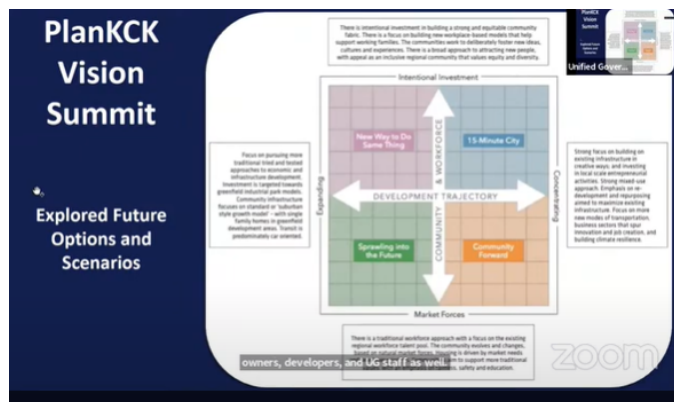
Alyssa Marcy, Long Range Planner, said I am here to give you the second PlanKCK update. This, specifically, is going to cover the economic development strategic plan process so far.



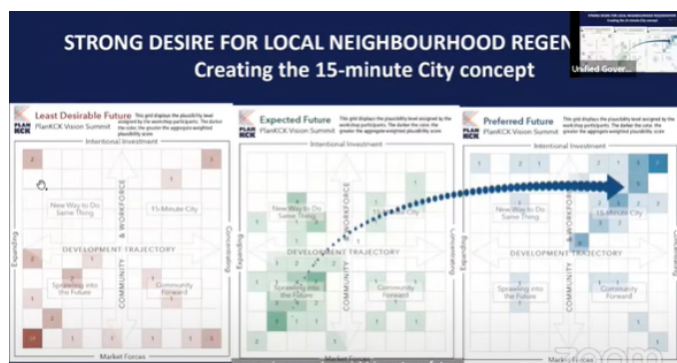
I'm going to take you through the three steps that we have gone through so far. This first started off with how to develop a vision for community prosperity in KCK. It's been important for us to figure out what that means to our community, what that looks like, and how economic development is a tool to achieve that vision.



It started with the Vision Summit, which occurred in May. We invited community members, we invited business owners, developers, and UG staff as well.



We had asked the attendees at this event to evaluate different economic futures. The diagram here just shows those different scenarios, and we wanted them to do is to challenge them to think about how different economic approaches might impact our future.



The results that we got were interesting. These three diagrams show three different futures. The first on the left-hand side is what is the least desired future for the community. The middle is what they expect to happen if we continue doing the exact same thing that we're doing right now. The right-hand side is what the preferred future might be. The really interesting piece here is that if you look at that expected future, which basically what this diagram is showing you, is that in that left-hand side, you have a lot of expansion, westward expansion. You have a lot of market forces driving economic development.

But then you look at the preferred future and what you see is that our community would actually like something that's focusing more on concentrated development, on infill, on revitalizing our downtown and our main streets, on something that's a little bit more intentional. So, this is showing you what we expect to happen is very different than what the community would prefer to happen. I think the other interesting point too is that this shows that the community has an appetite for change.



From here, now that we had a better idea of what kind of preferred future the community wanted, our consultants held focus groups and they also circulated a bilingual small business survey.



This is where things start to get a little bit more specific. The focus groups were six different categories. Some of these categories are more subject topics. For example, how do we grow and support our small businesses. That's one focus area. Another is industrial development, understanding that we have continued industry here and that's a huge part of our economy. Then there's some more geographically tied focus areas. For example, the Legends area and the Quindaro townsite. I think that's pretty evident from what we heard at the special session too that there is a lot of interest in building up the Quindaro area.



Our last event that was really heavily focused on economic development so far was the community prosperity roundtable that was held about two weeks ago.



This was to try to tie-in this desire that the community has for economic development that increases equity, that increases access to opportunity, and that really benefits everyone. During this event, we reviewed the preliminary county-wide market analysis, and that will be available at the end of September for you to read in full. We also asked attendees to prioritize different actions as related to those six focus areas that I just mentioned.

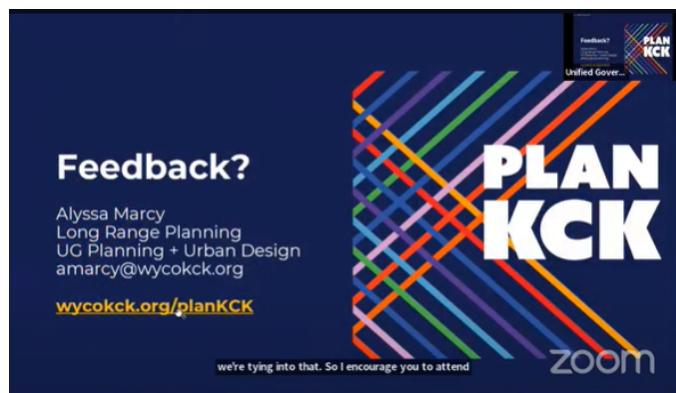


August 31, 2023

Just some overall highlights from that roundtable is there is overwhelming desire to support our small businesses. There's also a desire to rebuild our downtown KCK, but also the Legends area, but how to connect those two places so that you can have access to that downtown easily and that you have access to the west more easily. There's also a lot of interest in developing the riverfront, especially how we have all of these exciting projects coming soon like the Rock Island Bridge. KCMO's doing development. How do we really leverage that area. Then, again, the Quindaro townsite came up. What is the role, generally, of cultural heritage and economic development at KCK.



Lastly, we will have an opportunity to not only get more feedback about the economic development strategic plan, but all of the aspects of PlanKCK on October 28th, which is our Neighborhood Summit. There's also going to be a lot of other events that we're tying into that, so I encourage you to attend that as well.



I'll take any feedback, comments, questions, ideas.

Commissioner Bynum said I just wanted to say thanks for all of the planning work that you and the team have done. I've attended quite a number of the sessions that you've held and appreciate the approach and the engagement of the community. It seems to be pretty vibrant, and I certainly will look forward to October 28th. Do I understand that once that takes place, then we'll be looking to bring forward sort of a final product, if you will?

Ms. Marcy said yeah. So, October 28th is sort of our big opportunity to give your final feedback on what we have, and then from there, that's where we need to really draft the document and hopefully present that to you later in the year.

Commissioner Bynum said thank you. I just really appreciate all that you've done for it because I know that you have a ton of other work to do and you're doing this along with it. It's impressive.

Commissioner Johnson said thank you for the presentation, Ms. Marcy. Actually, Commissioner Bynum stole my question so I'll think of a new question on the fly. What do you envision the final plan to look like in terms of its content and then also how it's executed?

Ms. Marcy said we have, I think, it's about ten different chapters, like subject matter chapters. I can get those to you as well. It's truly comprehensive in what it covers. We hope to have that by the end of the year if it's adopted and everyone then goes as planned. Are you asking more so about the physical deliverable?

Commissioner Johnson said the thing that we continue to have conversation has been, I think it's important for our constituents to hear, is that this is not something that is going to just sit on a shelf. It is something that's going to live, breathe, be amended, be changed, grow, etc. That's kind of along the lines of what I was asking the question for.

Ms. Marcy said we have worked really hard, I think, over the last year to make sure that these are living documents and that we do have continuous conversations with community members about all of the very actionable steps that we've listed in these. I think with this particular document, we haven't formally decided what format it'll be in. We're hoping to have something that's also more interactive and publicly facing so that we can also show progress as it happens so people can see it and kind of live with it and play with it. It's a little more tangible. I don't know if Director Hand has anything to add to that.

Mr. Hand said I would just say that all of our long-range planning processes, we try to start implementation on day one. The act of planning is aligning our resources to optimize the outcome, so we are already pursuing things that we've been hearing. We are already integrating the things that the Unified Government and other stakeholders are doing. We are bringing them. I think the process itself acts as a platform to bring those voices together so they can then collaborate, engage at, and work together moving forward.

I think what we're going to try to do, as Ms. Marcy noted, is we like to actually—we're pretty proud of the fact that we don't let the old adage live, that plans sit on shelves and collect dust. We are actively implementing them. We have measures that we track on a quarterly basis to make sure we're maintaining progress.

I think the most important thing to understand here is this community has never had a long-term comprehensive plan like this. They have never had a visionary document like this. It's a really interesting opportunity to have these conversations. I think it's a reason why we've had so engagement. I don't think that, at least in the records that we've reviewed in past planning documents, I don't think we've ever had the type of engagement, the different methodologies of engagement, or the intensity of those to be engaged like we have through this process. We are very hardened that we're growing every day in the process and, thereby, we hope that allows not only staff but our constituents to hold us, and you, accountable to its implementation.

Commissioner Johnson said thank you. I think you know—I see Mr. Kindle has his hand up. I'll ask him to come up and be ready to speak to this, if you don't mind, Kindle.

The question I was going to ask you, we talked about this, I think, last year that we have so many plans right now. Will this be integrated with all of the other plans as it relates to economic development strategies?

Mr. Hand said so globally, this represents sort of the umbrella document where we provide sort of the global direction. Those north stars, the big picture of what we, as a collective community, is trying to move forward. We get into the detail of the area plans and so a big part of this plan is going to define what area plans we should do next because there is an order. There are a lot of areas that do not have area plans. This is really the first move to restructure how we do long-range planning in the community.

To your point, though, I think that we mentioned this last month in our update. With some serendipity, there were a lot of plans in place moving forward that we're all having the same conversation about our collective future, so we've merged them all together into one PlanKCK effort. It's been a lot of work, but I think that it's starting to materialize.

I think what's really important to understand here is we've been hearing a lot of stuff. We've been collecting a lot of data. We've started to synthesize that data. So, what you see here is some of the insights of what we've been hearing and what our consultants and experts and staff see as opportunities. We haven't written anything. The plan is not set. There is no future. We really need you guys to help direct if you see gaps, opportunities, things we're missing, or specific initiatives that you think are important that may be overlooked and thus far. So, that's kind of really what these monthly updates are trying to do to make sure that we're building into that approval process later this fall and winter.

To your specific question, we've never had an economic development strategy. It will be integrated as a part of a larger vision. I think that is a nuance, perhaps, if you're not an esoteric planner like myself, but it's really important to understand that it's not its own thing on an island. It is its own deliverable in collaboration with all the other things that are required for economic development, be it land use, transportation, and that.

One quick thing I just wanted to add is there's some big ideas, right? There's some new ideas, I think, that are emerging, but one of the consistencies we hear through PlanKCK is very similar to one of the things we heard when we were doing the goDotte county-wide mobility strategy. If you remember, there were some big, crazy ideas in goDotte. There was also one of the core strategies—get back to the basics, right? Road, curb, median with trees, sidewalks. Very similar, a lot of the feedback from staff, as well as our constituents, is they just want us to do basic services better.

Commissioner Johnson said right. I agree.

Commissioner Johnson said I'm not going to belabor the time. I will ask one last question. With regards to the small business portion that I saw on the screen, Sharon Reed has put together the small business kind of platform, I suppose. Is that being discussed within the concept of solutions for small business? **Ms. Marcy** asked, are you talking about the new platform? **Commissioner Johnson** said yes. **Ms. Marcy** said yes.

Commissioner Johnson asked, Mayor, with your approval, can we ask Mr. Kindle to come have words?

Greg Kindle, President of the Wyandotte Economic Development Council, resident of KCK, said thank you for just a couple of minutes. I haven't been participating in these conversations on a monthly update. In some ways I feel like maybe I should have been. I did not want to get to the end of this entire process and not at least give you some thoughts at this stage of the process.

Number one, I appreciate the team that you all have assigned to work on this and the time that it's taken to do this. I commend them a great deal. I don't want to take any of the comments that I may make here to be a personal affront to them because they've done a lot of hard work.

My concern, and this is not going to be surprising to the Board members—the Mayor sits on our Board as does Commissioner Burroughs—I brought this to the attention of our investors and our Board members at our last Board meeting. To say that my team and I largely have participated in every single PlanKCK focus group. Some of them at 8 a.m. on a Monday morning followed by a 9 a.m. on a Monday morning. Unusual times to have planning focused meetings all online. Usually the folks who participate in these kinds of things do tend to be more activist oriented. There is a very particular reason that they want to participate and those very specific subjects that were highlighted during those focus groups. I get that.

The part that concerns me probably the most about how this has been put together is that the foursquare that you saw in there is the same foursquare that has been presented at every single focus group, which largely puts a 15-minute city. The branded piece of it sounds pretty cool already right out of the gate up in the right-hand corner, and all the rest are not. In fact, the one area that is being demonized is the sprawling into the future, which is apparently where everything that we have been doing for the last 10 or 15 years is now located. That's where the market is. So, if we have intentional marking up in the right-hand corner, and that is completely opposite of where the market is, my only comment to you all, as you all look at a final plan down the line, and the same thing I have said to Future IQ and to your team...**Ms. Sparks** said you have one minute remaining.

Mr. Kindle said is that you cannot have intentional investment. You cannot have economic development in this community without the market. You have to have product. You have to have the availability of incentives, and dollars to move that forward. If you leave the

market behind, intentional investment means public money. To my last knowledge, we were struggling a little bit with additional public money.

As we move through this process, my one caution is, do not frighten off the market that has been providing economic development and investment in this community, to the tune of about \$6B over the last 10 years, by developing a plan that is not marketable. There can be some great ideas and it can be a great North Star, but I just want to be cautionary that we also have to be pragmatic that if you want development to continue in this community, in all parts of the community and across all different sectors, there has to be a balance. Finding a way to come more to that middle area is going to be important. I just encourage you all to be thoughtful that we don't want to alienate the very folks who've been investing in this community for some time for a North Star that may not have investors today. I just want to put that caution out there.

I've been critical of Future IQ, frankly, that we have not been engaged really at all. We participated like every other resident and only until tomorrow, are we actually being invited to participate in some conversations with them. That's been frustrating to me that we've not been invited to participate at all as a team with Future IQ. I just want to put that out there that we've been treated no differently than any other resident. Maybe that's the way it was designed; but we thought that as a partner to the Unified Government, we would have been invited a long time ago to participate. Just wanted to put that out there. Thank you all very, very much.

Mayor Garner said thank you. I appreciate the comments from staff and stakeholders.

Action: **For information only.**

Mayor Garner said that ends the Planning and Zoning portion of the meeting. We will now move to the regular portion of our agenda.

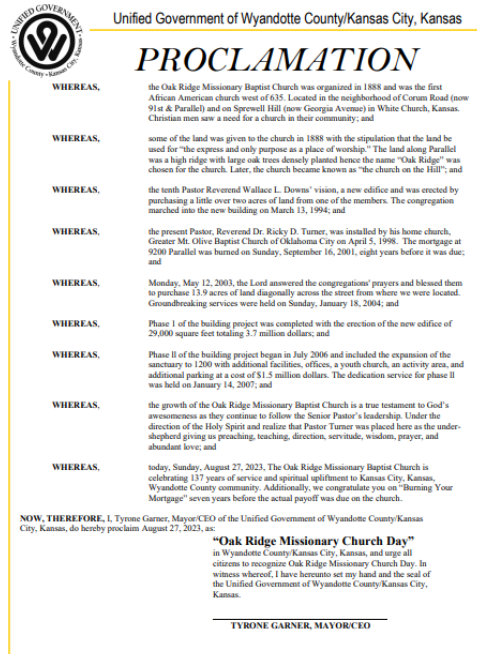
MAYOR'S AGENDA

Mayor Garner said, Clerk, there are three items there. If you could just briefly describe those, I think that will suffice.

Item No. 1 – 212679...PROCLAMATION: OAK RIDGE MISSIONARY CHURCH DAY

Synopsis: Proclamation proclaiming August 27, 2023, as Oak Ridge Missionary Church Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read a summary of the following proclamation.

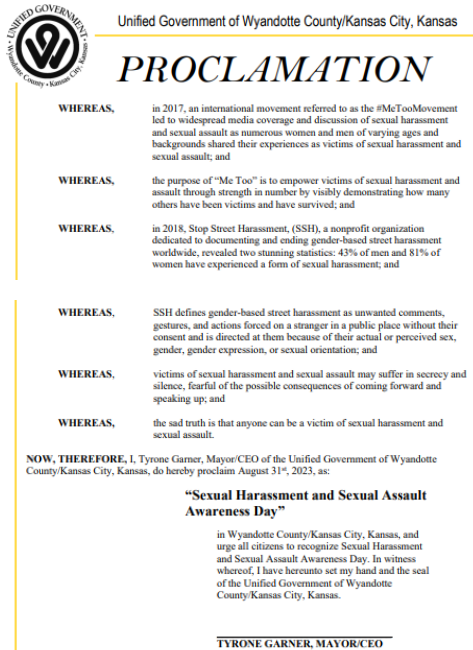


Action: Proclamation was read.

Item No. 2 – 212677...PROCLAMATION: SEXUAL HARASSMENT AND SEXUAL ASSAULT AWARENESS DAY

Synopsis: Proclamation proclaiming August 31, 2023, as Sexual Harassment and Sexual Assault Awareness Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read a summary of the following proclamation.

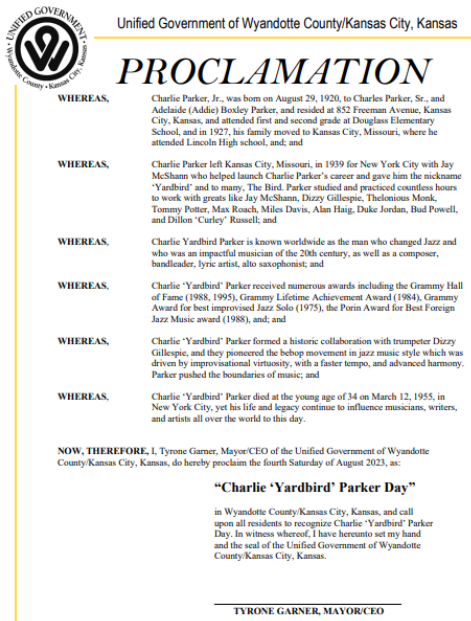


Action: Proclamation was read.

Item No. 3 – 212678...PROCLAMATION: CHARLIE 'YARDBIRD' PARKER DAY

Synopsis: Proclamation proclaiming the fourth Saturday of August 2023, as Charlie 'Yardbird' Parker Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read a summary of the following proclamation.



Action: Proclamation was read.

REGULAR CONSENT AGENDA

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all items as submitted. Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 1 – 212680...PLAT: MOSBURG ADDITION

Synopsis: Plat of Mosburg Addition, located at 7th and Northrup Avenue, and being developed by Bill and Nancy Mosburg, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

August 31, 2023

Item No. 2 – 212681...PLAT: AMERICAN ROYAL SECOND PLAT

Synopsis: Plat of American Royal Second Plat, located at 118th and State Avenue, and being developed by the American Royal Association, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 3 – MINUTES

Synopsis: Minutes from the Special Session meeting on August 10, 2023.

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

Item No. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 27 and August 3, 2023.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Item No. 1 – 212676...RESOLUTION: TRANSFER OWNERSHIP OF JUNIPER GARDENS

Synopsis: A resolution to transfer title of Juniper Gardens to the Kansas City, Kansas Housing Authority to clear the title for its sale, submitted by Wendy Green, Senior Counsel, Legal Department.

Wendy Green, Senior Counsel, said what we are here tonight for is the resolution in front of you, which would just authorize our County Administrator to sign a deed transferring title to the properties located off 1926 North 1st Street, 1803 North 3rd Street, and 101 Walker Avenue, which we all know as Juniper Gardens, to the ownership of the Kansas City, Kansas Housing Authority that's been operating those properties since the early 1960s. This is so that they can, in turn, then sell the properties themselves. Through the title search that they were doing in the sale process, they realized that the city still had ownership of the property, at least the title was in their name. I think it could be argued that they've had constructive ownership for quite a while and have been maintaining these properties.

David Johnston, County Administrator, said once this was brought to our attention, we were like well, we own subdivisions. As we looked into it, after it was brought to our attention by the Housing Authority, our attorney, Ms. Green, really articulated kind of a brief Cliff note history of these properties. Well before the Unified Government was formed, through the merger, Kansas City, KS, the city acquired property for special purposes. In this case, to provide housing to our low income. At that time we had an entity, the Housing Authority, that provided that service which appears to have been a practice in the '60s. We'd acquire the property. They would build on the property, manage it, and provide services to their residents. We have a number of these properties still. You'll be hearing more and more about requests for transfers to make it neater.

In the discussion with the Executive Director and the Board Chair, which you'll have an opportunity to hear in just a minute, I'll tell you, it was an eye-opener of the services that they provide their clients. I think it's the expectation of the types of services that most of you have talked to me, expect in dealing with low-income residents. It's actually helping them improve their lives. Get skills to be able to gain an income that opens more doors for them. Provides better health care and other amenities into their life.

As we're talking also, though, I'm impressed with our Housing Authority because they're also thinking outside the box. I think you'll hear today, one of the options that they're investigating is creating a community development corporation which uses public funds that they've identified to leverage private investment to continue their mission of providing affordable housing to our impoverished population. It was that discussion and kind of a strong encouragement, which you'll hear them, that in exchange for this property, you will move toward those types of models. We don't have them existing in very active ways in our community, but I've seen them in other cities. They do a wonderful job leveraging the private financial community to provide important public needs, services into our community, via housing development.

So, to keep me from continuing to talk, if I could invite our friends from the Housing Authority to talk about this proposal that'd be great. Also, they have agreed—I know it's been a desire of the Commission to get the two Boards together, our Commission and their Board, and really have a discussion of what they actually do. I think we see towers. We see neighborhoods at the end and that's probably about the experience a lot of us have, but they're doing some really interesting work.

Andrea Tapia, Executive Director for the Kansas City, Kansas Housing Authority, said I reside in Kansas City, KS. I want to thank the commissioners for this opportunity; the Mayor for this opportunity, and the County Administrator as well. We work hard at the housing agency to ensure that we provide affordable housing for those in need, but we also understand that housing isn't the end-all. We understand that once you house individuals, there are other needs that are needed. We do reach out to other organizations to help fill those gaps. We do rely on the Unified Government to help with that as well.

We do provide different services at the Housing Authority. We do have a Family Self-Sufficiency Program as well as the ROSS Program and other programs that we provide individuals who receive program subsidy through our agency. I would love to sit down with the commissioners and go over those services because sometimes I think that individuals think that the Housing Authority all we do is housing only, but we know that there are other needs for the people that we serve.

We are asking right now for the commissioners to allow the transfer of land to the Housing Authority so that we can move forward with the sale of Juniper Gardens. We have spoken to the

Unified Government before about this process when this came up as an issue for the Housing Authority and we did ask for support from the Unified Government.

I would like to read a letter that was submitted to the Housing Authority on August 11, 2020, from the Unified Government and it comes from Mr. David Alvey, the Mayor and CEO. It says:

Dear Mr. Scott. In response to your request for support for the disposition of Juniper Gardens, I would like to pledge the full support of the Unified Government. I am aware of the efforts made by the Housing Authority in the past to revitalize Juniper Gardens with numerous attempts that included funding from both Hope VI applications and several Choice Neighborhood grant applications. Many of these were supported by the Unified Government and a few were in partnership with the Unified Government.

Juniper Gardens, as the oldest and largest public housing development in the state of Kansas, has a long history making this decision a hard one. We understand that due to the age of the property and lack of services available to the residents, it is no longer a desirable site for housing. We must support the Housing Authority's decision to dispose of this property and to assist the residents in relocation and look forward to the ability to revitalize this area in a new way to enhance the economic viability of northeast Kansas City, KS.

The Unified Government pledges its support of the disposition of Juniper Gardens and looks forward to discussing ways we can assist in this endeavor. We are asking that the Unified Government uphold this support for the Kansas City, Kansas Housing Authority.

Commissioner Townsend said good evening, Ms. Tapia. Good to see you. Thank you, Counselor Green and Mr. Matt. The only question I have right now is, and I do recall the letter, the period of time for Mayor Alvey coming before the Board. With regard to the three addresses, what is the status of occupancy with those and relocation of any tenants?

Ms. Tapia said currently, we have 34 households that are still at Juniper Gardens. Many of them have housing choice vouchers so that they can seek out housing outside of the property, and that is by choice for the tenants. They have chosen. They had a choice. They can transfer onto property or receive a housing choice voucher. Some have chosen to move off properties. Some have chosen to port to other areas.

I'm sorry. What was the second question? **Commissioner Townsend** said I think you encompassed it. **Ms. Tapia** said there are 34 still in residency there.

Commissioner Townsend asked, is there some type of deadline by which those residents have to make a decision, and the action we take tonight will not preempt any time they may have been given? **Ms. Tapia** said no. We are allowing them the time that they need to relocate. We do have a relocation consultant that's been working with the residents to help them find housing. Also, their security deposits are paid. Their moving expenses are covered. We are doing everything that we can to ensure that we're not creating a burden for those who are relocating.

Commissioner Townsend asked, are they restricted in those vouchers only to Wyandotte County? **Ms. Tapia** said they are not. **Commissioner Townsend** said thank you for the work that you do.

Action: **RESOLUTION NO. R-55-23** "A resolution authorizing the Unified Government to transfer real estate to the Kansas City, Kansas Housing Authority located at 1926 N. 1st Street, 1803 N. 3rd Street, and 101 Walker Avenue, all in Kansas City, Kansas; said property has been operating as the Juniper Gardens Apartment Complex." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution as submitted.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

COMMISSIONERS' AGENDA

No items

Mayor Garner said that concludes the portion of our Regular meeting and I adjourn us in that capacity.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to adjourn as the Board of Commissioners and reconvene as the Land Bank Board of Trustees.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

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 Johnson, to approve all items as submitted.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 – 212628...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>

Single Family Homes – 9 Homes

1. Jamie Shipley – 1 home
1600 S. 86th St. – 145656
2. Victor Hugo Martinez – 1 home
3719 Powell Ave. – 170902
3. Kale Caldwell – 1 home
1640 S. 14th St. – 143161
4. JM Framing – 1 home
3131 N. 70th Ter. – 034905
5. William Brantley Development, LLC – 1 home
517 Elizabeth Ave. – 119134
6. William Brantley Development, LLC – 1 home
624 Orville Ave. – 118453
7. William Brantley Development, LLC – 1 home
752 Sandusky Ave. – 081470
507 N. 8th St. - 081470
8. William Brantley Development, LLC – 1 home
645 Sandusky Ave. - 198815
9. Miguel Cortes – 1 home
2935 N. 77th St. - 928517

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve as submitted.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212629...LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

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

PT – Property Transfers

1. Luis Cabrera – Yard Extension
1729 S. 15th St.
2. Unified Government – Storm Water Project
1060 Minnesota Ave. – 080412
1059 State Ave. – 080409

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve as submitted. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

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

MAYOR GARNER

ADJOURNED THE MEETING AT 8:55 P.M.

August 31, 2023

Monica L. Sparks
Deputy Unified Government Clerk

cg

August 31, 2023



Unified Government Clerk's Office

Monica L. Sparks
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
UG Clerk

Date: September 19, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for September 13, 2024 – September 19, 2024

1. REPORT:

- Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of August 2024.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Tamika White, Kansas City, KS, alleging personal injury on 11/25/2023.
- Norma Anderson, Kansas City, KS, alleging personal injury on 05/09/2024.

Action: Received and filed. Copies previously forwarded to Legal.

3. NOTICE OF CLAIM:

Gianlucas Pantoja, by and through his attorney Tom Dickerson, Jeff Rowe and Kahlie Hoffman of Dickerson Oxton LLC, and Gary Kessler of Kessler Law Offices, P.A.

Action: Received and filed. Copies previously forwarded to Legal.

4. TRAVEL REQUESTS:

- Robert Allen, Terence Dunn, Brandon Farrell, and Mya Hurley, KCKFD, travel to Colorado Springs, CO, from 9/16/2024 through 9/22/2024, to attend Colorado Springs Firefighter Memorial, no cost.
- Chris Blake and Chad Shore, KCKPD, travel to Johnston, IA, from 9/22/2024 through 9/27/2024, to attend Advance Swat training, Employee Training & Travel.
- Maribeth Buckley, KCKFD, travel to Emmitsburg, MD, from 11/9/2024 through 11/15/2024, to attend Youth Firesetting Prevention & Intervention, Employee Training & Travel.
- Deasiray Bush, Transportation, travel to San Francisco, CA, from 4/9/2025 through 4/13/2025, to attend FORUM 2025, Employee Training & Travel.
- Jeff Conway, Legal, travel to New Orleans, LA, from 10/21/2024 through 10/24/2024, to attend NADO Annual Training, NADO and Employee Training & Travel.
- Brandon Cole, Raymond Elmer, Ryan Heim, Eric Heim, and Brett McCoy, KCKFD, travel to Ephrata, PA, from 9/16/2024 through 9/19/2024, to attend Pre-Construction Conference, no cost.
- Sherri Courtney, Legal, travel to Las Vegas, NV, from 10/22/2024 through 10/26/2024, to attend Collective Bargaining for Public Safety Employees, Employee Training & Travel.

- Sheneé Davis-Kross, KCKPD, travel to Quantico, VA, from 9/26/2024 through 12/14/2024, to attend FBI National Academy, FBI National Academy and Employee Training & Travel.
- Linda Ramirez, Aging, travel to Topeka, KS, from 10/8/2024 through 10/10/2024, to attend Silver Haired Legislature Annual Conference, Employee Training & Travel.
- Chad Womble, KCKFD, travel to various locations throughout Kansas City Metro Area, from 9/11/2024 through 6/11/2025, to attend Leadership 2000 Program, Employee Training & Travel.
- Chad Womble, KCKFD, travel to Manhattan, KS, from 10/30/2024 through 11/1/2024, to attend Kansas State Association of Fire Chiefs 2024 Conference, Employee Training & Travel.
- Matthew Zayas, Parks & Recreation, travel to Salina, KS, from 9/13/2024 through 9/13/2024, to attend KAC Budgeting & Finance workshop, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

5. BUSINESS BONDS:

- Electrical Bonds:
 - Potts Electric LLC
- Plumber's Bonds:
 - Corum Plumbing LLC
 - JAE Services LLC
- Mechanical/HVAC Bonds:
 - Gunn Heating and Cooling
 - JF Denney Inc

Action: Referred to License.

6. CONTINUATION CERTIFICATES:

- Plumber Bonds:
 - JF Denny Inc
- Electrical Bonds:
 - J Warren Company Inc

Action: Referred to License.

7. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
 - Arizona Solar Solutions Inc., DBA Suntria
 - Helio Solar Power LLC

Action: Referred to License.

8. APPLICATION FOR DRINKING EST./PUBLIC VENUE:

- Rare Hospitality of Kansas Inc, Paula Jo Penegar, d/b/a Longhorn Steakhouse of Speedway, 1708 Village West Pkwy, Kansas City, KS 66111.
- KC Smashers LLC, Desiree C. Ross, d/b/a The Dotte Spot Bar & Grill, 8123 Parallel Pkwy, Kansas City, KS 66112.
- GM Restaurants of Kansas Inc., Mary Ann Young, d/b/a Olive Garden Italian Restaurant #1795, 10670 Parallel Pwky, Kansas City, KS 66109.

Action: Referred to License.



Unified Government Clerk's Office

Monica L. Sparks
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
UG Clerk

Date: September 26, 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

1. CLAIM FOR DAMAGES:

- Meridith Burton, Independence, MO, alleging personal injury on 9/13/2024.
- Alojwon Collier, Kansas City, KS, alleging personal injury on 8/27/2024.
- Aaron McGee, Kansas City, KS, alleging personal injury on 8/21/2024.
- Norma Orton, Kansas City, KS, alleging damage to personal property on 9/16/2024.
- Alexander Watkins and Ryan Watkins, Manhattan, KS, alleging damage to personal automobile on 8/6/2024.

Action: Received and filed. Copies previously forwarded to Legal.

2. TRAVEL REQUESTS:

- Alan Howze, Chief Administrative Office, travel to Atlanta, GA, from 10/7/2024 through 10/11/2024, to attend the National Recreation and Parks Conference, paid by Employee Training and Travel.
- Bailey Joonas, Fire Department, travel to Colorado Springs, CO, from 9/19/2024 through 9/22/2024, to attend the Fallen Fire Fighter Memorial, no cost.
- Matthew Miller, Fire Department, travel to Fayetteville, AR, from 10/15/2024 through 10/17/2024, to attend the Tyler KAMOUG User Group Meeting, paid by Employee Training and Travel.

Action: Approved by Administrator's Office and received and filed.



Unified Government Clerk's Office

Monica L. Sparks
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
UG Clerk

Date: October 3, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for September 27, 2024 – October 3, 2024

1. CLAIM FOR DAMAGES:

- Eduardo Campos, Overland Park, KS, alleging property damage to vehicle on 3/31/2023.

Action: Received and filed. Copies previously forwarded to Legal.

2. NOTICE OF CLAIM:

- John Barnes, by and through his attorney John G. O'Connor, Robb, Taylor & O'Connor.

Action: Received and filed. Copies previously forwarded to Legal.

3. TRAVEL REQUESTS:

- Jeff Irwin and Lily Szewc, KCKPD, travel to Sandy Hook, KY, from 9/23/2024 through 9/25/2024, to conduct cold case interviews, Employee Training & Travel.
- Scarlet Mitchell, KCKPD, travel to Horseshoe Bay, TX, from 12/2/2024 through 12/6/2024, to attend Cold Case and Missing Persons Conference, Employee Training & Travel.
- Daniel Soptic, Sheriff's Office, travel to Las Vegas, NV, from 12/7/2024 through 12/11/2024, to attend Recruiting, Hiring, Background Investigations and Retention Conference, Employee Training & Travel.
- Nicholas Novak, Parks & Recreation, travel to Manhattan, KS, from 10/7/2024 through 10/11/2024, to attend Kansas Arborist Training Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Troy Shaw, County Engineer/ Interim Director of Public Works tshaw@wycokck.org x5416	Public Works
AGENDA ITEM #12.1.		
RESOLUTION: APPROVING EPA CHANGE GRANT SC019		
BACKGROUND		
Authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant for SC019 with statutory partners. No matching funds are required. <i>On October 28, 2024, the Public Works and Safety Standing Committee, chaired by Commissioner Burroughs, voted 5/1 to approve and forward to full commission.</i>		
RECOMMENDATION		
Approve Requesting the support of the grant program by authorizing resolution to allow staff to submit a \$20 Million application for the EPA Change Grant for SC019 with statutory partners by signing the MOUs and if awarded, authorizing the County Administrator to sign all related documents to execute the grant, noting that the MOU with the statutory partner will be presented to the Commission prior to execution.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
No match is required to participate in this funding opportunity.		
IT/POLICY CONSIDERATIONS		
No IT considerations.		
PROCUREMENT CONSIDERATIONS		
Grant procurement rules will be followed as well as the UG Purchasing Policy for the design and construction of the project if grant funds are approved.		
LEGAL CONSIDERATIONS		

- Attached MOUs are required as part of the grant application packet and has been reviewed by legal and signed by participating partners. If the grant is awarded, the MOUs will be submitted to the Commission for review and approval.

ATTACHMENTS

Commission Resolution - CSO 19 EPA Change Grant, MOU_EPA COMMUNITY CHANGE GRANT_GROUNDWORK, MOU_EPA COMMUNITY CHANGE GRANT_DOUGLASS-SUMNER, EPA-R-OEJECR-OCS-23-04 -10.03.24, EPA-community-change-grants-nofo-faq-2.1.2024

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS TO ENTER INTO PARTNERSHIP AGREEMENTS WITH THE DOUGLASS/SUMNER NEIGHBORHOOD ASSOCIATION AND THE GROUNDWORK NORTHEAST REVITALIZATION GROUP FOR THE PURPOSE OF APPLYING FOR A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

WHEREAS, the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) is subject to a Consent Decree with the Environmental Protection Agency (“EPA”); and

WHEREAS, the Consent Decree contains an Integrated Overflow Control Program (“IOCP”) that requires the Unified Government to improve its sewer and storm water systems; and

WHEREAS, the EPA has a grant program to fund activities required by the IOCP; and

WHEREAS, the grant requires the Unified Government, as the Lead Applicant, to partner with one or more entities and submit signed Partnership Agreements; and

WHEREAS, the Douglass/Sumner Neighborhood Association (DSNA), and the Groundwork Northeast Revitalization Group (Groundwork NRG) have each agreed to enter into such a Partnership Agreement with the Unified Government, creating the UG-Douglass/Sumner Green Jobs Workforce Development Grant Partnership and the Environmental Protection Agency Community Change Grant Collaborative, respectively; and

WHEREAS, the parties have each reached and prepared a Partnership Agreement with the Unified Government to cooperate in the improvements required by the IOCP, and the Unified Government desires to enter said agreements.

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

Section 1. The Unified Government Board of Commissioners hereby approves the Inter-departmental Grant Coalition Proposal to pursue grant funding for the above-described project.

Section 2. Further Action. That the Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby authorized to execute said Memorandum on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of this 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/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2024.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Acting Chief Counsel

EPA COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT
BY AND BETWEEN
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
AND
THE GROUNDWORK NORTHEAST REVITALIZATION GROUP

This Partnership Agreement ("Agreement") is made and entered into this ____ day of August 2024 ("Effective Date"). The "Partners" in this Agreement are as follows:

The Lead Applicant is the Unified Government of Wyandotte County/Kansas City, Kansas ("UG").

The Statutory Partner is the Groundwork Northeast Revitalization Group ("GWNRG").

I. NAME

The Partners are executing this document to create a partnership. This partnership will be known as the Environmental Protection Agency ("EPA") Community Change Grant ("CCG") Collaborative ("Partnership")

II. PURPOSE AND LOCATION

The Partners wish to become partners for the purpose of applying for and, if awarded, executing an EPA CCG. The Partnership's primary place of business will be 701 North 7th Street, Kansas City, KS 66101.

III. PROJECT DESCRIPTION

GWNRG will partner with the UG to co-design and erect a collaborative "container" built on mutually agreed values and a mutually beneficial relationship to orchestrate authentic community engagement in our northeast Kansas City, Kansas ("NE KCK") neighborhoods. This container will support the EPA CCG's deliverables and incorporate new and existing projects that further mutually defined goals. GWNRG and the UG will activate existing resident expertise to co-design a resident-led strategy that centers the self-determination of our NE KCK neighbors in planning and executing relevant and needed interventions in the built and natural environment. We will leverage existing anchor institution projects such as the NE Grocers, NE KCK Heritage Trail, and the Quindaro Townsite, and fold in neighborhood-level investments to catalyze development across the seven capitals (Natural, Political, Cultural, Built, Human, Social, and Financial). The process will inherently rely upon consensus-based decision-making and increase resident expertise in the conditions that prevent us from achieving the Just Transition for a Just Future.

IV. THE PARTNERSHIP

A. The Partners Agree to the following:

1. The terms and conditions of their Partnership will be outlined in this Agreement.
2. The Partnership will be in effect as of the date entered above.
3. The Partnership will only be terminated as outlined in this Agreement.
4. The Partnership will be governed by and construed under the laws of the State of Kansas.

V. ROLES OF PARTNERS (if the EPA CCG is awarded)

A. UG Responsibilities. The UG is responsible for:

1. Overall management, performance, oversight, and reporting under the grant, and for making subawards to collaborating entities.
2. Making a subaward to GWNRG in the amount consistent with the final EPA approved grant budget.
3. Making sure all subawards comply with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in EPA's Subaward Policy and related guidance.
4. Receiving federal funds from EPA and ensuring the proper expenditure of these funds. UG will bear liability for unallowable costs.
5. All compliance, legal issues, and managing risks associated with the project.
6. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA CCG.
7. Share decision-making authority with GWNRG and other parties as specified in the Collaborative Governance Structure submitted to EPA as part of the CCG application.
8. Upon award, enter into a grant agreement with the EPA.

B. GWNRG Responsibilities. GWNRG will be responsible for:

1. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA CCG.
2. Share decision-making authority with the UG and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
3. Upon award, enter into a subaward agreement with the UG.

VI. GENERAL PROVISIONS

A. Term of Partnership.

1. This partnership will commence and be in effect upon notification of EPA CCG Award and will terminate, unless overridden by a new written agreement, in one of the following ways:
 - a. When GWNRG is replaced under the procedure listed in Paragraph VI.C. below,
 - b. When the CCG is completed as determined by the EPA,

- c. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application, or
 - d. When the Partnership is informed that their resubmitted application is rejected.
2. Both Partners agree to be bound by the terms of this Agreement and agree that the Partners have received due consideration for entering into this contract.

B. Dispute Resolution.

1. In the event a dispute arises between the Partners regarding the rights or duties created by this Agreement, or in the event of a breach of this Agreement by either party, the Partners agree to meet and confer in a good faith effort to resolve the dispute. In the event the Partners are unable to informally resolve the dispute within thirty (30) days after the dispute has arisen, the Partners agree to non-binding mediation with a mediator approved by both Partners prior to any litigation.
2. Both Partners in this Partnership recognize and acknowledge that EPA is not a party to this Agreement, and any disputes between the Partners must be resolved under the law applicable to the Agreement.
3. This Agreement and the rights and obligations of the Partners hereunder are to be governed by and construed and interpreted in accordance with the laws of the State of Kansas applicable to contracts made and to be performed wholly within Kansas, without regard to choice or conflict of laws rules. The Partners hereto submit to the exclusive jurisdiction of and venue in the state courts located in Wyandotte County, Kansas, or the U.S. District Court, District of Kansas, for purposes of any suit arising hereunder instituted by any party.

C. Assignment and Replacement of GWNRG as Statutory Partner.

1. If it becomes necessary to replace GWNRG as the Statutory Partner, the UG will give GWNRG written notice transmitted by (a) registered or certified mail, return receipt requested, with Notice deemed to be given upon receipt; postage pre-paid, (b) delivered by hand or by nationally recognized courier service, or (c) if sent by facsimile or email transmission with confirmed receipt, and addressed as follows:

Groundwork Northeast Revitalization Group
Contact: Rachel (Rah) N. R. Jefferson
Address: 1913 Quindaro Boulevard, Kansas City, Kansas 66101

2. The UG will interview potential replacement Statutory Partners to ensure the replacement Statutory Partner has the comparable expertise, experience, knowledge, and qualifications of GWNRG to ensure successful grant completion within 3 years.
3. If GWNRG cannot perform for any reason, including, but not limited to, performance issues or other unforeseen reason under the terms of this Agreement, GWNRG will assist the UG in finding a replacement with due haste and will assign all its rights and obligations to the newly selected Statutory Partner.

4. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).
- D. **Costs.** The Partners will share programmatic funding consistent with the application budget submitted for the EPA CCG program and any EPA approved revisions.
- E. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the UG. This Agreement shall be construed and interpreted so as to ensure that the UG shall at all times stay in conformity with such laws and, as a condition of this Agreement, the UG reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The UG is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the UG's current budget year or (b) funds made available from any lawfully operated revenue producing source.
- F. **Accounting, Retention, and Access to Records.** The Partnership will maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.
1. Both Partners will maintain and allow complete access to all books, records, documents, papers, and letters that are made or received by the Partners or Partnership in connection with this Agreement (collectively, "Records").
 2. All accounts related to the Partnership, including contribution and distribution accounts, are subject to audit.
 3. The Partnership will retain all Records applicable to this Agreement for a period of five (5) years after grant closeout, as required under 2 CFR§300.334, or until all audit questions have been resolved, whichever period of time is longer.
 4. Each partner will be responsible for their own tax returns.
 5. Accounting records will be kept on a cash basis.
 6. The fiscal year of the UG will end on December 31st each year.
- G. **Ownership.** GWNRG shall own and may independently use all plans, drawings, specifications, electronic files, and other documents provided by GWNRG hereunder, including those of persons engaged by GWNRG (collectively the "Work Product"). GWNRG shall own all rights, titles, interests, and ownership in and to such Work Product documents, including, without limitation, all rights relating to copyright arising under 17 U.S.C Section 101 *et seq.* and any and all copyright registrations or applications associated therewith. For purposes of this Section G, "documents" shall mean and include, without limitation, all reports, plans, studies, drawings, sketches, estimates, letters, data sheets, maps, and worksheets produced, acquired, or prepared by or for GWNRG in connection with the performance of these Terms and Conditions. UG shall have a limited license to the documents as needed to complete their

work under this Agreement but shall not publish in any manner any of the work completed by GWNRG without the express written permission of GWNRG.

- H. **Profits.** There are no anticipated profits from the grant agreement.
- I. **Modification to Partnership Agreement.** This Agreement and other documents specifically referred to herein constitute the entire partnership agreement and there are no verbal agreements between the Partners. This Agreement may only be revised or modified by a written amendment signed by authorized representatives of both Partners.
- J. **Independent Contractor Relation.** The Partners agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The Partners agree that no persons supplied by GWNRG are employees of the UG and that no right of the UG's civil service, retirement, or personnel rules accrue to such persons. The UG shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the UG to GWNRG.
- K. **Circumstances Beyond Control (Force Majeure).** The Partners shall not be responsible or liable for (i) special, consequential, indirect or punitive damages or (ii) any failure or delay in performing its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including: acts of God, earthquakes, fires, floods, wars, terrorist acts, civil or military authority or disturbances, sabotage, epidemics, pandemics, quarantine, riots, interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service, accidents, labor disputes, governmental actions or omissions, changes in laws or regulations, or generalized lack of availability of raw materials or energy.
- L. **Severability.** If any terms of this Agreement or its application to any person or circumstances shall, at any time or to any extent, be determined invalid or unenforceable, such as the inability to enter into a grant agreement with the EPA, the remaining provisions shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

Lead Applicant

Unified Government of Wyandotte County and Kansas City Kansas

David W. Johnston
Wyandotte County Administrator

Statutory Partner
Groundwork Northeast Revitalization Group



Rachel N. R. Jefferson (10/10/24 09:42 PDT)

Rachel N. R. Jefferson
Executive Director

EPA COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT
BY AND BETWEEN
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
AND
THE DOUGLASS/SUMNER NEIGHBORHOOD ASSOCIATION

This Partnership Agreement ("Agreement") is made and entered into this ____ day of October 2024 ("Effective Date"). The "Partners" in this Agreement are as follows:

The Lead Applicant is the Unified Government of Wyandotte County/Kansas City, Kansas ("UG").

The Statutory Partner is the Douglass/Sumner Neighborhood Association ("DSNA").

I. NAME

The partners are executing this document to create a Partnership. This partnership will be known as **UG-Douglass/Sumner Green Jobs Workforce Development Grant Partnership** ("Partnership").

II. PURPOSE AND LOCATION

The Partners wish to become partners for the purpose of applying for and if awarded, executing an Environmental Protection Agency ("EPA") Community Change Grant ("CCG"). The Partnership's primary place of business will be 701 North 7th Street, Kansas City, KS 66101.

III. PROJECT DESCRIPTION

The Community Change Grant project will construct the capital project known as CSO-19 Phase 2 to meet the IOCP consent decree and maintain deteriorated water quality and stormwater runoff management facilities within the project area. Project activities with this partnership will include community education, workforce recruitment and project marketing, planting of native vegetation, enhancement of local mobility through trail improvements, and improved water quality through pollution reduction and stormwater management techniques. This project will pilot small-scale stormwater management maintenance and installations to train and increase workforce capacity to install and maintain green stormwater infrastructure. Workforce development will include key areas such as construction, landscaping, and maintenance.

IV. THE PARTNERSHIP

A. The Partners Agree to the following:

1. The terms and conditions of their Partnership will be outlined in this Agreement.
2. The Partnership will be in effect as of the date entered above.
3. The Partnership will only be terminated as outlined in this Agreement.
4. The Partnership will be governed by and construed under the laws of the State of Kansas.

V. ROLES OF PARTNERS (if the CCG is awarded)

A. UG Responsibilities. The UG is responsible for:

1. Overall management, performance, oversight, and reporting under the grant, and for making subawards to Collaborating Entities.
2. Making a subaward to DSNA in the amount consistent with the final EPA approved grant budget.
3. Making sure all subawards comply with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in EPA's Subaward Policy and related guidance.
4. Receiving federal funds from EPA and ensuring the proper expenditure of these funds. UG will bear liability for unallowable costs.
5. All compliance, legal issues, and managing risks associated with the project.
6. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
7. Share decision making authority with DSNA and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
8. Upon award, enter into a grant agreement with the EPA.

B. DSNA Responsibilities. DSNA will be responsible for:

1. Project-specific activities as outlined within the grant application submitted as response to the notice of funding opportunity for the EPA Community Change Grant.
2. Share decision making authority with the UG and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
3. Upon award, enter into a subaward agreement with the UG.

VI. GENERAL PROVISIONS

A. Term of Partnership.

1. This partnership will commence and be in effect upon notification of EPA Community Change Grant Award and will terminate, unless overridden by a new written agreement, in one of the following ways:
 - a. When DSNA is replaced under the procedure listed in Paragraph VI.D. below,
 - b. When the CCG is completed as determined by EPA,
 - c. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application, and
 - d. When the Partnership is informed that their resubmitted application is rejected.

2. Both Partners agree to be bound by the terms of this Partnership Agreement and agree that the Partners have received due consideration for entering into this contract.

B. Dispute Resolution.

1. In the event a dispute arises between the Partners regarding the rights or duties created by this Agreement, or in the event of a breach of this Agreement by either party, the Partners agree to meet and confer in a good faith effort to resolve the dispute. In the event the Partners are unable to informally resolve the dispute within thirty (30) days after the dispute has arisen, the Partners agree to non-binding mediation with a mediator approved by both Partners prior to any litigation.
2. Both members of this partnership recognize and acknowledges that EPA is not a party to this Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
3. This Agreement and the rights and obligations of the parties hereunder are to be governed by and construed and interpreted in accordance with the laws of the State of Kansas applicable to contracts made and to be performed wholly within Kansas, without regard to choice or conflict of laws rules. The parties hereto submit to the exclusive jurisdiction of and venue in the state courts located in Wyandotte County, Kansas, or the U.S. District Court, District of Kansas, for purposes of any suit arising hereunder instituted by any party.

C. Assignment and Replacement of DSNA as Statutory Partner.

1. If it becomes necessary to replace DSNA as the Statutory Partner, the UG will give DSNA written notice transmitted by (a) registered or certified mail, return receipt requested, with Notice deemed to be given upon receipt; postage pre-paid, (b) delivered by hand or by nationally recognized courier service, or (c) if sent by facsimile or email transmission with confirmed receipt, and addressed as follows:

Douglass/Sumner Neighborhood Association
Contact: Beverly Easterwood, President
Address: P.O. Box 171735
Kansas City, Kansas 66117

2. The UG will interview potential replacement Statutory Partners to ensure the replacement Statutory Partner has the comparable expertise, experience, knowledge, and qualifications of DSNA to ensure successful grant completion within 3 years.
3. If DSNA cannot perform for any reason, including, but not limited to, performance issues or other unforeseen reason under the terms of this Agreement, DSNA will assist the UG in finding a replacement with due haste and will assign all its rights and obligations to the newly selected Statutory Partner.

4. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).
- D. **Costs.** The Partners will share programmatic funding consistent with the application budget submitted for the EPA Community Change Grant program and any EPA approved revisions.
- E. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year or (b) funds made available from any lawfully operated revenue producing source.
- F. **Accounting, Retention, and Access to Records.** The Partnership will maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.
1. Both Partners will maintain and allow complete access to all books, records, documents, papers, and letters that are made or received by the Partners or Partnership in connection with this Agreement (collectively, "**Records**").
 2. All accounts related to the Partnership, including contribution and distribution accounts, are subject to audit.
 3. The Partnership will retain all Records applicable to this Agreement for a period of five (5) years after grant closeout, as required under 2 CFR§300.334, or until all audit questions have been resolved, whichever period of time is longer.
 4. Each partner will be responsible for their own tax returns.
 5. Accounting records will be kept on a cash basis.
 6. The fiscal year will end on December 31st each year.
- G. **Ownership.** The Partners shall be joint owners with all property rights, including publication rights, in all interim, draft, and final reports and other documentation, including machine-readable media, produced by or in connection with the work pursuant to this Agreement.
- H. **Profits.** There are no anticipated profits from the grant agreement.
- I. **Modification to Partnership Agreement.** This Agreement and other documents specifically referred to herein constitute the entire partnership agreement and there are no verbal agreements between the Partners. This Agreement may only be revised or modified by a written amendment signed by authorized representatives of both Partners.

- J. **Independent Contractor Relation.** The parties agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The parties agree that no persons supplied by DSNB are employees of the Unified Government and that no right of the Unified Government's civil service, retirement, or personnel rules accrue to such persons. The Unified Government shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the Unified Government to the Contractor.
- K. **Circumstances Beyond Control (Force Majeure).** The Partners shall not be responsible or liable for (i) special, consequential, indirect or punitive damages or (ii) any failure or delay in performing its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including: acts of God, earthquakes, fires, floods, wars, terrorist acts, civil or military authority or disturbances, sabotage, epidemics, pandemics, quarantine, riots, interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service, accidents, labor disputes, governmental actions or omissions, changes in laws or regulations, or generalized lack of availability of raw materials or energy.
- L. **Severability.** If any terms of this Agreement or its application to any person or circumstances shall, at any time or to any extent, be determined invalid or unenforceable, such as the inability to enter into a grant agreement with the EPA, the remaining provisions shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

Lead Applicant

Unified Government of Wyandotte County and Kansas City Kansas

David W. Johnston

Wyandotte County Administrator

Statutory Partner

Douglass/Sumner Neighborhood Association



Beverly Easterwood
President

FEDERAL AGENCY AND OFFICE: U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)

FUNDING OPPORTUNITY TITLE: Environmental and Climate Justice Community Change Grants Program

ANNOUNCEMENT TYPE: Notice of Funding Opportunity (NOFO)

FUNDING OPPORTUNITY NUMBER: EPA-R-OEJECR-OCS-23-04

ASSISTANCE LISTING NUMBER: 66.616

ACTION: Modification No. 4 to the NOFO

DATE: October 2, 2024

SUMMARY: This modification revises and clarifies the NOFO, which was originally issued on November 21, 2023. This version of the NOFO supersedes previous versions of the NOFO. The revision made by this modification is as follows:

1. The paragraph on page 2 of the NOFO under “Deadline” was revised to add a citation to 41 Fed. Reg. 36,907 and clarify that applicants may assert a CBI claim and EPA will treat any information claimed as CBI consistent with our regulations.

FEDERAL AGENCY AND OFFICE:	U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)
FUNDING OPPORTUNITY TITLE:	Environmental and Climate Justice Community Change Grants Program
ANNOUNCEMENT TYPE:	Notice of Funding Opportunity (NOFO)
FUNDING OPPORTUNITY NUMBER:	EPA-R-OEJECR-OCS-23-04
ASSISTANCE LISTING NUMBER:	66.616
IMPORTANT DATES:	
November 21, 2023	NOFO Opening Date
November 21, 2024	Application Closing Date
July 2024	Initial Award Selections Made
November 2024	Anticipated Start of Period of Performance for Initial Selections

DEADLINE: Application packages will be accepted on a rolling basis, as further explained in the NOFO, until November 21, 2024, at 11:59 PM (Eastern Time) through Grants.gov. Applications received after the closing date and time will not be considered for funding.

In alignment with EPA’s commitment to conducting business in an open and transparent manner, copies of applications selected for award under this NOFO may, as appropriate, be made publicly available on the OEJECR website or other public website for a period after the selected applications are announced. Therefore, applicants should clearly indicate which portion(s) of the application, if any, they are claiming contains confidential business information. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant. See 40 CFR 2.203(a), 41 Fed. Reg. 36,907.

Notice To Applicants: The revisions to the grant regulations in [2 CFR described at 89 FR 30046-30208](#) (April 22, 2024) will apply to awards made under this NOFO, including the change to the de minimis indirect cost rate.

NOTE: Prior to naming a contractor (including consultants) or subrecipient in your application as a “partner,” please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements as well as EPA’s rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications.

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Section I. Funding Opportunity Description

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A. Background: Inflation Reduction Act and Executive Orders

The Environmental and Climate Justice Community Change Grant program (Community Change Grants) – the subject of this NOFO – offers an unprecedented opportunity to transform disadvantaged communities across the United States into healthy, climate resilient, and thriving communities for their current and future residents. The Community Change Grants will fund community-driven projects that address climate challenges and reduce pollution while strengthening communities through thoughtful implementation. The historic levels of support provided by these grants will enable communities and their partners to overcome longstanding environmental challenges and implement meaningful solutions to meet community needs now and for generations to come.

The Inflation Reduction Act (IRA) created the Environmental and Climate Justice Program (ECJP)—the largest investment in environmental and climate justice in U.S. history—when it was signed into law by President Biden on August 16, 2022. The ECJP is now contained in Section 138 of the Clean Air Act (CAA), 42 U.S.C. § 7438. Under this program, EPA was provided \$2.8 billion to award grants to help disadvantaged communities address a wide range of environmental and climate justice issues, and \$200 million for technical assistance related to these grants. This historic investment advances [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, which established a whole-of-government approach to advancing equity and opportunity, and [Executive Order 14008](#), *Tackling the Climate Crisis at Home and Abroad*, which created the government-wide [Justice 40 Initiative](#) that established the goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Awards under the ECJP also support core goals of [Executive Order 14091](#), *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and [Executive Order 14096](#), *Revitalizing Our Nation’s Commitment to Environmental Justice for All*.

The Community Change Grants are the final and most comprehensive piece of EPA’s implementation of ECJP IRA funding. The Community Change Grants will complement grant programs that EPA launched in 2022 and 2023, including those for the Collaborative Problem-Solving, Government-to-Government, and Thriving Communities Grantmaker programs. Collectively, these programs will empower communities and their partners to design, develop, and implement multi-faceted community-driven projects. These programs will address the diverse and unique needs of disadvantaged communities by:

1. Reducing and preventing pollution;
2. Building resilience to climate change and mitigating current and future climate risks;
3. Enhancing meaningful involvement in government processes related to environmental and climate justice;
4. Expanding access to high-quality jobs and economic opportunity through workforce development; and
5. Bolstering community strength by ensuring that local residents receive the benefits of investments and have the opportunity to build on them for current and future generations.

Through the approximately \$2 billion to be awarded under the Community Change Grants, and the technical assistance that will be available to eligible applicants related to the grants, EPA will advance the goals of these Executive Orders (EO) and the agency’s environmental and climate justice priorities. [Environmental justice](#), as defined by EO 14096, means the just treatment and meaningful involvement of all people,

regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

B. Statutory and Regulatory Authority

The authority for the awards under this NOFO is Clean Air Act (CAA) § 138, codified at 42 U.S.C. § 7438. Of the \$2.8 billion appropriated, approximately \$2 billion will be awarded for the Community Change Grants under this NOFO. As provided in 42 U.S.C. § 7438(a)(1) and (b)(1), all the funds must be awarded by September 30, 2026, the grants cannot be longer than three years in duration, and no extensions will be granted.

Eligible entities and eligible activities are defined in 42 U.S.C. § 7438(b)(2) and (3) and are further described below and in [Section I](#) and [Section III](#) of this NOFO.

Section 138(b)(2) of the CAA specifies that an eligible entity may use a grant awarded under this NOFO for:

1. community-led air and other pollution monitoring, prevention, and remediation, and investments in low and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions¹ and other air pollutants;
2. mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;
3. climate resiliency and adaptation;
4. reducing indoor toxics and indoor air pollution; or
5. facilitating engagement of disadvantaged communities in state and federal advisory groups, workshops, rulemakings, and other public processes.

In addition, Section 102(2)(I) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(I) is applicable to international work, if any, under this NOFO. Further, all funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the Federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.

¹ “Greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

C. Community Change Grants Objectives

The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.

Designed with meaningful community, Tribal, and other stakeholder involvement, the investments EPA makes through the Community Change Grants are intended to achieve the following objectives:

1. Provide resources for community-driven projects to address environmental and climate challenges in communities facing disproportionate and adverse health, pollution, and environmental impacts, and suffering from generations of disinvestment.
2. Invest in strong cross-sectoral collaborations with partners who bring a robust commitment to working with and for communities with environmental and climate justice concerns.
3. Unlock access to additional and more significant resources to advance environmental and climate justice goals from across the federal government and other sources.
4. Empower communities and strengthen their capacity to drive meaningful positive change on the ground for years to come.
5. Strengthen community participation in government decision-making processes that impact them.

D. NOFO Competition Features

EPA anticipates awarding approximately \$2 billion in funding through this NOFO, depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. EPA will consider applications under two separate tracks.

- **Track I applications – Community-Driven Investments for Change** will focus on multi-faceted applications with Climate Action and Pollution Reduction Strategies to meaningfully improve the environmental, climate, and resilience conditions affecting disadvantaged communities. Awards under Track I are expected to be \$10-20 million each. EPA expects to award approximately \$1.96 billion for approximately 150 Track I awards, including those under the Target Investment Areas described in Section II.B.
- **Track II applications – Meaningful Engagement for Equitable Governance** will facilitate the engagement of disadvantaged communities in governmental processes to advance environmental and climate justice. Awards under Track II are expected to be \$1-3 million each. EPA will award approximately \$40 million for approximately 20 Track II awards.

The number of Track I and Track II awards are estimates, and EPA reserves the right to increase or decrease the total number of awards and dollar amounts for each track, contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, agency priorities, programmatic considerations, or a combination of these.

Target Investment Areas for Track I Applications: EPA has identified five Target Investment Areas (TIA) to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding (see [Section II.B](#)). Applicants applying under a specified TIA will compete against other applicants under the same TIA, as opposed to the broader application pool. Please note that applicants applying for the TIA for Alaska Tribal lands should review Appendix H for additional guidance pertaining to the Climate Action and Pollution Reduction Strategies to include in their application, including those related to the Alaska Native Claims Settlement Act (ANCSA).

Eligible Applicants: Eligible applicants for the Community Change Grants include a partnership between two community-based non-profit organizations (CBOs), or a partnership between a CBO and one of the following: a Federally recognized Tribe, a local government, or an institution of higher education (IHE), including Minority Serving Institutions as further described in [Section III.A](#). Other organizations and entities may participate in the Community Change Grants as Collaborating Entities through subawards, or as contractors selected in accordance with competitive procurement requirements. Further details about applicant eligibility, partnership requirements, Collaborating Entities, subawards, and procurement contracts are in [Section III](#).

Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and may receive up to two awards, if they demonstrate the capacity and capabilities to effectively perform, manage, oversee, and complete the awards within the three-year grant period of performance. The two applications may be two Track I applications, two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

In addition, EPA is introducing several features to enhance community involvement and ease the application process. Unless otherwise noted, the following applies to both Track I and Track II applications:

- **Rolling Applications.** EPA will allow applications to be submitted on a rolling basis over a 12-month period, through November 21, 2024, and will permit applicants to resubmit an unsuccessful application after a debriefing with the agency. Further details about the rolling application and resubmission process are in Sections II and V.
- **Fast-Tracked Approach.** EPA will review and select high-quality applications to fund on a rolling basis to deliver results and benefits to disadvantaged communities.
- **Indirect Costs Limitation.** As further described in Appendix G, there is a 20% cap on indirect costs for certain recipients and subrecipients.

E. Technical Assistance

Under the IRA, EPA received \$200 million for technical assistance to eligible entities in connection with the ECJP. Technical assistance will be available for pre-award technical assistance including but not limited to designing a project, preparing an application, or facilitating partnerships, and for post-award technical assistance to help grant recipients manage, oversee, perform, and report on the grants. Further details about technical assistance can be found [here](#), and additional information on technical assistance that may be available through EPA's technical assistance contractor can be found [here](#). Receiving technical assistance does not guarantee that applicants will be selected for funding.

F. Community or Tribal Relocation Resources

Projects for community or Tribal relocation activities are not eligible for funding under this NOFO and will not be reviewed. For purposes of this NOFO, relocation activities generally include activities intended to plan or assist the moving of an individual from their residence or a business from its place of business.² EPA is working with other federal agencies on a separate and tailored effort to develop a support mechanism for communities that want to implement community-driven relocation plans. EPA intends to share relocation assistance information in future guidance [posted on the Community Change Grants website](#). In the interim, information related to Federally-assisted relocation can be found on [FEMA's webpage](#) and in the [HUD Climate Resilience Implementation Guide for Community Driven Relocation](#). Any questions about whether an activity is considered a relocation activity should be sent by email to CCGP@epa.gov prior to applying.

G. Funding Track I: Community-Driven Investments for Change

1. Track I Objectives

Track I is the primary emphasis for the Community Change Grants. These projects will be implemented through strong collaborations to achieve sustained impacts related to climate resilience, pollution reduction, community health, economic prosperity, and community strength. This approach catalyzes change by focusing on the following objectives:

- **Increase community resilience through climate action activities:** Implement comprehensive Climate Action Strategies and infrastructure that build the resilience and adaptive capacities of communities, reduce greenhouse gas (GHG) emissions, and better prepare for and reduce the impacts of climate change.
- **Reduce local pollution to improve public health:** Reduce and remediate quantifiable health-harming pollutants to improve public health.
- **Center meaningful community engagement:** Conduct robust community engagement throughout the project – from design to implementation.
- **Build community strength:** Develop strategies to increase the likelihood that benefits of the investments accrue to existing residents of disadvantaged communities, both immediately and sustainably beyond the grant period.
- **Reach priority populations:** Support people within the Project Area as described in Appendix A who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities to the impacts of environmental pollution.³
- **Maximize integration across projects:** Ensure that the projects and activities within the Project Area are integrated and complement each other to maximize benefits.

² The Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. § 4601 et seq. (URA) would apply if a construction project funded through a Community Change Grant has an incidental effect of permanently displacing residents or businesses.

³ This may include populations of concern as identified in [The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment \(2016\)](#) that “experience disproportionate, multiple, and complex risks to their health and well-being in response to climate change,” such as children and pregnant women, older adults, and those with low incomes, limited-English-proficiency, disabilities or chronic medical conditions, or other risks that may put them at greater vulnerability.

2. Track I Community Vision Description

Track I applications should be rooted in addressing specific, community-driven environmental justice challenges. Accordingly, Track I applications should begin with a Community Vision Description that, at a minimum, provides an overview of the Project Area (as described in Appendix A) to benefit from the grant, a clear description of the challenges the Project Area faces, and a vision for how the grant will respond to those challenges to advance environmental and climate justice in the Project Area. This description should provide essential context for the rest of the application, informing how the Climate Action and Pollution Reduction Strategies were selected and the positive impact the applicant envisions the grant will have in the Project Area. The Community Vision Description is further described in [Section IV.B: Content of Application Submission](#).

3. Track I Application Requirements

Track I applications must address the following six requirements, as further described below. Additional information about the contents of the Project Narrative for Track I applications can be found in [Section IV.B: Content of Application Submission](#) and information about how applications will be evaluated can be found in [Section V.C: Track I Application Review Process and Evaluation Criteria](#).

Requirement 1. Climate Action Strategy: Applications must include at least one project aligned with at least one of the Climate Action Strategies as described below. The Climate Action Strategies focus on strengthening the community's climate resilience and / or reducing GHG emissions. Climate Action Strategies should be responsive to the community challenges described in the Community Vision Description.

Requirement 2. Pollution Reduction Strategy: Applications must include at least one project aligned with at least one of the Pollution Reduction Strategy as described below. The Pollution Reduction Strategy can include monitoring, prevention, reduction, and remediation activities that support community efforts to address quantifiable and health-harming pollutants. Pollution Reduction Strategies range broadly depending on the type and pathway of pollution (e.g., indoor, or outdoor air pollution, water pollution, soil pollution). Pollution Reduction Strategies should be responsive to the community challenges described in the Community Vision Description.

Requirement 3. Community Engagement and Collaborative Governance Plan: Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

Requirement 4. Community Strength Plan: Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing

community members receive the benefits of these investments and can build on those benefits for future generations.

Requirement 5. Readiness Approach: Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe how they will be able to initiate grant performance upon award, or generally no later than 120 days after award, so they can successfully complete the grant within the three-year period of performance.

Requirement 6. Compliance Plan: Applicants must submit a Compliance Plan that describes how they will: (1) ensure compliance with the grant's terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (2) manage broader legal and compliance risks.

Details of Track I Application Requirements

Requirement 1. Climate Action Strategies: Applicants must include at least one project aligned with at least one of the Climate Action Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Climate Action Strategy(ies) and associated project(s) will address those challenges. Each Climate Action Strategy outlined below is focused on building short-term and long-term climate resilience, reducing GHGs, and providing additional co-benefits so that impacted communities can adapt to the changing climate. Applicants are also encouraged, as applicable, to integrate processes that minimize burdens to human health and the environment while maximizing benefits to the Project Area through such means as integrating nature-based solutions, utilization of low-carbon building materials, or sourcing sustainable products and materials to perform the projects. When selecting a Climate Action Strategy and designing their climate action projects, applicants may refer to the [National Climate Resilience Framework](#) released in September 2023.

Examples of project activities and guidelines associated with the strategies can be found in Appendix C. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Climate Action Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

Strategy 1: Green Infrastructure and Nature-Based Solutions

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.⁴ Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and

⁴ Applicants may use the White House's [Nature-Based Solutions Resource Guide](#) as a resource for integrating nature-based solutions.

economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.

Strategy 3: Energy-Efficient, Healthy, and Resilient Housing and Buildings

Residential and commercial buildings are a significant source of GHG emissions due to the large amounts of electricity consumed for heating, cooling, lighting, and other similar functions. Many disadvantaged communities also face a disproportionately high energy burden, defined as the percentage of gross household income spent on energy costs. Many factors can influence high energy burden, including higher-cost fuels, such as propane or other bottled fuels, and energy-inefficient homes due to a lack of insulation in older homes or older appliances. Strategy 3 supports investments in low- and zero-emission technologies and energy efficiency upgrades that can help decarbonize residential and commercial buildings, decrease energy burden, and increase resilience for communities. Many of these activities also contribute to positive public health outcomes by improving indoor air quality and the safety and comfort of buildings. Co-benefits associated with this strategy can be maximized by combining additional Climate Action and Pollution Reduction Strategies to improve indoor air quality and / or produce additional resiliency benefits. This strategy can support a range of residential and commercial buildings, including single-family homes, multi-family housing buildings, small businesses, community health facilities, community centers, nonprofit offices, schools, and other similar community-serving buildings.

Strategy 4: Microgrid Installation for Community Energy Resilience

Many disadvantaged communities suffer from unreliable access to electricity, a problem that is becoming more acute due to increased heating and cooling demands during extreme weather events driven by climate change. Strategy 4 supports the installation of microgrids powered by low- and zero-emission renewable energy to improve electric reliability, enhance overall energy efficiency, reduce emissions of GHG and other air pollutants, and build a community's capacity to prepare for and withstand power disruptions. The U.S. Department of Energy [defines](#) microgrids as “a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid.” A microgrid can operate autonomously when disconnected from the grid or when there is no grid to connect to, such as in some remote communities. When connected and operated with the grid, a microgrid can provide grid ancillary services.

Strategy 5: Community Resilience Hubs

Many disadvantaged communities lack the resources to evacuate in a safe and timely manner when disaster strikes or is imminent. Strategy 5 supports the creation of, or upgrades to, community-level resilience hubs, which are public-serving spaces that provide shelter and essential services during extreme weather, natural hazards, or other events causing or contributing to an emergency or disaster, such as dangerous wildfire woodsmoke, toxic releases, industrial fires, or similar hazardous chemical incidents. These community-level resilience hubs can also serve as community-convening spaces that provide educational activities and related emergency and disaster preparedness resources to community residents year-round.

Strategy 6: Brownfield Redevelopment for Emissions Reduction and Climate Resilience

Many disadvantaged communities contain brownfield sites that impede economic development. Redeveloping brownfields provides an opportunity to make investments that contribute to community revitalization, resilience, and GHG emissions reduction. Redeveloping brownfield sites also supports infill development that significantly reduces residential vehicle use and the associated GHG emissions. Strategy 6 supports the redevelopment of brownfield sites that have already been cleaned up, or where a site assessment indicates that cleanup is not necessary for reuse. These projects should seek to improve energy efficiency through investments in low- and zero-emission technologies, integrate climate resiliency, and / or mitigate climate change impacts while also promoting economic development and improving public health for residents. Examples could include construction of a public park or partnering on a LEED Certified low-income housing project on a former brownfield site.

Note: Projects funded under this Climate Action Strategy must be performed on sites where, at the time of application submission, the applicant demonstrates that cleanup is complete or that the site does not require any cleanup activities for the intended use or reuse of the site. See Section III.D.8 and Appendix C section on this Strategy.

Strategy 7: Waste Reduction and Management to Support a Circular Economy

Disadvantaged communities often bear the brunt of environmental contamination from improper disposal of physical waste, or from disposal in landfills adjacent to those communities. This strategy supports circular economy⁵ activities and promotes sustainable use of natural resources to keep materials and products in circulation for as long as possible, resulting in the reduction of GHG emissions and other pollution across a product's lifecycle. Examples of these projects may include efforts to reduce food waste (e.g., composting, anaerobic digestors), or to promote the reduction, reuse, and recycling of disaster debris, construction and demolition debris, and other materials and products. Project activities should demonstrate that they will result in materials being diverted from end-disposal facilities (e.g., landfills, incinerators) to reduce GHG emissions, toxic air pollution, and soil and water pollution.

Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.

⁵ A circular economy keeps materials, products, and services in circulation for as long possible.

Requirement 2. Pollution Reduction Strategies: Applications must include at least one project aligned with at least one of the Pollution Reduction Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Pollution Reduction Strategy(ies) will address those challenges. Each Pollution Reduction Strategy outlined below is focused on pollution monitoring, prevention, and remediation of quantifiable and health-harming pollutants.

Applications that include activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.

Examples of project activities and guidelines associated with the strategies can be found in Appendix D. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Pollution Reduction Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

Strategy 1: Indoor Air Quality and Community Health Improvements

Disadvantaged communities often face high levels of indoor air pollution from several sources, including mold, lead paint, radon, asbestos, fossil fuel combustion, and pollution from outdoors that seeps inside. These pollutants can have a detrimental impact to human health, particularly for vulnerable populations including children, the elderly, and people with health conditions like asthma and heart disease.⁶ Activities under Strategy 1 can include education on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach strategies, public education activities) and direct assessment and remediation to reduce harmful air pollution (e.g., installation of filtration systems, building retrofits that address multiple sources of pollution, replacement of wood heaters that do not meet EPA standards, asbestos abatement in schools).

Strategy 2: Outdoor Air Quality and Community Health Improvements

Outdoor air pollution from mobile and stationary sources can compromise human health and the environment in many ways, including by triggering asthma attacks and heart attacks, exacerbating respiratory disease, and causing children and adults to miss school and work on bad air days. Activities funded under Strategy 2 could include: funding the purchase, upgrade, and / or maintenance of equipment and technology to allow for the inspection, testing, monitoring, and sampling of air pollution; purchasing equipment that limits community exposure to outdoor air pollutants; and reducing exposure to near-road pollution, pollution from airports and ports, and mobile source pollution. This could include land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas. These activities can be bolstered by educating the public on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach, public education), and communication of air pollution assessment results to reduce exposure, including during environmental emergencies or events where the risk of pollution exposure is high.

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused

⁶ [Indoor Air Quality \(IAQ\)](#).

infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA's Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste

Disadvantaged communities are disproportionately exposed to solid and hazardous waste, which negatively impacts public health. This strategy supports pollution prevention, recycling, and disposal activities related to the management of solid and hazardous waste, such as discarded electronics, tires, single-use plastics, and other disposable items. Community-level responses to these challenges could include, for example, the purchase of equipment and the development of facilities to manage solid and hazardous waste to improve public health outcomes. Brownfields cleanup is not contemplated under this strategy and is not a Community Change Grants program priority.

Requirement 3. Community Engagement and Collaborative Governance Plan: Track I applications must include a Community Engagement and Collaborative Governance Plan. Successful implementation of environmental and climate justice projects requires relationships and meaningful engagement among an ecosystem of community leaders and members alongside partners across many sectors. This plan is required to help ensure that grant activities are driven and informed by the views of the Project Area community and are accomplished through collaboration among key stakeholders. The plan should describe how the applicant will engage, educate, and be responsive to community members throughout project development and / or implementation. Additionally, the plan should incorporate a Collaborative Governance Structure that demonstrates how the Lead Applicant and Collaborating Entities (as described in [Section III.A](#)) will work together to successfully implement the grant in a timely, effective, and equitable manner.

The Community Engagement and Collaborative Governance Plan cannot exceed 10 single spaced pages – excess pages will not be reviewed. It should address the following elements and any others the applicant deems relevant to their projects:

- **Past Community Outreach and Engagement Conducted:** The applicant should demonstrate what outreach and engagement methods were used to engage with the Project Area community, including any with specific neighborhoods or groups, and how this impacted the selection of the strategies and associated projects as well as the applicant's implementation approach.
- **Community Engagement Plan Implementation:** The applicant should demonstrate the specific community engagement methods, as well as how they will mitigate barriers and involve relevant governmental stakeholders, necessary to support overall implementation including:
 - **Clear Methods for Engagement and Transparency:** The applicant should describe the following elements:
 - Outreach methods that provide opportunities for broad and diverse community member involvement in project development and / or implementation and feedback during grant performance.
 - Transparent mechanisms that will promote meaningful accountability to the needs and preferences of residents in the Project Area.

- Mechanism(s) that will be used to continuously inform the community before and during project implementation on project status, benefits available to them through the project, and indicators being tracked, such as air quality improvements or trees planted.
 - **Mitigating Barriers:** The applicant should describe measures to minimize and mitigate barriers around community engagement and participation in project development and / or implementation including but not limited to those related to linguistic differences, communication challenges, disabilities, inaccessible technology, lack of trust or awareness, transportation, childcare, and elderly / adult care.⁷
 - **Government Involvement:** As applicable, the applicant should demonstrate the support and involvement of government agencies needed to facilitate successful grant performance. For example, projects that intersect with local-government authorities such as permitting, planning, and zoning are encouraged to demonstrate the involvement and cooperation of local government authorities.
- **Collaborative Governance Structure:** The applicant should provide details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how they should meet regularly to discuss project implementation. The description should include at a minimum:
 - Outreach methods to solicit community representatives and processes to choose representatives to enable a broad cross-section of community representatives to participate so different voices are heard.
 - An explanation of how the Lead Applicant and Collaborating Entities will coordinate with each other and community members to inform and engage the community on project development and progress.
 - An outline of the planned decision-making processes between the Lead Applicant and Collaborating Entities, including procedures to ensure that decisions are transparent and can be made in an expedited manner when necessary.
 - Processes for replacing a Collaborating Entity to ensure that the replacement entity has comparable skills, qualifications, expertise, community support, and experience to avoid any adverse impact on grant performance. EPA approval of the qualifications, expertise, and experience of the replacement Collaborating Entity will be required pursuant to 2 CFR 200.308I(2) and / I(c)(6).

Note: Awards may include terms and conditions requiring that subaward agreements between the Lead Applicant and Collaborating Entities (including the Statutory Partner described in [Section III.A](#)) contain provisions reflecting certain of the requirements above.

Requirement 4. Community Strength Plan: Track I applications must include a Community Strength Plan. Advancing environmental and climate justice requires bolstering the strength and economic prosperity of a community for the benefit of local residents, while also ensuring those residents can remain within the community and benefit from the investments over the long term. [Executive Order 14096](#), *Revitalizing Our Nation's Commitment to Environmental Justice for All*, states, “Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities.

⁷ Refer to the EPA Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients, EPA Guidance on Participant Support Costs, and EPA Subaward Frequent Questions, including for additional information on paying for light refreshments, providing dependent care stipends or services for community meeting participants, and meeting participant transportation stipends. See Appendix G for additional information.

Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.”

In alignment with this Executive Order and to help EPA assess whether the proposed projects will benefit disadvantaged communities, as required by §138(b)(1) of the CAA, this plan should describe how the projects in the application are intended to (1) maximize the economic benefits of the projects for existing residents in the Project Area, and (2) avoid unintended consequences for existing residents in the Project Area including the displacement of residents in the Project Area.

This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed. Consistent with the above discussion, the plan should address the following elements.

1. Maximizing Economic Benefits of Projects:

The plan should describe how the projects included in the application will maximize economic benefits for individuals in the Project Area, including priority populations defined in footnote 3.

Examples of economic benefits, as described below, could include (1) opportunities for local small businesses or contractors; (2) jobs for community members; (3) financial savings for residents; and other similar benefits, in alignment with EPA grant regulations and applicable law.⁸

- **Business Opportunities:** Applicants may need to hire contractors to carry out certain project activities. Applicants may inform local businesses of open solicitations and encourage them to compete for contracts. For example, applicants may consider partnering with their local government’s small business office to broadly advertise contracting opportunities. Similarly, applicants should make a “good faith effort” to provide disadvantaged business enterprises (DBEs) with an opportunity to compete for contracts in accordance with [EPA’s 40 CFR Part 33 Disadvantaged Business Enterprise rule](#).⁹
- **Job Opportunities:** Applicants may propose measures to facilitate the employment and retention of workers from disadvantaged communities on funded projects. For example, applicants may propose developing recruitment strategies in partnership with their local workforce development board; funding supportive services for workers on grant-funded projects (e.g., transportation, childcare, mental health supports), coordinating such services with local social service providers; or establishing goals for hiring individuals from disadvantaged communities on the projects and transparently tracking progress toward those goals. Applicants may propose measures to increase community awareness of these job opportunities and the associated skill requirements, such as hiring workshops or job fairs. Applicants may also describe specific measures that will ensure Project Area residents are developing skills that are necessary to take advantage of existing or future jobs in professions contributing to the reduction of GHG emissions and other air pollutants.

⁸ Note that applicants are not bound by statutory or administrative local-preference requirements, per 2 CFR 200.319(c).

⁹ Note: Please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications. For example, applicants cannot name local contractors as part of this Community Strength Plan without adhering to these competitive procurement requirements.

Note: Jobs funded under this program should be high-quality jobs, in alignment with the U.S. Department of Labor and Commerce’s [Good Jobs Principles](#), as described in Appendix E. Applicants may propose measures to increase the likelihood that these will be good jobs for individuals from disadvantaged communities, such as training for employers / contractors on grant-funded projects to promote best practices such as equal opportunity recruitment and hiring practices, good benefits, healthy organizational culture, and opportunities for advancement. Additionally, jobs for construction activities funded under this grant will be required to pay prevailing wage rates, as required by CAA § 314 and the Davis-Bacon and Related Acts.

- **Financial Savings:** Applicants may also describe how and the extent to which Project Area residents will receive direct economic benefits from the Climate Action and Pollution Reduction projects in the applications, such as through energy bill savings or affordable zero- or low-emission transportation solutions. The plan may also discuss how the applicant plans not only to deliver these benefits for residents in the short-term but also to preserve them for the long-term. As an example, applicants working on a transportation project that will deliver immediate cost savings for residents may negotiate with a vendor / contractor to lock-in long-term cost savings for community members.

Applicants may consider using tools to align stakeholders around these benefits, such as a Community Benefits Agreement (CBA), which is a legally binding contract that defines benefits. Parties to a CBA may include CBOs, neighborhood associations, local government entities, contractors and developers, and other similar project stakeholders. Applicants are reminded of the three-year period of performance for the grant and should be prepared to expeditiously begin the negotiation of community benefits to prevent project delays.

2. Displacement Avoidance:

Benefits to disadvantaged communities can be evaluated by whether residents are able to retain the benefits of EPA-funded projects over the short and long-term. While climate action and pollution reduction can have a positive impact on a community, those benefits can also lead to unintended consequences, such as increased costs of living in a Project Area. Given that the purpose of CAA §138 is to fund activities that will benefit disadvantaged communities, applicants should describe measures to increase the likelihood that existing community members of the Project Area will benefit from investments in both the immediate and long term.

Applicants should discuss potential short-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members in the Project Area. Applicants should assess and describe the community’s vulnerability to rising costs attributable to the proposed projects and assess potential impacts to households, small businesses, and other existing groups. Based on the specific risks identified, applicants should describe measures for mitigating those risks as applicable. Some measures can mitigate these displacement vulnerabilities in the short-term, whereas other measures can have long-term impacts. For example, for projects that increase the energy efficiency of multi-family housing facilities, and that may have the unintended effect of raising rents for those facilities, the approach may focus on outreach / education to residents, such as information packets, tenant protection workshops that feature information about tenant rights under applicable state and local laws, or other educational activities. Other approaches may focus on securing commitments from landlords benefiting from EPA-funded property improvements to extend affordable housing covenants or agree not to raise rents

unnecessarily.¹⁰ Applicants can also describe how they will work with relevant entities, such as local governments, to create policies, plans, or programs to mitigate unintended impacts of the EPA-funded investments.

Applicants should describe any work already underway in the Project Area that would mitigate these risks, or existing policies, ordinances, or programs that are relevant. For example, an applicant could describe any ordinances in the Project Area designed to expedite construction or availability of additional affordable housing. Applicants can also describe any Climate Action and Pollution Reduction Strategies proposed as part of this application that might help mitigate displacement risks by providing project co-benefits. For example, a strategy that promotes increased housing density as a tool to reduce emissions could have the co-benefit of reducing housing costs by increasing housing supply.

Requirement 5. Readiness Approach: Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award, in compliance with the requirements in 2 CFR Parts 200 and 1500, 40 CFR Part 33 that apply to all EPA grants so they can successfully complete the grant within the three-year period.

This includes addressing the readiness considerations listed below, and any others, that are applicable to the projects and how they will be met. If any of the below considerations are not applicable, the application should explain why not.

- **Government Approvals:** If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.
- **Federal Requirements for Construction Projects:** Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.
- **Alignment with Existing Plans:** Applicants must demonstrate that the project(s) in the Project Area as defined in Appendix A are consistent with any community development, climate resilience, or hazard mitigation plans, or other comparable government land use restrictions.
- **Site Control:** Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s).
- **Operations and Maintenance:** Applicants must describe their operations and maintenance plan and financing approach for their project's infrastructure investments, if relevant, which may include long-term service costs, fee structures, detailed indebtedness for all properties, and other relevant information demonstrating how operations and maintenance of the investment will be assured during and after the grant award.

¹⁰ Note that any agreements must be in alignment with local and state housing laws. For example, in some instances, state or local law may allow a landlord to raise rents to compensate for increases in property taxes attributable to the value of EPA funded improvements.

Requirement 6. Compliance Plan: Applicants must submit a Compliance Plan that describes how they will: (i) ensure compliance with the grant’s terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (ii) manage broader legal and compliance risks. This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed.

H. Funding Track II: Meaningful Engagement for Equitable Governance

Under this track, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” as encompassing local, Tribal, and other governmental processes. All funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.
4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

Track II Objectives

Section 138 of the CAA provides that grants may be awarded for the purpose of “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” Accordingly, Track II applications intend to build the capacity of communities and governments to evaluate and redress environmental and climate injustices by giving disadvantaged communities a meaningful voice in government decision-making processes. By supporting direct participation of disadvantaged communities in the development and implementation of solutions, policies, and programs, the Community Change Grants can help close equity gaps and redress environmental and climate injustices.

Track II applications should focus on breaking down systemic barriers to community participation in government processes impacting environmental and climate justice. This can be done by creating engagement and feedback mechanisms with two-way communications between community members and government decision-makers. Applications should focus on ways to provide disadvantaged communities with information about issues that directly impact them, while simultaneously creating mechanisms for the government to gather input to ensure community needs inform decision-making and are integrated into government processes and policies. Applications in this track should strive to enable communities to play a meaningful role in making and implementing decisions.

Effective projects should also involve partnerships between community organizations, governments, philanthropic organizations, the private sector, and / or third-party facilitators and evaluators who can support collaboration across sectors to facilitate the engagement of disadvantaged communities in governmental decision-making processes.

Track II Project Examples

The following are examples of activities that may be proposed under Track II. Applicants may expand or refine these examples or submit projects that are not listed below if they demonstrate how they will facilitate the engagement of disadvantaged communities in governmental processes.

Example 1. Educational and Training Programs

These projects prepare, train, and educate members of disadvantaged communities on how to engage in government processes related to environmental and climate justice activities.

Examples of activities that could be performed under this type of project include but are not limited to:

- Creating a leadership development program that trains community members to identify environmental and climate justice challenges, devise strategies to address them, and recommend actions to governmental authorities. Example topics could include how to review public sector budgets, navigate specific processes such as land-use ordinances or National Environmental Policy Act (NEPA) reviews, and participate effectively in public meetings. The [EPA EJ Academy](#) is an example of a type of project applicants may consider developing for their own community.
- Designing and implementing a training program to help members of disadvantaged communities effectively participate in advisory boards, commissions, land use authorities, or other bodies that involve community members in environmental and climate related policy making.
- Partnering with a government to develop and / or implement Equity Action Plans that identify and address barriers to equity and opportunity and discrimination that disadvantaged communities may face. Equity Action Plans should meaningfully incorporate community input and result in city-or-statewide transformational, equitable change in environmental or climate related policies. For informational purposes only, please find [here](#) a link to Equity Action Plans developed by federal agencies that may help applicants with designing and preparing these types of projects.

Example 2. Environmental Advisory Boards (EABs)

These are projects that facilitate the engagement of disadvantaged communities in environmental decision-making by establishing advisory councils, taskforces, or similar bodies to engage with government. These boards should have regular meetings to create consistent opportunities for disadvantaged communities to provide recommendations on actions government entities should take to address environmental and climate justice challenges. These bodies should include members from disadvantaged communities, may include additional representatives from other stakeholder groups that can effectively represent important and related perspectives (including Tribal, academia, youth / elderly / disability populations, government, etc.).

Examples of activities under an EAB-type project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes at different levels of government to provide input, recommendations, and advice on matters such as:

- Permitting decisions for factories or industrial sites.
- Community infrastructure upgrades to address pollution and climate concerns.

- Zoning and siting guidance for fence-line / frontline communities¹¹ such as new school placements, highway construction, and industrial and commercial uses of land.
- Issues and actions of municipal and public utilities related to workforce development, drinking water shutoffs, drinking water quality and affordability, and aging wastewater treatment infrastructure in / near disadvantaged communities.

Example 3. Collaborative Governance Activities

These are projects that facilitate the process of providing recommendations and implementing decisions that will benefit disadvantaged communities. Projects can focus on creating collaborative bodies with members from and / or representing the interests of disadvantaged communities, governmental entities, and other stakeholders to work on environmental and climate justice issues.

Functions these bodies may focus on include co-producing solutions with disadvantaged communities to identify and address environmental issues. This could be done through obtaining feedback from a wide range of experts and stakeholders, including but not limited to those working in public health, housing, economic development, environmental justice, and other relevant fields, to identify environmental and directly related public health issues, develop solutions, and then work towards implementing the ideas with the necessary parties.

Examples of activities under a collaborative governance project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes on matters such as:

- Participating in the development of one or more community benefits agreements to help ensure that environmental projects funded by federal, state, and / or private entities meaningfully engage and account for community needs. For informational purposes only, the resource [here](#) from the Department of Energy provides information that may help applicants with designing and preparing these types of projects.
- Creating a governance body or “development community” for a brownfields post-cleanup redevelopment project.¹²
- Creating a source water protection plan to protect public health and reduce burdens on water systems.
- Recommending organizational changes to government entities that make them more receptive and sensitive to the environmental and climate justice concerns of disadvantaged communities.

Example 4. Participation in Governmental Funding and Budgeting Processes

These are projects that use participatory budgeting to inform public spending on environmental priorities. Participatory budgeting is an approach to making decisions about governmental spending that is focused on meaningfully and deeply engaging the community in governmental funding processes. Projects can enable community-based organizations to partner with a public entity to design and implement processes whereby members of disadvantaged communities have input into, and influence, decisions about how to allocate public budgets for environmental and climate justice priorities. An example of a project using participatory budgeting could involve designing a program where the community identifies problems,

¹¹ A fence-line community or frontline community is generally one immediately adjacent to high polluting facilities such as industrial parks, manufacturing facilities, or commercial facilities and is directly affected by the noise, odors, traffic, and chemical and pollution emissions of the operations of these entities.

¹² U.S. Department of Health & Human Services. [Build a Development Community](#).

evaluates proposals, and recommends decisions for public funding of projects that implicate environmental and climate justice issues.

I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures

1. Strategic Plan Linkage

Awards made under this NOFO will support the following goals and objectives of the [FY 2022-2026 EPA Strategic Plan](#). Applications must explain how their projects will further these goals and objectives.

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

- Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels which includes the strategy of Building Community Capacity and Climate Resilience and Maximizing Benefits to Overburdened and Underserved Communities: EPA will increase support for community-led action by providing unprecedented investments and benefits directly to communities with environmental justice concerns and by integrating equity throughout Agency programs.

Depending on the projects included in them, awards will also support and advance the following EPA [Strategic Plan Goals](#) as applicable:

- Goal 1: Tackle the Climate Crisis
- Goal 4: Ensure Clean and Healthy Air for All Communities
- Goal 5: Ensure Clean and Safe Water for All Communities
- Goal 6: Safeguard and Revitalize Communities; and
- Goal 7: Ensure Safety of Chemicals for People and the Environment.

2. Environmental Results: Outputs and Outcomes

Pursuant to [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#), applicants must describe the environmental outputs and outcomes to be achieved under the award. Applicants should specifically describe the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the goals and objectives of the Community Change Grants program.

The following questions may be useful to consider when developing output and outcome measures of quantitative and qualitative results:

- What measurable short- and longer-term results will the grant achieve?
- How will the Lead Applicant and Collaborating Entities measure progress in achieving the expected results (including outputs and outcomes), and how will the approach to measuring progress use resources effectively and efficiently?
- Are the projected outputs and outcomes specific and detailed? Are specific target measures included where possible? Are target measures reasonable and achievable within the project period and for the funding amount?

See Appendix F for further details on expected outputs and outcomes from Track I and II awards.

3. Performance Measurement Plan

The evaluation component of the Community Change Grants is essential. In their Performance Measurement Plan, applicants should describe how they plan to track and measure their project implementation and progress towards achieving the expected outputs and outcomes, including those identified in Appendix F, throughout the performance period.

Generally, higher quality performance measurement plans include specific target metrics for both outputs and outcomes. The applicant's performance measurement plan should help gather insights, will be a mechanism to track progress toward output and outcome objectives, and may provide the basis for developing lessons learned to inform future funding recipients.

Applicants should incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting project goals. Applications may include funding in the budget for personnel with expertise in planning, designing, developing, implementing, and evaluating programs.

J. Additional Provisions for Applicants Incorporated into the NOFO

Additional provisions that apply to Sections III, IV, V, and VI of this NOFO and / or awards made under this NOFO can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this NOFO, and applicants must review them when preparing applications for this NOFO. If you are unable to access these provisions electronically at the website above, please email CCGP@epa.gov to obtain the provisions.

Section II. Federal Award Information

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A. Number and Amount of Awards

EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each. Awards under Track II are expected to be between \$1-3 million each. EPA expects to award approximately \$1.96 billion for about 150 Track I awards, including those under the Target Investment Areas described below in B, and approximately \$40 million for about 20 Track II awards. These amounts are estimates only, and EPA reserves the right to increase or decrease the total number of awards and funding amounts for each Track contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, and / or agency priorities and programmatic considerations. In addition, given that workforce development programs as described in [Section I.G](#) can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program(s) as further described in [Section V.E](#).

B. Target Investment Areas (TIA) for Track I Applications

Out of the approximate \$2 billion in funding, EPA has identified five Target Investment Areas (TIA) listed below to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding. The amounts are estimates only and subject to change based on the number and quality of applications received, funding considerations, and agency priorities. Applicants interested in submitting an application for projects benefitting a TIA must identify this in their application. Consistent with the Track I evaluation process described in [Section V](#), the TIA applications will be ranked and selected per TIA. Applications for the TIAs must address the Track I application requirements identified in [Section I.G](#).

- TIA A: Tribes in Alaska: an estimated \$150 million for projects benefitting Indian Tribes in Alaska. As noted in Appendix H and Section V.E below, the EPA anticipates making a minimum of 5 awards for high-ranking applications under this TIA that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
- TIA B: Tribes in the Continental United States: an estimated \$300 million for projects benefitting Tribal communities outside Alaska, which include Indian Tribes as defined by the Clean Air Act in Section III.A.3 below and Tribal Lands included in the EPA Disadvantaged Community Environmental and Climate Justice Program Map referenced in Appendix A. This also includes projects benefitting such Tribal communities that are located in the Border Area identified below in TIA E.
- TIA C: Territories: an estimated \$50 million for projects benefitting disadvantaged communities in the United States' territories of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.
- TIA D: Disadvantaged Unincorporated Communities: an estimated \$50 million for projects benefitting disadvantaged unincorporated communities as defined in Appendix A.
- TIA E: United States (U.S). – Southern Border Communities: Consistent with EPA's longstanding approach to addressing transborder climate and pollution challenges, an estimated \$100 million for projects benefitting non-Tribal disadvantaged communities within 100 kilometers north of the U.S.-Mexico border.

Special Requirements for Cross-Border Projects to Benefit U.S. Disadvantaged Communities

EPA's strong preference is that the work for all projects to be performed under the awards made through this NOFO will be performed entirely within the United States. However, in limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border for a TIA E application, or within 100 km north of the U.S.-Canada border for any application). In those limited cases, to be eligible for funding consideration, the applicant must demonstrate in their application that:

- The project(s) will directly and predominantly benefit disadvantaged communities in the U.S., for example by monitoring and / or preventing pollution from an international source that is impacting the disadvantaged community in the U.S.
- Any work outside of the U.S. is necessary for the project(s) to be successful in benefitting the disadvantaged communities in the U.S. — e.g., the project(s) will not be effective otherwise.
- Any work outside of the U.S. will not be a substantial part of the project.
- The applicant will ensure that any work outside of the U.S. will be timely and properly completed and monitored to ensure it is effectively performed.

Failure to address how the application meets these conditions will render the application ineligible for review as stated in Section III.D. Applications involving cross-border work that are selected for award must address any cross-border work issues (e.g., site access and control) during the workplan negotiations following selection and before award. The appropriate terms and conditions will be included in the grant. Projects benefitting Project Areas along the U.S.-Mexico Border should be consistent with guidance and best practices outlined by EPA's Border Program.^{13 14}

C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures

1. Applications may be submitted under this NOFO through November 21, 2024, to provide applicants, to the maximum extent practicable, flexibility on when to submit an application. Applications will be reviewed and evaluated on a rolling basis as described in [Section V](#) to facilitate and expedite the review and award process. EPA cannot guarantee that funding will be available through the end of the NOFO 12-month application period as funding availability is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the conclusion of the 12-month rolling application period.
2. Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.

¹³ [United States – Mexico Environmental Program.](#)

¹⁴ [U.S.-Mexico Border Program – Borderwide Resources.](#)

3. Lead Applicants whose initial eligible application(s) is not selected for funding may, after timely requesting and receiving a debriefing on the application (as described in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#)), resubmit a revised application one additional time while the NOFO remains open. For example, if a Lead Applicant submits two eligible applications and both are not initially selected for funding, they may resubmit each application one additional time within the 12-month NOFO open period as explained above and further below. There is no guarantee that resubmissions, even after a debriefing, will be selected for funding. In addition, applicants who submit applications towards the end of the 12-month rolling period may not have an opportunity to resubmit the application because the NOFO is expected to close for applications on November 21, 2024. While EPA intends to review applications and provide debriefings as expeditiously as possible, applicants should keep this in mind when determining the timing of their application submission to ensure there is sufficient time for a resubmission.
4. The resubmitted application must be clearly identified as a resubmission of a previously submitted application by providing the date of the original submission through www.grants.gov and / or the date of the EPA debriefing in the updated application package. The resubmission should take into consideration the feedback received during a debriefing and any other relevant considerations, and it cannot be a completely different application from the one initially submitted. If EPA determines, in its sole discretion, that it is a different application bearing little resemblance to the original application, it may be rejected and not reviewed.

D. Conditional Awards

EPA may make conditional awards under this NOFO, which will be subject to applicable terms and conditions in the grant award.

E. Period of Performance

The period of performance of every grant funded under this NOFO cannot by statute exceed three years. There can be no extensions. Projects must be designed to be successfully and effectively completed within three years. EPA anticipates that the first awards under this NOFO will be made in the fall of 2024 and will continue to be made on a rolling basis until funding is exhausted. EPA cannot predict when funding will be exhausted since it is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the 12-month rolling application period is over.

F. Partial Funding

EPA reserves the right to partially fund applications by funding discrete portions or phases of applications. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process. **To facilitate consideration of an application for partial funding, if applicable, EPA recommends that applications separate costs for the proposed grant in the program budget by project category, to the extent practicable.**

G. Additional Awards

EPA reserves the right to make additional awards under this NOFO, consistent with EPA policy and guidance, if additional funding becomes available after all the selections are made under this NOFO. For this NOFO, this only applies to making additional awards for those applications considered during the final monthly review, described in [Section V](#). Any additional selections for awards will be made no later than 6 months after the final monthly review.

H. Funding Type

EPA anticipates awarding cooperative agreements under this NOFO because it is expected that there will be substantial Federal involvement through the EPA Project Officer with selected applicants in the performance of the grant and for effective EPA oversight of grantee performance. Although EPA will negotiate precise terms and conditions relating to substantial federal involvement as part of the award process with each grantee awarded a cooperative agreement, the anticipated substantial federal involvement may include:

- Closely monitoring the grantee's performance to verify the results reported by the applicant;
- Reviewing proposed procurement, in accordance with the Procurement Standards in 2 CFR Parts 200 and 1500;
- Reviewing evidence of completion of project phases (e.g., planning) before providing approval for the grantee to begin work on the next project phase (e.g., implementation);
- Reviewing the substantive terms of contracts, subawards, or other financial transactions (EPA will not select contractors, subrecipients, or program beneficiaries);
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the grantee);
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports will rest with the grantee); and
- Addressing compliance with Build America, Buy America requirements, in accordance with 2 CFR § 184, and providing technical assistance, if necessary, on compliance with CAA § 314 and the Davis-Bacon and Related Acts.

In addition, there may be Federal involvement with selected applicants in the performance of the grant, which may include co-sponsoring community meetings and other events and collaborating during performance of the scope of work.

Section III. Eligibility Information

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Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

1. Community-Based Non-Profit Organization (CBO)

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”

Applicants must include documentation in their application demonstrating that they are a nonprofit organization by one of two ways: 1) a written determination by the Internal Revenue Service that they are exempt from taxation under Section 501 of the Internal Revenue Code, or 2) based on a written determination by the state, territory, commonwealth, Tribe, or other United States governmental entity in which they are located. This can be done, for example, by submitting a letter, certificate, or articles of incorporation from the state where the organization is located that recognizes them as a nonprofit organization. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. Foreign non-profit organizations cannot qualify as a CBO for eligibility purposes.

In addition to being considered a nonprofit organization, an organization must demonstrate that they are a public or private nonprofit organization that supports and / or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders. A “community,” for these purposes, can be characterized by a particular geographic area and / or by the relationships among members with similar interests and can be characterized as part of a local, regional, or national community where organizations are focused on the needs of urban, rural, and / or Tribal areas, farmworkers, displaced workers, children with high levels of lead, people with asthma, subsistence fishers, and other similar groups. For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO’s connection to the community that will benefit from the grants.

For the purposes of this NOFO, applicants that demonstrate that they are Alaska Native Nonprofit Organizations or Alaska Native Nonprofit Associations are considered CBOs. In addition, Intertribal Consortia may be able to qualify as CBOs if they meet the above requirements and 40 CFR 35.504(a) and (c). The for-profit Alaskan Native Corporations are not eligible under the CBO definition and therefore are unable to apply as CBOs.

2. Local Government (in partnership with a CBO)

The following units of government within a state, as defined by the regulations in [2 CFR 200.1](#), are eligible to enter a Statutory Partnership with a CBO:

- County
- Borough
- Municipality
- City
- Town
- Township
- Parish
- Local public authority, including any public housing agency under the United States Housing Act of 1937
- Special district
- School district
- Intrastate district
- Council of governments, whether incorporated as a nonprofit corporation under State law; and
- Any other agency or instrumentality of a multi-, regional, or intra-State or local government.

3. Federally Recognized Tribe (in partnership with a CBO)

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, EPA uses the definition of “Indian Tribe” in §302I of the CAA which provides that the term “...means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” Note that this definition does not include Alaskan Native Corporations or State-recognized Tribes.

4. Institutions of Higher Education (in partnership with a CBO)

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, the grant regulations at [2 CFR 200.1](#) state that Institutions of Higher Education (IHEs) are defined at [20 U.S.C. § 1001](#).

EPA also recognizes that it is important to engage all available minds to address the environmental and climate justice challenges the nation faces. Accordingly, EPA encourages Minority Serving Institutions (MSIs) to participate in the grants under this NOFO, including by partnering with a CBO.

For purposes of this NOFO, the following are considered MSIs:

1. Historically Black Colleges and Universities, as defined by the Higher Education Act (20 U.S.C. § 1061(2)). A list of these schools can be found at [Historically Black Colleges and Universities](#).
2. Tribal Colleges and Universities (TCUs), as defined by the Higher Education Act (20 U.S.C. § 1059c(b)(3) and (d)(1)). A list of these schools can be found at [American Indian Tribally Controlled Colleges and Universities](#).
3. Hispanic-Serving Institutions (HSIs), as defined by the Higher Education Act (20 U.S.C. § 1101a(a)(5)). A list of these schools can be found at [Hispanic-Serving Institutions](#).
4. Asian American and Native American Pacific Islander-Serving Institutions; (AANAPISIs), as defined by the Higher Education Act (20 U.S.C. § 1059g(b)(2)). A list of these schools can be

found at [Asian American and Native American Pacific Islander-Serving Institutions](#).

5. Predominantly Black Institutions (PBIs), as defined by the Higher Education Act of 2008, 20 U.S.C. § 1059e(b)(6). A list of these schools can be found at [Predominantly Black Institutions](#).

B. Statutory Partnership Requirements and Collaborating Entities

Please refer to Section III.A above for who is eligible to apply for the grants. The Statutory Partnership application is comprised of one Lead Applicant (an eligible CBO, Federally recognized Tribe, local government, or institution of higher education) who enters into a Partnership Agreement with one Statutory Partner (which is one of the following eligible entities— a CBO, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. Please note that a CBO must be either the Lead Applicant or a Statutory Partner in every Statutory Partnership (e.g., there cannot be a statutory partnership of a local government and an institution of higher education or either of these entities and an Indian Tribe). In other words, as identified in Section III.A all Statutory Partnerships must include a CBO. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in [Section I](#), subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process. Collaborating Entities may include Statutory Partners (CBOs, Federally-recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). However, for-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities. Subawards made by the Lead Applicant and Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in [Appendix A of the EPA Subaward Policy](#).

If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities. The Lead Applicant will also be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as EPA's 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the Lead Applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of EPA's *Establishing and Managing Subawards* [General Term and Condition](#), successful Lead Applicants in the Statutory Partnership must ensure that the terms and conditions of the grant agreement “flow down” to all subrecipients in the subawards. EPA has developed an optional template for subaward agreements, available in [Appendix D of the EPA Subaward Policy](#).

As noted above, Collaborating Entities cannot include for-profit procurement contractors or individual consultants who may be involved in project performance but who receive procurement awards made in compliance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 and 40 CFR Part 33. Further information on procurement and distinguishing between subawards and procurement

transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in [EPA Subaward Policy](#).

C. Cost-Sharing or Matching Funds

No cost-sharing or matching is required as a condition of eligibility under this NOFO.

D. Threshold Eligibility Criteria

Applications must meet the threshold eligibility criteria below to be considered for funding. **Applications that do not meet all the applicable threshold eligibility criteria will be deemed ineligible for funding consideration and will not be considered further.** If necessary, EPA may contact applicants to clarify issues relating to threshold eligibility criteria compliance prior to making an eligibility determination. In addition, applicants should contact EPA with any questions about the threshold eligibility criteria prior to submission of their applications. Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applications must meet the following threshold eligibility criteria to be considered eligible for funding under this NOFO:

1. Applications must comply with the content and submission requirements listed below.
 - Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) of this NOFO or else they will be rejected. However, where a page limit is expressed in [Section IV](#) with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
 - In addition, initial applications must be submitted through Grants.gov as stated in [Section IV](#) of this NOFO (except in the limited circumstances where another mode of submission is specifically allowed for as explained in [Section IV](#)) on or before the application submission deadline published in [Section IV](#) of this NOFO. Applicants are responsible for following the submission instructions in [Section IV](#) of this NOFO to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in [Section IV](#), which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.
 - Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov.

DO NOT WAIT! Register in SAM.gov or Grants.gov as soon as possible. Finalizing these registrations could take a month or more. You do not want a late registration to prevent you from being able to properly submit your application through [Grants.gov](#).

2. All applicants must meet the eligibility and statutory partnership requirements in III.A and include a Partnership Agreement (See Appendix B) with the application.

3. All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.
4. Track I applications proposing to serve a geographically defined community identified as disadvantaged in Appendix A must submit a Project Area Map that defines which specific census block groups are designated as disadvantaged within the Project Area. Track I applications proposing to serve a farmworker community or DUC as defined in Appendix A must submit a Project Area Map showing where the communities that will benefit from the project are located.
5. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.
6. All Track I applications must include projects under at least one [Climate Action Strategy](#) and at least one [Pollution Reduction Strategy](#) as described in [Section I.G](#). Track I applications also must include a [Community Engagement and Collaborative Governance Plan](#), [Community Strength Plan](#), [Readiness Approach](#), and [Compliance Plan](#) as described in [Section I.G](#).
7. All Track I applications including a workforce development project under the Climate Action Strategy must demonstrate how it will help reduce air pollutants and GHG emissions.
8. Track I applications that include projects under Climate Action Strategy 6, Brownfields Redevelopment, must demonstrate that the project will be performed on sites where, at the time of application submission, cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site. Please refer to the Climate Action Strategy 6 section in Appendix C for how to show that cleanup is complete or is not necessary.
9. All Track I applications for Pollution Reduction activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.
10. Track I applications cannot request more than \$20 million in EPA funding and Track II applications cannot request more than \$3 million in EPA funding. Applications requesting more than these amounts will be rejected. If necessary, EPA will clarify any questions about the funding amounts requested prior to application review.
11. A Track I application for a TIA defined in [Section II.B](#) can only address one TIA. An application cannot address more than one TIA.
12. Track I applications submitted for TIA A benefitting Alaskan Tribal lands that include a project(s) for the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program must meet the relevant requirements specified in Appendix H.

13. Applications submitted for TIA E for U.S.-Southern Border Communities projects, as well as any including projects that may include project activities within 100 km of a U.S. border as discussed in [Section II.B](#), must meet the special requirements identified in [Section II.B](#).
14. Applications must be submitted in English only. Applications written in languages other than English will not be reviewed or considered for award. If you need assistance to submit the written application in English, technical assistance may be available. Please refer to [Section I.E](#).
15. Multiple Applications. Lead Applicants may submit no more than two eligible applications under this NOFO, and receive no more than two awards, as explained in [Section II](#). Excess applications will not be reviewed. If a Lead Applicant submits more than two eligible applications, they will be contacted by EPA to determine which one(s) to withdraw. Notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications.
16. Resubmissions. As stated in [Section II.C](#), a resubmitted application must be clearly identified as a resubmission of a previously submitted eligible application through such means as providing the date of the original submission and / or date of the EPA debriefing. It cannot be a completely different application from the one originally submitted. If EPA determines, in its sole discretion, that it is a completely different application bearing little resemblance to the original application, it may be rejected and not reviewed.
17. EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project's success, and ensure that such research does not already exist.
18. EPA will not consider any application requesting funding for assessment, removal, or remediation of Superfund sites.

Note: If an application is submitted that includes any ineligible projects, tasks, or activities, including but not limited to ones that EPA determines cannot be funded under the statutory / regulatory authorities for the grant, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. This includes but is not limited to projects requesting funding for relocation activities as described in [Section I.F](#).

Applicants who have any questions about whether their project can be funded under the statutory / regulatory authorities for the grants and this NOFO, or whether certain costs related to the project are allowable costs, should clarify the issue with EPA prior to submitting their application. Failure to do so may result in the projects and / or costs being ineligible for funding and may impact the eligibility of the entire application.

Section IV. Application and Submission Information

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Note: Additional provisions that apply to this section of the NOFO, including those related to Intergovernmental Review, can be found in the [EPA Solicitation Clauses](#).

A. Requirement to Submit through Grants.gov and Limited Exception Procedures

Applicants must apply electronically through [Grants.gov](#) under this NOFO based on the grants.gov instructions below. If your organization has no access to the internet or access is very limited, you may request an exception from applying through Grants.gov for the remainder of this calendar year by following the procedures outlined [here](#).

Issues with submissions with respect to this NOFO only are addressed in section 3: *Technical Issues with Submission* below.

1. SAM.gov (System for Award Management) Registration Instructions

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will need to create an account using [login.gov](#) to complete your SAM.gov registration.

SAM.gov registration is FREE. The process for entity registration includes obtaining a Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining a UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

2. Grants.Gov Registration Instructions

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov](#)

[Applicant Registration instructions](#). As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR).

Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace – User Roles](#) and [Workspace Actions](#) for details on this important process.

Please note that **registering in grants.gov for the first time can take a month or more** for new registrants. Applicants must ensure that all registration requirements are met to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

Application Submission Process

To begin the application process under this NOFO, go to Grants.gov and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this NOFO must be made by an official representative of your organization who is registered with [Grants.gov](#) and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact [Grants.gov](#) for assistance at 1-800-518- 4726 or support@grants.gov.

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through [Grants.gov](#) and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

Application Submission Deadline

Your organization's AOR must submit your complete application package (including any resubmission as explained in Section II.C) electronically to EPA through [Grants.gov](#) no later than November 21, 2024, at 11:59 PM ET. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit. Please see [Section II](#) and [Section V](#) describing the rolling application submittal and review process for this NOFO.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not considered.

3. Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to

resolve, follow these procedures **before** the application deadline date:

- a. Contact the Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket / case number.
- c. Send an email with EPA-R-OEJECR-OCS-23-04 in the subject line to CCGP@epa.gov before the application deadline time and include the following information:
 - i. Grants.gov ticket / case number(s)
 - ii. Description of the issue
 - iii. The entire application package in PDF format

Without this information, EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline will be deemed ineligible and **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](https://www.grants.gov) or relevant [SAM.gov](https://www.sam.gov) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit the application prior to the application submission deadline time and date because they did not properly or timely register in SAM.gov or Grants.gov is **not** an acceptable reason to justify acceptance of an application outside of Grants.gov.

4. Required Forms and Documents

The following forms and documents are required under this NOFO:

Mandatory Documents for Track I and Track II Applications

1. **Application for Federal Assistance** (SF-424)
2. **Budget Information for Non-Construction Programs** (SF-424A)
3. **EPA Key Contacts Form** 5700-54
4. **EPA Preaward Compliance Review Report Form** 4700-4 (Please see these [Useful Tips](#) for completing this form)
5. **Project Narrative Attachment Form**: Use this to prepare your Project Narrative as described in [Section IV.B](#) below.
6. **Attachments**: Use the “Other Attachments Form” in Grants.gov for the following additional documents. These attachments are not subject to the page limitation that applies to the Project Narrative identified below and some have their own page limitation as identified below:
 - **Attachments for Track I and Track II Applications:**
 - **Attachment A**: Program Budget Template (See below in [Section IV.B](#) and also optional template in Appendix G)
 - **Attachment B**: Partnership Agreement (See [Section III.A](#) and Appendix B)
 - **Attachment C**: Indirect Cost Rate Agreement, if applicable.
 - **Attachments for Track I Applications Only:**
 - **Attachment D**: Project Area Map as described in Appendix A.
 - **Attachment E**: Community Engagement and Collaborative Governance Plan as described in [Section I.G](#) that does not exceed 10 single spaced pages-excess pages will not be reviewed.

- **Attachment F:** Community Strength Plan as described in [Section I.G](#) that does not exceed 5 single spaced pages--excess pages will not be reviewed.
- **Attachment G:** Readiness Approach Information as described in [Section I.G](#).
- **Attachment H:** Compliance Plan as described in [Section I.G](#) that does not exceed 5 single-spaced pages--excess pages will not be reviewed.

B. Content of Application Submission

Applicants should read the following sections very carefully. A complete application package includes the forms, documents, and attachments listed above in [Section IV.A.4: Required Forms and Documents](#), which includes the materials further described below.

Applicants should ensure that their application materials, including attachments, address all the applicable evaluation criteria in Section V, and applicable threshold eligibility criteria in Section III.D, for Track I and II applications. The evaluation criteria in Section V place increased emphasis on certain evaluation criteria that are integral to ensuring that the application will advance environmental and climate justice, meet CCG objectives, and maximize benefits to disadvantaged communities.

Project Narrative for Track I and II Applications

Below are the instructions for both Track I and Track II applications. There are different instructions for each track, so applicants should carefully read the instructions and contact EPA at CCGP@epa.gov with any questions. There are also certain attachments for Track I and II applications that must be submitted as identified in Section IV.A.4 above.

The Project Narrative for both application tracks are comprised of Sections A and B as described below for each track and should include the information and content below. Applicants should ensure they include information addressing the relevant evaluation criteria in [Section V](#) for Track I or II applications and any applicable threshold eligibility criteria in [Section III.D](#). Please make sure the required attachments identified in Section IV.A.4 for Track I and II applications also include the applicable information.

- The Project Narrative for Track I applications must not exceed twenty (20) single-spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track I described in Section IV.A.4 are not part of the Project Narrative.
- The Project Narrative for Track II applications must not exceed fifteen (15) single spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed. The attachments for Track II described in Section IV.A.4 are not part of the Project Narrative.

Applicants are encouraged to be concise and do not need to use all the pages within the page limit. Links to external websites or content will not be reviewed or considered. Any pages beyond the page limitations will not be reviewed by the Review Panel. It is recommended that applicants use a standard font (e.g., Times New Roman, Calibri, and Arial) and a 12-point font size with 1- inch margins. While these guidelines establish the acceptable type size requirements, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the application. **The grant application forms and other attachments identified in [Section IV.A.4: Required Forms and Documents](#) above are not included in the Project Narrative page limits for Track I and II applications.**

To assist EPA reviewers, applicants should reference the numbers and titles of the evaluation criteria identified in Section V.C in their Project Narratives (and attachments) to help identify where the criteria are being addressed as applicable. Applicants should contact EPA with any questions about the application content requirements.

Track I Project Narrative

Track I applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 20 pages as described above.

Section A. Executive Summary

The Executive Summary should contain the elements below and should not exceed three pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the Lead Applicant.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for the Lead Applicant and, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Climate Action Strategy:** Specify which Climate Action Strategy(ies) is addressed in the application.
- **Pollution Reduction Strategy:** Specify which Pollution Reduction Strategy(ies) is addressed in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must state how the projects in the application, including any construction projects, can be completed within three years of award.
- **Amount of EPA Funding Requested:** See award sizes specified in [Section II.A](#).
- **Target Investment Area:** If the application is for a Target Investment Area as defined in Section II.A, please identify which one. If the application is not for a Target Investment Area, put N/A.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged community, as defined in Appendix A, intended to benefit from the projects in the application.
- **Other Sources of Funding:** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section V.E.
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and the date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

Section B. Project Workplan

The Project Workplan should contain the elements below.

Part 1. Community-Driven Investments for Change

1.1 Community Vision Description.

- **Community Description:** Provide an overview of the Project Area described in Appendix A,

including its resources, assets, and characteristics. Describe how the boundary of the Project Area was determined and demonstrate how the project activities in the Project Area are designed and focused to provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A.¹⁵

Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.

- **Community Challenges:** Describe the needs and challenges the Project Area is facing, including climate impacts, climate change risks / exposures, and / or localized pollution. Describe the impact of these challenges on the residents of the disadvantaged communities in the Project Area as defined in Appendix A and particularly on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations.
- **Community Vision:** Articulate an overall vision for the impact and benefits the grant would have on the Project Area in the near and long term, including the effect it will have on reducing and preventing pollution; building resilience to climate change and mitigating current and future climate risks; creating high-quality jobs and expanding economic opportunity through workforce development; and bolstering Project Area strength by ensuring that residents of the disadvantaged communities in the Project Area receive the benefits of investments and have the opportunity to build on them for current and future generations.

1.2 Selected Strategies: As described in [Section I.G](#), applications must address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Accordingly, applications should address the following requirements:

- **Strategy Overview** – for each selected Climate Action and Pollution Reduction Strategy:
 - Provide an overview of the strategy and associated projects and describe how they will be implemented during the grant term.
 - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to provide impactful benefits to the residents of disadvantaged communities within the Project Area as defined in Appendix A and describe how the scale and scope of the Project Area was designed to accomplish this.
 - Explain how the amount / proportion of the requested funding was determined for each strategy and associated project in the application.
- **Climate Action Strategies**

¹⁵ Disadvantaged communities as defined in Appendix A include census block groups designated as geographically defined disadvantaged communities, as well as farmworker communities and DUCs.

- Describe how the project(s) associated with the Climate Action Strategy(ies) will address the climate impacts, risks, and / or challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will decrease GHG emissions within the Project Area and increase the overall resilience of the Project Area to current and anticipated climate impacts; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.
- **Pollution Reduction Strategies**
 - Describe how the project(s) associated with the Pollution Reduction Strategy(ies) will address the localized pollution challenges facing the Project Area and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A; will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area; and are responsive to the Project Area needs and challenges identified in the Community Vision Description.

Part 2. Program Management, Capability and Capacity

- 2.1 **Performance Management Plan, Outputs / Outcomes:** Applicants should describe the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the Community Change Grants goals and objectives. (See [Section I.I](#) and [Appendix F](#) for more detail on expected outputs and outcomes). In addition to identifying expected project outputs and outcomes, applicants should describe how they plan to track and measure their project performance, including through indicator tracking, to monitor progress towards achieving the expected outputs and outcomes throughout the performance period.

Applicants should also:

- Describe how they selected the expected outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the community members of the Project Area in the short and long term.
 - Describe how the expected project outputs and outcomes are specific and include achievable and reasonable target measures within the project period.
 - Describe how the recipient will use program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals.
- 2.2 **Project Linkages to the EPA Strategic Plan:** Applications should describe how the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels). See [Section I.I](#). In addition, applications, depending on the projects included in them, should also address how they support and advance the following EPA Strategic Plan Goals as applicable:
- Goal 1 - Tackle the Climate Crisis

- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

Refer to the [EPA Strategic Plan](#).

2.3 **CBO Experience and Commitment:** Applications should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:

- Their history and experience as a CBO.
- The depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

2.4 **Programmatic and Managerial Capability and Resources:** Applications should provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:

- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls to be in place for project oversight and to manage program risk. This includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse, by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections), and risk management.
- A projected milestone schedule for the proposed projects (up to three years) with a breakout of the project activities into phases with associated tasks and timeframes for completion of tasks, including the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.

2.5 **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.

- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
- Describe the history of the Lead Applicant in meeting the reporting requirements under the agreements including submitting acceptable final technical reports.

- Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not made, please indicate whether, and how, that was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

Part 3. Feasibility, Sustainability, and Budget: Provide the following information:

- 3.1 **Feasibility:** Demonstrate that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes describing how the strategies and associated projects can individually and collectively be completed within three years.
- 3.2 **Sustainability:** Demonstrate the extent to which the benefits and outcomes from the projects can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.3 **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 20-page Project Narrative page limit for Track I applications.

C. Track I Application Attachments. These attachments must be submitted with the application as stated in Section IV.A.4 above and are not part of the Project Narrative described above. Please note any page limits that apply to these attachments.

- Project Area Map (Attachment D). Submit a Project Area Map as described in Appendix A.
- Community Engagement and Collaborative Governance Plan (Attachment E). Applications must include a Community Engagement and Collaborative Governance Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 10 pages (excess pages will not be reviewed).
- Community Strength Plan (Attachment F). Applications must include a Community Strength Plan that should address the elements of the plan as described in [Section I.G](#). This plan cannot exceed 5 pages (excess pages will not be reviewed).
- Readiness Approach (Attachment G). Applicants must demonstrate, based on the Readiness Approach Requirements described in [Section I.G](#), their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.
- Compliance Plan (Attachment H). Applications must include a Compliance Plan as described in [Section I.G](#) that does not exceed 5 pages (excess pages will not be reviewed).

Track II Application Requirements

Track II applications include a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 15 pages as described above.

Section A. Executive Summary

The Executive Summary should contain the elements below and should not exceed two pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the organization applying.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact information:** Include a name, title, email address, and phone number for key personnel for Lead Applicant, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged communities, as defined in Appendix A, intended to benefit from the projects in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that

all grants must be completed within three years, all applications must state how the projects in the application can be completed within three years of award.

- **EPA Funding Requested:** See award sizes specified in [Section II.A.](#)
- **Other Sources of Funding** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and, if so, your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section [V.E.](#)
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

Section B. Project Workplan

1. **Track II Program Objectives:** Applications should describe the following:

- How the application addresses the Track II objectives identified in [Section I.H.](#)
- What methods, tools, and trainings the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice.
- How the application addresses the disadvantaged community's lack of access to, or weak relationships with, governmental entities, including how the application improves those relationships, increases points of access for disadvantaged communities with government entities, and creates channels to work cooperatively to promote environmental and climate justice
- How the application will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so government leaders and decision-makers are better prepared to proactively address concerns before issues materialize.

2. **Project Collaboration and Participation:** Applications should describe the following:

- How meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the project and how input will continue to be obtained and considered during grant performance.
- The facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in an authentic and meaningful way, rather than an insincere manner, on environmental and climate justice issues with governmental bodies.
- The applicant's and any Collaborating Entities' history of relationships and collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues.

3. **Project linkages:** Applicants should describe how their application supports and advances [EPA Strategic Plan](#) Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

4. **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 15-page Project Narrative page limit for Track II applications.

5. **Environmental Results:** Applicants should describe the following:
- Their plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications. See [Section I.I and Appendix F](#) for more detail on expected outputs and outcomes.
 - Whether and how the projects and their outcomes are sustainable beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, should also be addressed.
6. **CBO Experience and Commitment:** Applicants should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
- Their history and experience as a CBO.
 - The depth of their commitment, historical connections, and relationships with the disadvantaged community the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources:** Provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
 - Their milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
 - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and

abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections).

8. **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
 - Describe the Lead Applicant's history of meeting the reporting requirements under the agreements including submitting acceptable final technical reports.
 - Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not being made, please indicate whether, and how, this was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

C. Informational Webinars and Application Assistance

EPA will host and/or participate in a series of webinars about this NOFO while it remains open for application submission. EPA will post information about the webinars, schedule for webinars, as well as additional information about this NOFO (e.g., frequently asked questions, technical assistance) on the [Inflation Reduction Act Community Change Grants Program](#) page. A recording of each webinar will be posted at the link above along with presented materials.

In addition, EPA's technical assistance contractor may host webinars related to the NOFO and information on that will be posted on their [website](#).

Please note that in accordance with [EPA's Policy for Competition of Assistance Agreements](#), EPA Order 5700.5A1, EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to evaluation criteria. Please note, however, that as stated in Section I, technical assistance will be available to eligible applicants for help with this NOFO.

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the NOFO, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about this NOFO.

Section V. Application Review Information

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Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. Threshold Eligibility Review Process

All applications will be evaluated for threshold eligibility purposes based on the threshold eligibility criteria described in [Section III.D](#).

B. Review Panel and Evaluation Process

All applications that pass the threshold eligibility review process will be evaluated and scored by review panels, on a rolling basis, using the track-specific evaluation criteria and processes described below. Review panels will be comprised of EPA staff and / or external reviewers. See below for additional detail about the evaluation criteria and processes for each track.

C. Track I Application Review Process and Evaluation Criteria

All eligible Track I applications (including those for the TIAs described in [Section II.B](#)) will be evaluated, on a rolling basis, based on the 155 point scale described below.

Track I Application Criteria

Section	Possible Points
Part 1. Community Driven Investments for Change	80 total
1.1 Community Overview	10
1.2 Selected Strategies	45
1.3 Community Engagement and Collaborative Governance Plan	15
1.4 Community Strength Plan	10
Part 2. Program Management, Capability, and Capacity	35 total
2.1 Performance Management Plan, Outputs / Outcomes	6
2.2 Project Linkages to the EPA Strategic Plan	4
2.3 CBO Experience and Commitment	5
2.4 Programmatic and Managerial Capability and Resources	15
2.5 Past Performance	5
Part 3. Readiness to Perform, Feasibility, and Sustainability	40 total
3.1 Readiness Approach	8
3.2 Feasibility	9
3.3 Sustainability	5
3.4 Program Budget Description	8
3.5 Compliance Plan	10
TOTAL	155

Evaluation Criteria for Track I Applications (155 points total)

Part 1. Community Driven Investments for Change (80 points total)

1.1 Community Vision Description (10 points)

- **Community Description:** Applications will be evaluated based on their description of the Project Area including its resources, assets, and local characteristics, as well as how the project activities in the Project Area are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area. Please note that in evaluating applications under this criterion, EPA will evaluate the extent and quality to which project benefits will accrue to the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, in an impactful manner. (4 points)
- **Community Challenges:** Applications will be evaluated based on how well they describe the challenges and needs the residents of the disadvantaged communities in the Project Area, as defined in Appendix A, are facing, including climate impacts, climate change risks / exposures, and / or localized pollution, and the impact these challenges have on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations. (3 points)
- **Community Vision:** Applications will be evaluated based on the quality and extent to which they articulate an overall and clear vision for the impacts and benefits the grant would have on the residents of the disadvantaged communities in the Project Area as defined in Appendix A in the near and long term. (3 points).

1.2 Selected Strategies (45 points)

- **Strategy Overview (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Provide an overview of the strategies and associated projects and describe how they will be implemented during the grant term. (5 points)
 - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to benefit the residents of the disadvantaged communities in the Project Area, and how the scale and scope of the Project Area was developed to accomplish this. (7 points)
 - Explain how the amount / proportion of the requested funding was determined for each strategy and aligned project in the application. (3 points)
- **Climate Action Strategies (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Describe how the associated projects will address the identified climate impacts and / or climate change risk(s) / exposure(s) within the Project Area, and especially those facing residents of disadvantaged communities in the Project Area as defined in Appendix A and explain how the project(s) will decrease GHG emissions within the Project Area and / or increase overall Project Area resilience to current and anticipated climate impacts. (8 points)
 - Describe how the selected Climate Action Strategies and associated projects help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)
- **Pollution Reduction Strategies (15 points).** Applications will be evaluated based on the

quality and extent to which they:

- Describe how the associated project(s) will address the identified localized pollution challenges facing the Project Area, and especially the residents of disadvantaged communities within the Project Area as defined in Appendix A, and will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area. (8 points)
- Describe how the selected Pollution Reduction Strategies help meet the needs and challenges of the Project Area as articulated in the Community Vision Description. (7 points)

1.3 **Community Engagement and Collaborative Governance Plan (15 points):** The Community Engagement and Collaborative Governance Plan described in [Section I.G will be evaluated based on the quality and extent to which it demonstrates:](#)

- **Past Community Outreach and Engagement Conducted:** How the applicant's past engagement with the Project Area community impacted the Strategy and associated project selection and implementation approach included in the application, including the outreach and engagement methods used for the Project Area and specific neighborhoods or groups within the Project Area. (4 points)
- **Community Engagement Plan Implementation:** The specific community engagement methods used by the applicant, as well as how they will mitigate barriers and involve relevant governmental stakeholders necessary to support overall project implementation. (6 points)
- **Collaborative Governance Structure:** The details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how regularly they will meet to discuss project implementation. (5 points)

1.4 **Community Strength Plan (10 points):** The Community Strength Plan as described in [Section I.G will be evaluated based on the quality and extent to which it demonstrates:](#)

- **Maximizing Economic Benefits of Projects:** How the projects included in the application are intended to provide economic benefits for individuals in the Project Area, including priority populations as defined in footnote 3. (5 points)
- **Displacement Avoidance:** The measures for mitigating potential near-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members, the vulnerability the community faces to rising costs attributable to their proposed project, and the potential project impacts to households, small businesses, and other existing groups. (5 points)

Part 2. Program Management, Capability, and Capacity (35 points total)

2.1 **Performance Management Plan and Outputs / Outcomes (6 points):** Applications will be evaluated based on:

- Whether the application describes an effective plan, with associated timeframes, for tracking and measuring progress in achieving the expected project outcomes and outputs including those identified in Appendix F, as appropriate, and any additional ones identified in the application. (2 points)
- The quality and specificity of the proposed outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the disadvantaged communities in the short and long term. (2 points)
- Whether, and how, the applicant has incorporated program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals and how they will use the results of the evaluations to meet the project goals within the required timeframes. (2 points)

- 2.2 **Project Linkages to the EPA Strategic Plan (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

In addition, applications, depending on the projects included in them, will also be evaluated based on the quality and extent to which they also support and advance the following EPA Strategic Plan Goals as applicable:

- Goal 1 - Tackle the Climate Crisis
- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

- 2.3 **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the proposed grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

- 2.4 **Programmatic and Managerial Capability and Resources (15 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:

- Their organizational experience and capacity related to performing the proposed project(s) or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period (4 points)

- The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (4 points)

2.5 Past Performance (5 points): The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.B](#). (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to [Section IV.B](#) including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (2 points)

Note: The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the award. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If the Lead Applicant does not have any relevant or available past performance related to federal or non-federal grants, this should be stated explicitly in the application (e.g., our organizations have no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

Part 3. Readiness to Perform, Feasibility, and Sustainability (40 points total):

- 3.1 Readiness Approach (8 points):** Applications will be evaluated based on the applicant's ability and readiness to proceed with grant performance for the projects in the application, based on the Readiness Approach Requirements described in [Section I.G](#), upon receiving an award, or generally no later than 120 days after award, to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include evaluating the description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not generally within 120 days of award.
- 3.2 Feasibility (9 points):** Applications will be evaluated based on whether it is demonstrated that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes also

evaluating how the strategies and associated projects can individually and collectively be completed within three years.

- 3.3 Sustainability (5 points):** Applications will be evaluated based on whether it is demonstrated that the benefits and outcomes from the projects in the application can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the Applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including the plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.4 Program Budget Description (8 points):** The program budget will be evaluated based on:
- The reasonableness of the budget and allowability of the costs for each component / activity of the projects in the application. This includes evaluating whether funding is well balanced and equitably distributed to project partners, including sub-awardees, commensurate with their role in the project, and whether funding is categorized into the proper budget categories providing clarity, accuracy, and granularity on the applicant's planned use of the grant funds during the project period. (4 points)
 - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
- 3.5 Compliance Plan (10 points):** Applications will be evaluated based on the quality and extent to which the Compliance Plan addresses the elements for the Compliance Plan described in [Section I.G.](#)

D. Track II Application Review Process and Evaluation Criteria

All eligible Track II applications will be evaluated, on a rolling basis, based on a 100-point scale using the criteria specified below.

Evaluation Criteria for Track II Applications

Track II applications will be evaluated using the criteria below on a 100-point scale.

Track II Evaluation Criteria

Section	Possible Points
1. Program Objectives	35
2. Project Collaboration and Participation	20
3. Project Linkages	4
4. Budget	8
5. Environmental Results	6

6. CBO Experience & Commitment	5
7. Programmatic and Managerial Capability and Resources	16
8. Past Performance	6
TOTAL	100

1. **Track II Program Objectives (35 points):** Applications will be evaluated based on the quality and extent to which they demonstrate:
 - How the project(s) in the application address the Track II objectives identified in [Section I.H.](#) (10 points)
 - The methods, tools, and trainings, the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice. (10 points)
 - How the project(s) in the application address and improve the disadvantaged community's lack of access to, or weak relationships with, governmental entities and changes those relationships to increase points of access for disadvantaged communities with government to work cooperatively to promote environmental and climate justice. (8 points)
 - Will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so the communities are better prepared to proactively address them before the issues materialize. (7 points)
2. **Project Collaboration and Participation (20 points):** Under this criterion, applications will be evaluated based on the quality and extent to which they:
 - Demonstrate that meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the applications and how feedback / input will continue to be obtained and considered during grant performance. (10 points)
 - Describe the facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in a meaningful manner on environmental and climate justice issues with governmental bodies. (5 points)
 - Demonstrate the applicant's and Collaborating Entities relationships and history of collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues. (5 points)
3. **Project linkages (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).
4. **Budget (8 points):** Under this criterion, applicants will be evaluated based on:

- The reasonableness of the budget and allowability of the costs for each component / activity of the project and their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner to comply with the statutory 3-year project period limitation. (4 points)
 - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
5. **Environmental Results (6 points):** Applications will be evaluated based on the quality and extent to which:
- They describe an effective plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications including those identified in Appendix F. (2 points)
 - They demonstrate that the project can ensure sustainability of outcomes beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. (2 points)
 - The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, are described. (2 points)
6. **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources (16 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period. (4 points)
 - The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
 - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and

program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (5 points)

8. **Past Performance (6 points total):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to Section IV. (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to Section IV including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (3 points)

The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the project. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If you do not have any relevant or available past performance related to federal or non-federal grants, you should state this explicitly in your application (e.g., our organization has no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

E. Final Selection Process and Other Factors

The Selection Official will make the final selection recommendations for Track I and II applications based on the evaluation criteria and process described above on a rolling basis. In addition, in making the final selection recommendations for award, the Selection Official may also consider any of the "other" factors below.

Further, as noted in Sections I.G and II.A, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training project(s) as described in Section I.G. In addition, as noted in Sections II.B and Appendix H, EPA anticipates making a minimum of five awards for high-ranking applications under the Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands) that include projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.

In making the final selection recommendations for award, the Selection Official may consider any of the following "other factors":

1. Geographic diversity to promote a mix of high-scoring applications benefitting disadvantaged communities located in urban, rural, or remote areas, different regions of the country, territories, as well as the geographical nature or impact of the project(s).

2. Program priorities- how the application supports and advances EPA and OEJEER's goals and priorities, including those in EPA's Strategic Plan that focus on environmental climate and justice issues. This may also include considering how the application promotes Community Change Grant program objectives, the depth and extent of community involvement in project development and implementation, the extent and quality to which the project activities will provide impactful benefits to the residents of disadvantaged communities in the Project Area as defined in Appendix A rather than attenuated benefits spread out throughout a large Project Area, and the priority that the grants must be able to be successfully completed within three years to meet CAA § 138 statutory requirements.
3. Organizational diversity in terms of applicant type and size to ensure a broad representation of applicants receiving awards to improve program effectiveness and equity.
4. Whether the applicant is participating in a federal capacity building program as part of the Thriving Communities Network (please see complete list at [Federal Interagency Thriving Communities Network](#) or the [Rural Partners Network](#)).
5. Whether the projects support, advance, or complement funding related to [Community Disaster Resilience Zones \(CDRZs\)](#) as designated by FEMA.
6. The capacity and capabilities of Lead Applicants, who are selected for two awards under this NOFO, to successfully perform, manage, and oversee both grants within the three-year grant term and the risks posed by multiple awards to successful grant performance.
7. The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and / or non-Federal sources of funds / resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education and training providers, and / or Federal, state, Tribal, and local governments, as appropriate.
8. Duplicate funding considerations as stated in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO. This includes considering whether funding for the projects in the application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so the applicant's reasons for seeking funding for these projects under this NOFO.
9. Consistent with the language in Section II.B and Appendix H for Target Investment Area A-Tribes in Alaska (projects benefitting Alaska Tribal lands), whether an application includes projects to assess and/or clean up lands conveyed under the Alaska Native Claims Settlement Act that were contaminated at the time of their conveyance from the federal government to an Alaska Native Corporation.
10. Availability of funds.

In addition, because the objectives of this NOFO are part of a government-wide effort to address environmental and climate justice concerns and challenges, information pertaining to proposed selection recommendations may be shared by EPA with other Federal, state, local, territorial, or Tribal governmental departments or agencies before final selections are made in order to determine whether potential selections under this NOFO: (1) are expected to be funded by another department or agency to minimize the possibility of duplicate funding, (2) could be affected by permitting, regulatory or other issues involving another department or agency, and / or (3) will complement or can be used to leverage funding and capacity-building by another department or agency to maximize value. Note that this process is separate from the Intergovernmental Review requirements in 40 CFR Part 29.

F. Anticipated Announcement and Federal Award Date

As stated in [Section II.C](#), applications will be reviewed and selected on a rolling basis and may be submitted through November 21, 2024. EPA announced initial selection decisions for awards in July 2024 and expects initial awards being made in November 2024.

Section VI. Award Administration Information

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Note: Additional provisions that apply to this section of the NOFO, including those related to responsibilities under civil rights laws, can be found in the [EPA Solicitation Clauses](#).

A. Award Notification and Disputes

EPA anticipates that the first notification of selected applicants will be made via electronic mail in July 2024 and will continue to be done on a rolling basis. The notification will be sent to the original signer of the application, or the contact listed in the application. This notification, which informs the applicant that its application has been selected, is not an authorization to begin work. The official notification of an award will be made by the EPA Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, readiness to perform projects, or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by a grants officer, is the authorizing document and will be provided through electronic mail. The successful applicant may be requested to prepare and submit additional documents and forms that must be approved by EPA before the grant can officially be awarded. The time between notification of selection and finalization of the award agreement can take up to 90 days or longer.

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005), which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in [Section VII](#) of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remain unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c, and 9d of [EPA Order 5700.8: EPA's Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards](#). In addition, non-profit applicants selected for awards over \$200,000 may be required to fill out and submit to the grants management office EPA Form 6600.09, United States Environmental Protection Agency Administrative Capability Questionnaire with supporting documents as required in EPA Order 5700.8.

Depending on the projects in the grant award, EPA will impose programmatic terms and conditions to ensure successful and timely grant performance. In addition, if applicants have any questions about whether a proposed project cost is eligible or allowable, they should contact EPA for clarification prior to application submittal.

B. Administrative and National Policy Requirements

Grantees will be subject to administrative and national policy requirements. Note that EPA plans to establish programmatic requirements in the terms and conditions of each grant agreement to implement these administrative and national policy, and other relevant, requirements, which will include but not be limited to: this award is subject to the requirements of the Uniform Administrative Requirements, Cost

Principles and Audit Requirements for Federal Awards; Title 2 CFR, Parts 200 and 1500. EPA also has programmatic regulations located in 40 CFR Chapter 1 Subchapter B.

A listing and description of general EPA regulations applicable to the award of assistance agreements is available on the [EPA Policies and Guidance for Grants](#) page.

Readiness to Perform Requirements: Following selection and before award, EPA may work with selected applicants to ensure that all approvals, requirements, permits, and permissions that are needed to begin performance will, if not already obtained or complied with, be resolved by the time of award, and if not generally within 120 days of award (unless extended by EPA). A term and condition may also state that EPA may terminate the award for the recipients' failure to meet these requirements.

State / Territories Operation and Maintenance: Because of their unique roles, State and territorial governments may receive subawards to help implement specific project activities such as an infrastructure project in which they own the land or where they have governmental technical expertise and staffing necessary to effectively implement activities of an infrastructure or other type of project. The terms of the EPA award will also require, if applicable, that state and territorial subrecipients commit to operation and maintenance funding for any infrastructure constructed or improved on land they own with funding available under the NOFO.

Build America, Buy America Act (BABA): Certain projects under this NOFO may be subject to the Buy America domestic content sourcing requirements under the Build America, Buy America (BABA) provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§ 70911-70917). These provisions apply when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. BABA requires that all iron, steel, manufactured products, and construction materials consumed in, incorporated into, or affixed to federally funded infrastructure projects must be produced in the United States. Please consider this information when preparing budget information and your application. The award recipient must implement these requirements in its procurements, and these requirements must flow down to all subawards and contracts at any tier. For more information, consult EPA's Build America, Buy America [website](#). When supported by rationale provided in the Infrastructure Investments and Jobs Act (IIJA) §70914, the recipient may submit a BABA waiver request to EPA. The recipient should request guidance on the submission instructions of an EPA waiver request from their EPA Project Officer. A list of approved EPA waivers is available on the BABA website. In addition to BABA requirements, all procurements under grants may be subject to the domestic preference provisions of 2 CFR §200.322.

Davis-Bacon and Related Acts (DBRA): The Davis-Bacon and Related Acts (42 U.S.C. §§ 3141-3144) set labor standards, including prevailing wages and fringe benefits, and apply to most federally funded contracts for construction of public works. The DBRA labor standards and reporting requirements apply to construction projects assisted with grants authorized by the CAA, including this program, as provided in CAA § 314 (42 U.S.C. § 7614).¹⁶ A term and condition specifying DBRA compliance requirements will be included in the grant agreement.

Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA): The URA applies to acquisitions of property and displacements of individuals and businesses that result from federally

¹⁶ EPA will use the definition of *Construction* in 40 CFR 33.103 to determine whether funding will be for a construction project. That definition defines *Construction* as “. . . erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.”

assisted programs. The URA and Federal Highway Administration's implementing regulations at 49 CFR Part 24 require grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements. The statute and regulations also contain requirements for carrying out relocations of displaced persons and businesses, such as reimbursement requirements for moving expenses and standards for replacement housing. A term and condition specifying URA compliance requirements will be included in the grant agreement.

National Historic Preservation Act (NHPA): Section 106 of the NHPA requires all federal agencies to consider the effects of their undertakings, including the act of awarding a grant agreement, on historic properties. If NHPA compliance is required, necessary Section 106 consultation activities, such as historic or architectural surveys, structural engineering analysis of buildings, public meetings, and archival photographs, can be considered allowable and allocable grant costs. A term and condition specifying NHPA compliance requirements will be included in the grant agreement.

Note that Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act). This Section states: "No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969." Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the Community Change Grants.

Justice40 Reporting: The activities to be performed under the awards are expected to contribute to the President's goal that 40% of overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative. See Section I.A). Recipients, therefore, will be expected to report on certain metrics to demonstrate to what extent the activities contribute to the 40% goal. A term and condition specifying reporting of metrics demonstrating the extent to which the grant's activities advance this 40% goal will be included in each grant agreement.

Signage: The activities to be performed under the awards are expected to publicize that they were funded by the U.S. Environmental Protection Agency and the Inflation Reduction Act (e.g., via signs at the place(s) of performance. The award will include appropriate terms and conditions about signage requirements.

Environmental Justice Grant Applicant Database: The Community Change Grants program strives to support as many CBOs that apply regardless of their ultimate success in receiving a grant, by, as appropriate 1) familiarizing applicants with federal grant application requirements, 2) sharing expectations and responsibilities of managing federal grants, 3) providing constructive feedback and recommendations on ways to strengthen unselected applications, 4) helping organizations build sustainability into projects so they continue to grow and develop after the project period is over, and 5) facilitating connections with other potential resources that can help organizations address community needs. To facilitate the achievement of these, all applicants who apply under this NOFO will be added to our Environmental Justice Grant Applicant Database.

Reporting Requirements: Grantees will be subject to both program performance as well as financial and administrative reporting requirements, as described below. Note that EPA will only collect reporting information from the Lead Applicant (rather than from any subrecipients), but each Lead Applicant may need to collect reporting information from subrecipients (e.g., Collaborating Entities, Statutory Partners) to meet these reporting requirements.

Program Performance Reporting: In accordance with 2 CFR § 200.329, each grantee will be subject to program performance reporting requirements. Reporting requirements effective during the period of

performance will be established in the grant agreement's terms and conditions, and reporting requirements effective after the period of performance will be established in a closeout agreement.

During the period of performance, EPA will require each grantee to submit quarterly performance reports within 30 days after the end of each reporting period (and with additional requirements every fourth quarterly report i.e., annually) as well as a final performance report within 90 days after the end of the period of performance. EPA will require that each grantees chief executive officer or equivalent review and submit each of these reports. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes confidential business information (CBI) or personally identifiable information (PII) pursuant to 2 CFR § 200.338.¹⁷ Included below is information that EPA may require in these reports.

Financial and Administrative Reporting Requirements: Each grantee will be subject to financial and administrative reporting requirements, which will be included in the grant agreement's terms and conditions ([EPA's General Terms and Conditions](#)). These requirements will include, but not be limited to:

- **Federal Financial Report:** In accordance with 2 CFR § 200.328 and 2 CFR § 200.344, each grantee must submit the Federal Financial Report ([SF-425](#)) at least annually and no more frequently than quarterly. The frequency of reporting and report submission instructions will be specified in the terms and conditions.
- **Financial Records Retention:** In accordance with 2 CFR § 200.334, each grantee will be required to retain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to the grant award for a period of three years from the date of submission of the final expenditure report. Additional record retention requirements on program income used after the end of the period of performance will be specified in close-out agreements.
- **MBE / WBE Utilization:** When required, each grantee must complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report ([EPA Form 5700-52A](#)) on an annual basis.
- **Real Property Status Report:** In accordance with 2 CFR § 200.329, each grantee must submit a "Real Property Status Report" ([SF-429](#)) to report real property status or request agency instructions on real property that was / will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a federal financial assistance award.

C. Audit Requirements

In accordance with 2 CFR § 200.501(a), each grantee will be required to obtain a single audit from an independent auditor, if the grantee expends \$750,000 or more in total federal funds in the grantee's fiscal year. Audits will be made public in accordance with the process described in 2 CFR § 200.512. The grantee must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the grantee's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the [Federal Audit Clearinghouse's Internet Data Entry System](#). In addition, each grantee may be subject to additional audit requirements, including but not limited to compliance requirements as part of any compliance supplement to the single audit.

D. Remedies for Non-Compliance

¹⁷ Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B.

In accordance with 2 CFR § 200.208, 2 CFR § 200.339, and 2 CFR § 200.340, EPA is provided authority for multiple potential responses if a grantee violates the terms of the grant agreement.

E. Program Administration Activities

Under 2 CFR § 200.403 and other applicable provisions of 2 CFR Part 200, Subpart E, costs are allowable under federal awards so long as they are necessary and reasonable for the performance of the grant award. Under this NOFO, consistent with these regulations, program administration activities are allowable costs, with such activities supporting administration of the grant program. Program administration activities include (but are not limited to) conducting due diligence and underwriting financial transactions; establishing and convening advisory councils; conducting program performance and other reporting activities (e.g., expenditures for personnel and equipment to procure technology infrastructure and expertise for data analysis, performance, and evaluation); and supporting, monitoring, overseeing, and auditing subrecipients, contractors, and program beneficiaries.

F. Fraud, Waste, and Abuse Awareness

Recipients of awards under this NOFO need to be alert and sensitive to indicators of fraud, waste, and abuse regarding the use of federal funds under the award. Fraud generally is a false representation about a material fact and can be any intentional deception designed to unlawfully deprive the United States or the EPA of something of value or to secure for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Waste generally involves the taxpayers not receiving a reasonable value for money in connection with any government-funded activities due to an inappropriate act or omission. Most waste does not involve a violation of law; rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. Abuse generally involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse may also include misuse of authority or position for personal financial interests of those of an immediate or close family member or business associate. Abuse does not necessarily involve fraud or violation of laws, regulations or grant provisions. Indicators of fraud, waste, and abuse can be found on the EPA Office of Inspector General [website](#). Recipients should report any suspected fraud, waste, and / or abuse to the EPA Project Officer for the award or the EPA Office of Inspector General. Note that EPA Project Officers will refer matters to the EPA Office of Inspector General as appropriate.

G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs)

Quality assurance documentation is required for awards that involve environmental information operations. EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements. Once the award is made, if a QMP and / or QAPP is required for the project, the applicant will develop the document and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QMP and / or QAPP.

Environmental Information Operations: A collective term that encompasses the collection, production, evaluation, or use of environmental information and the design, construction, operation, or application of environmental technology. Environmental information includes data and information that describe environmental processes or conditions. Examples include but are not limited to: direct measurements of environmental parameters or processes, analytical testing results of environmental conditions (e.g., geophysical, or hydrological conditions), information on physical parameters or processes collected using environmental technologies, calculations or analyses of environmental information, information provided by models, information compiled or obtained from databases, software applications, decision support tools,

websites, existing literature, and other sources, and development of environmental software, tools, models, methods, and applications.

Quality Management Plan (QMP): The recipient may need to develop a QMP. The QMP describes an organization's Quality Program. Requirements for QMPs are found in the most recent version of EPA's [Quality Management Standard](#). A QMP documents the technical activities to be performed and how the program will integrate QA, quality control, QAPPs, training, etc., into all its environmental information operations.

Quality Assurance Project Plans (QAPP): The recipient may need to develop a QAPP(s). A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project. Requirements for QAPPs are found in the most recent version of [EPA's Quality Assurance Project Plan Requirements / Standard Quality Assurance Project Plans \(QAPP\)](#). Quality assurance is sometimes applicable to assistance projects (see 2 CFR 1500.12). Quality assurance requirements apply to the collection of environmental data. Environmental (data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources, such as databases or literature. Once the award is made, if a Quality Assurance Project Plan is required for the project, the applicant will have to draft a QAPP prior to beginning work on the project. You must reserve time and financial resources in the beginning of your project to prepare your QAPP and include the cost for developing your QAPP in your Detailed Budget. Selected applicants cannot begin data collection until EPA approves the QAPP.

Section VII. Contact Information

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For information or questions about this NOFO, please email: CCGP@epa.gov

Appendix A. Definition of Disadvantaged Communities and Mapping Requirements

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Applicants must demonstrate that the projects in their application would benefit a disadvantaged community. EPA is defining a disadvantaged community as one that meets at least one of the following criteria:

1. A geographically defined community designated as disadvantaged by the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#), which includes the following components:
 - a. EPA IRA Disadvantaged Communities 1.0 map
 - b. EPA IRA Disadvantaged Communities 2.0 map
 - c. Any area of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands.
2. A community that falls into one of the following two categories:
 - a. A farmworker community comprised of individuals with no fixed work address, who travel from their permanent residence to work in agriculture on a temporary or seasonal basis and may relocate several times throughout the year. Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.
 - b. A Disadvantaged Unincorporated Community (DUC). For purposes of this NOFO, DUCs are generally defined as Census Designated Places¹⁸ that lack fixed legally determined geographic boundaries and have certain common characteristics and conditions (e.g., the absence of adequate potable permanent water, adequate sewage systems, or acceptable housing). For example, all areas defined as Colonias by the U.S. Department of Housing and Urban Development (HUD),¹⁹ and Colonias that are not defined by HUD but are identifiable on the “Colonias” layer in [EJScreen](#), are considered DUCs for purposes of this NOFO. In other cases, DUC status can be demonstrated through submitting localized data that represent similar characteristics. Applicants who seek funding for projects benefitting DUCs need to explain in their Project Narrative (e.g., in the Executive Summary) that the projects will either benefit Colonias as defined above or show how the projects otherwise meet the DUC criteria listed above, including demonstrating how the area to be benefitted is both unincorporated and shares “common characteristics and conditions” with DUCs as described above.

Project Area and Project Area Map for Track I Applications

Track I Applications

For Track I applications to benefit geographically defined communities identified as disadvantaged communities on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#),

¹⁸ [Census Designated Places](#) (CDPs) are statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure.

¹⁹ [Colonias History – HUD Exchange](#).

applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the other relevant parts of the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across large Project Areas may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

For Track 1 applications addressing farmworker communities or DUCs as defined above, applicants must submit a Project Area Map specifying where the communities and projects designed to benefit them are located. Applications addressing these communities are not required to submit a map showing census block groups designated as disadvantaged.²⁰

All projects and activities should be located within the Project Area, except in cases where the project is located outside of the Project Area to address the localized pollution (or other) issue at the source, or where otherwise necessary to ensure and/or facilitate that disadvantaged communities as defined above will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream disadvantaged community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects' primary benefits will flow to disadvantaged communities in the Project Area.

Applicants may submit a map generated in EPA's [EJScreen](#) tool. Applicants also have the option to submit a map in another geospatial format such as a shapefile (.shp), geodatabase (.gdb), or map service.

The submitted Project Area Map should include the following:

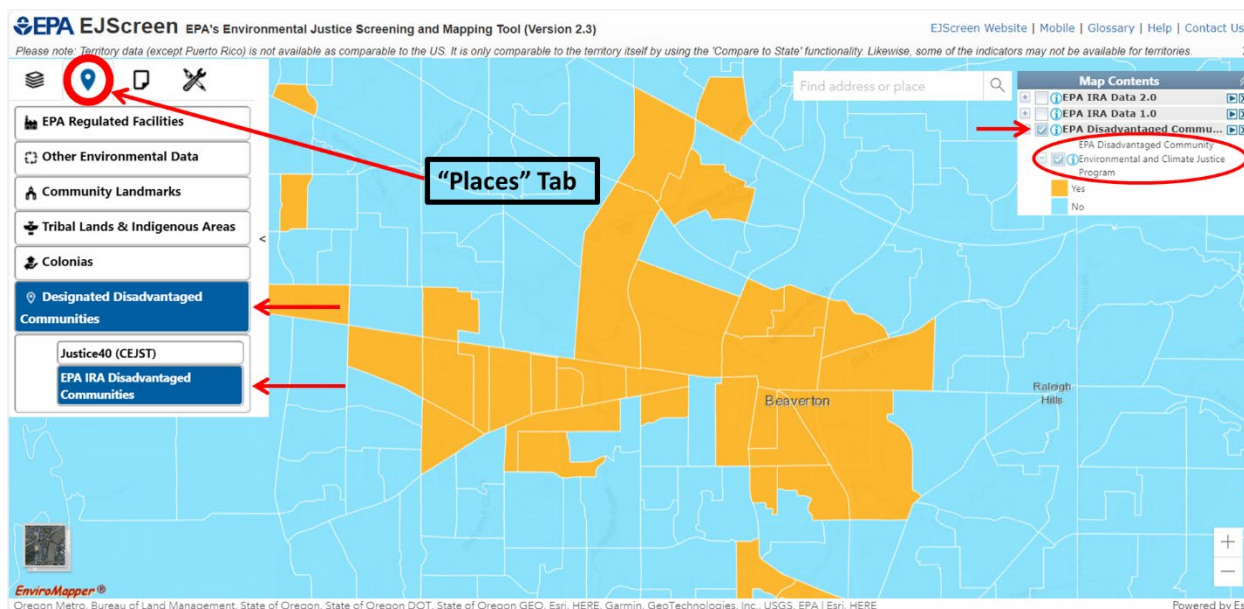
- a. The Project Area with an outlined boundary.
- b. The disadvantaged communities intended to benefit from the projects as identified on the [EPA Disadvantaged Community Environmental and Climate Justice Program Map](#).
- c. Main streets, landmarks, community assets (e.g., parks or play areas, schools, community centers), and/or any other attributes that may provide important context about the Project Area.
- d. Jurisdictional boundaries, including incorporated and unincorporated areas.

Note: While Track II applications are not required to submit a Project Area Map, they must still use the EPA Disadvantaged Community Environmental and Climate Justice Program Map layer in [EJScreen](#) to describe and identify in their application (e.g., Executive Summary) the disadvantaged communities as defined above that will benefit from the projects as required by Section III.D.

²⁰ However, applicants are encouraged to indicate in the relevant portion of the Executive Summary whether projects benefitting DUCs or farmworkers would also benefit areas identified as disadvantaged as described in #1.

EPA's Disadvantaged Community Environmental and Climate Justice Program Map Availability

Within [EJScreen](#), the EPA Disadvantaged Community Environmental and Climate Justice Program Map can be found in the “Places” tab by clicking the “Designated Disadvantaged Communities” category and then “EPA IRA Disadvantaged Communities”. Please note, applicants must turn on the layer in the legend on the right of the screen. See screenshot below.



Please see the [video](#) that EPA’s technical assistance contractor prepared that may be useful in helping to create a Project Area Map.

If you would like the data products and technical document associated with this map layer, please visit: [Inflation Reduction Act Disadvantaged Communities Map](#).

Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner

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To be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the Lead Applicant and the Statutory Partner.
- The Lead Applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Collaborating Entities.
- The Lead Applicant will be responsible for the receipt of federal funds from EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the Lead and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The Lead Applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 3 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)(6).
- The Lead Applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance and that contains terms and conditions including those above.

Appendix C. Climate Action Strategies and Associated Project Activities

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Eligible project activities associated with each Climate Action Strategy identified in Section I.G. of the NOFO could include but are not limited to the following examples. Applicants may propose different activities as long as they are consistent with the applicable Climate Action Strategy as described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

Strategy 1: Green Infrastructure and Nature-based Solutions

Examples:

- **Building climate resilience and carbon sequestration through tree planting**
 - Mitigate urban heat islands through reflective surfaces and shade trees or other vegetation, including preparing planting sites and establishing and caring for trees and other vegetation.
 - Plant trees in public spaces.
 - Plant trees in sites that are strategically selected to shade buildings (i.e., planted within 60 feet of a building).
- **Multi-benefit stormwater projects**
 - Construct permeable surfaces, collection basins, rain gardens, bioswales and other green infrastructure.
 - Restore and / or protect wetlands.
 - Improve urban forest site(s) to create new or more functional planting locations for trees and other vegetation, such as bioswales, which contribute to:
 - Greening to protect and conserve community lands and water;
 - Watershed protection that supports sensitive wildlife habitat and enhances water access.; and / or
 - Replacement of concrete or pavement and restoring spaces to more natural conditions to restore water to the community, reduce flooding, and improve public greenspace.
- **Public parks and open spaces**
 - Create new parks or enhance / expand existing parks to provide climate resilience benefits like heat island reduction and flood mitigation or other demonstrable environmental benefits.
 - Green existing schoolyards to protect vulnerable populations by adding nature-based solutions.

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Examples:

- Construct new, expanded, or enhanced bikeways, walkways, or non-motorized urban trails that reduce vehicle miles traveled and related air pollution by providing safe routes for zero-emission travel between residences, workplaces, commercial and community centers, and schools.
- Implement “[Complete Streets](#)” projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities. projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities that reduce vehicle miles traveled and related air pollution.

- Implement climate resilience measures on bikeways or trailways such as raising the elevation or installing permeable pavers to reduce flooding or increasing shade coverage to mitigate extreme heat.
- Conduct the measurement, analysis, design, planning and engineering work necessary to submit a competitive application for state and / or federal funding that will fund large-scale improvements (larger than this competition is able to fund) to significantly reduce a community's Greenhouse Gas (GHG) emissions and / or improve climate resilience.
- Purchase, lease, or contract for the use of zero-emission vehicles for community car sharing, vanpooling, ride-sharing, and related mobility options.
- Purchase, construct, and / or install infrastructure, equipment, or facilities to create and / or support low or zero-emission transportation options.

Guidelines:

- Transportation projects that involve public transit or improvements to public property should include a governmental agency as a Collaborating Entity that will help perform and oversee the project.

Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings

Examples:

- Install energy efficiency measures such as insulation, double or triple glazed windows, “cool roofs” that reflect sunlight, and energy management systems in public buildings.
- Install ventilation systems to help improve indoor air quality during pollution-related events such as wildfires.
- Install or retrofit homes or multi-family housing with higher-efficiency electric heating, cooling, and cooking systems (e.g., heat pumps, heat pump water heaters, electric and induction stoves, electric clothes dryers).
- Reduce heat island effects by installing cool roofs on homes, multi-family housing, or public buildings.
- Implement other similar projects qualified under [HUD's Green and Resilient Retrofit Program \(GRRP\)](#). Note that applicants who have received or will receive HUD funding under this program must have internal controls in place to ensure that the same costs are not charged to more than one Federal grant.²¹

Guidelines:

- In their Project Narrative, applicants should describe how low-income residents will directly benefit from the project through lower costs and how residents will be trained on how to operate and maintain new technology and equipment, where applicable.
- For projects that will fund home or multi-family housing improvements, applicants should include details of their target tenants or homeowners, such as with those incomes at or below the greater of:
 - For Metropolitan Areas: (1) 80% Area Median Income (AMI) and (2) 200% of the Federal Poverty Level

²¹ Refer to 2 CFR 200.403(f).

- For Non-Metropolitan Areas: (1) 80% AMI; (2) 80% Statewide Nonmetropolitan Area AMI; and (3) 200% of the Federal Poverty Level
- Applicants may also target community housing (e.g., land bank, housing conservancy, cooperative, or other community-based nonprofit) or public housing for this strategy.
- Applicants should refer to the description of the Community Strength Plan in the NOFO, particularly the need to minimize the risks associated with displacing current residents due to EPA-funded investments for this strategy.

Strategy 4: Microgrid Installation for Community Energy Resilience

Examples:

- Construct microgrid infrastructure.
- Install microgrids with onsite renewable energy generation and storage.
- Install ancillary energy infrastructure necessary to support microgrids.
- Install other energy infrastructure for microgrid operations.

Guidelines:

- The application should include details that demonstrate the extent to which the microgrid will serve the target community, such as: that the microgrid will be used to ensure that reliable power is provided for any community-serving buildings or critical facilities during extreme weather emergencies or any weather-related outages; that the community lacks an external grid, and the microgrid will be used to meet local energy consumption needs during normal or “blue sky” conditions; or where an external grid is available, that the microgrid will be capable of interconnecting with that grid to meet peak energy consumption demands and increase grid reliability.

Strategy 5: Community Resilience Hubs

Examples:

- Assess the most acute climate risks facing a community (e.g., extreme heat, flooding, wildfire), identify where the community has gaps in its resilience strategy, then design a plan to mitigate specific risks by creating or upgrading community facilities to serve as resilience hubs that remain operable during an emergency.
- Purchase and install backup power equipment such as generators or onsite solar and storage at one or more resilience hubs.
- Implement structural and non-structural retrofits to enhance the resilience of the hub (e.g., raise the building elevation to reduce flood risk, improve cooling systems and / or insulation to reduce extreme heat risk).
- Implement wildfire mitigation measures such as retrofitting the hub to reduce flammability, creating a defensible space between the hub and its surrounding environment, and installing air filtration equipment to reduce the risks of smoke inhalation.
- Purchase and install communications devices that can operate even with loss of local power and telecommunications systems.

Guidelines:

- The resilience hubs should be operable during an emergency. Applicants are encouraged to develop plans that will help ensure the facility is operable, including an emergency communications plan,

plan for backup power during emergencies, and agreements and processes for activating the facility in the event of an emergency.

- The community resilience hub should be a community-convening space that provides climate resilience and related resources and services to community residents.
- Applicants should demonstrate how they will work with relevant emergency response organizations to maximize the efficacy and use of the resilience hub.

Strategy 6: Brownfields Redevelopment

Examples:

- Build and / or upgrade existing structures and sites to improve community use while reducing GHG emissions and / or improving climate resilience.
- Implement greening efforts (tree-planting, park construction or renovations, community garden developments, etc.) that mitigate GHG emissions and / or improve climate resilience.
- Install low or zero emission energy infrastructure such as solar and storage.
- Conduct deconstruction and green demolition activities to support adaptive reuse or new construction. Applicants can refer to EPA's Climate Smart Brownfields Manual for information about green demolition activities.
- Acquire land to enable a brownfield redevelopment that has emissions mitigation and / or climate resilience benefits.

Guidelines:

- Redevelopment sites eligible for funding must be consistent with the federal definition of a Brownfield site in 42 U.S.C. 9601(39) as follows: a brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Projects for adaptive reuse should explore and can leverage national and state historic preservation tax credits to maximize funding streams.²²
- In order for a Brownfields Redevelopment project to be eligible, the applicant must demonstrate at time of application submission that all cleanup activities have been completed at the site and / or that cleanup activities are not necessary at the site for the intended use or reuse. This can be demonstrated by, for example, one of the following:
 - A completed Phase I Environmental Site Assessment with no recognized environmental conditions (RECs) at actionable levels;
 - A completed Phase II Environmental Site Assessment with sampling result levels below actionable levels;
 - Lead or asbestos building survey or equivalent environmental or building investigation to determine no likely sources of contamination or hazardous materials will be encountered on site that pose risks to the adjacent community or occupational health and safety risks to workers; or
 - No Further Action letter from the state or Tribal Brownfields response program.

²² See guidelines for [Tax Incentives for Preserving Historic Properties](#).

Strategy 7: Waste Reduction and Management to Support a Circular Economy²³

Examples:

- Implement a community-scale composting program to reduce emissions from food waste that includes an educational campaign to inform Project Area residents about climate benefits of reducing food waste.
- Implement a community-scale recycling program.
- Reduce emissions from food waste by implementing programs that distribute unused food to project area residents.

Guidelines:

- Where relevant, applicants should demonstrate that all inedible food scraps derived from projects are composted, and that other materials are diverted from landfills and support a circular economy.
- Where relevant, project activities should demonstrate how they are using EPA best practices related to the circular economy or other sources of guidance.²⁴ Resources include the [Planning for Natural Disaster Debris](#) guidance and [Sustainable and Resilient Communities Through Solid Waste Investments and Best Practices After Disasters](#).
- Applicants should consider EPA's ranking of [wasted food management pathways](#) and [EPA Waste Management hierarchy](#) for sustainable materials management.

Strategy 8: Workforce Development Programs for Occupations that Reduce GHG Emissions and Air Pollutants

This strategy allows applicants to propose workforce development programs that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities.

This strategy allows applicants to propose workforce development programs for employment in fields that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities. A wide range of occupations support the reduction of GHG emissions and air pollutants. Because EPA cannot provide an exhaustive list of such occupations, applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Examples of career pathways that may be part of a workforce development program include but are not limited to: electricians, steamfitters, pipefitters, laborers, and other skilled trades occupations that support building electrification, renewable energy projects, and other similar activities; occupations related to the manufacturing of low- and zero-emission technologies; careers in low- and zero-emissions transportation such as vehicle mechanics supporting electric vehicle technologies; community health and outreach workers that assist households in reducing their emissions and addressing sources of pollution; and other careers related to emissions reduction, such as methane mitigation or agricultural carbon mitigation. Applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Guidelines:

²³ A circular economy is generally described as a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing, and recycling materials and products as long as possible and based on three main principles: eliminate waste and pollution, circulate products and materials, and regenerate nature.

²⁴ Refer to EPA's guidance on the [Circular Economy | US EPA](#)

As noted in Section I.G of the NOFO, strong workforce development programs should include the following three features at a minimum:

1. Multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers.

The foundation of a strong workforce development initiative is a set of partners that represent diverse expertise, community and worker voice, and employer needs. For these programs, applicants may collaborate with organizations with workforce development expertise, such as labor unions, tradeswomen organizations, local workforce development boards (locate yours using this [U.S. Department of Labor search tool](#)), career and technical schools, community colleges, workforce development nonprofits, and other similar organizations.

Examples of the types of expertise and experience that are important for a successful workforce development program include, but are not limited to:

- Technical skills and experience to lead classroom and on-the-job training, including equipping students and individuals with the skills needed to succeed and be safe on the job, including knowledge of new and emerging greenhouse gas and other air emissions-reduction technologies;
- Knowledge of the local, State, and regional labor market and relevant relationships to have a deep understanding of employer hiring, staffing, and skilling needs, emerging trends especially related to the clean energy transition, and considerations for local job quality and worker voice;
- Strong awareness of the barriers individuals in the community face to training and employment, including an understanding of unique barriers specific populations face, and clear strategies for how to address those barriers; and
- Established relationships of trust within the community, including knowledge of relevant history and community dynamics, in addition to meaningful, long-lasting relationships in the community that will support trainee recruitment and participation.

2. High-quality training models that are worker-centered, demand-driven, and lead to good jobs.

Workforce development projects should be focused on training individuals for high-quality, long-term career pathways in family-sustaining jobs, rather than short-term or temporary, low-wage jobs. Applications should demonstrate that the workforce development project fulfills an industry demand in the Project Area and surrounding region, is informed and supported by employers, and has a clear pathway to long-term employment with family-sustaining wages. This will be key to delivering programs that enable true economic mobility for individuals in disadvantaged communities and bolster the capacity of communities to respond to environmental justice concerns in a sustained fashion.

Examples of high-quality, evidence-backed training models are: Apprenticeship readiness programs (or “pre-apprenticeships”) with a connection to one or more Registered Apprenticeship Programs; Registered Apprenticeship Programs (registered via the U.S. Department of Labor (DOL) Office of Apprenticeship or State Apprenticeship Agency); Joint Labor-Management Training Programs; paid internships; partnerships with community colleges or vocational schools that award an industry-recognized credential; and similar models that combine on-the-job learning, classroom learning, and mentorship. DOL has a resource on “high-road training programs” that applicants are invited to review [here](#).

Workforce development programs can serve adult or youth populations. Applicants may consider high-quality youth-serving training models, including: pre-apprenticeship programs that prepare young people to enter Registered Apprenticeship Programs; career and technical education programs (as described by the

[U.S. Department of Education](#)); and other similar models. Please note that applicants may propose programs to be included in the [American Climate Corps](#) (ACC), which is a federal government initiative focused on training young people for high-demand skills for jobs in the clean energy economy. To qualify as an ACC program, the program must provide youth with at least 300 hours of paid skills-based training and / or service. Applicants submitting a workforce development project to be considered for the ACC should note that in their application.

3. Strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face disproportionate barriers to employment.

It is a statutory requirement (section 138(b)(1) of the Clean Air Act) for this program to benefit disadvantaged communities. These benefits may include providing opportunities to individuals with barriers to training and / or employment, so they can find long-term employment and economic opportunity in fields associated with air pollutants and GHG reduction. Projects should be designed with comprehensive research and evidence-based strategies for addressing barriers to recruitment, training, employment, and retention. Examples include supportive services to meet the needs of the disadvantaged community, such as childcare and transportation assistance; life skills and basic skills training, such as financial literacy and job readiness, to prepare for a career related to GHG and air pollutant reduction; career services, such as developing individualized employment plans; peer-to-peer mentorship programs to connect experienced workers with new workers to help them learn the job and find a sense of belonging in the workplace; reasonable accommodations consistent with federal equal employment opportunity laws; coaching to support work-based learning; and case workers to support workers with barriers to employment.

Applicants proposing a workforce development project are encouraged to describe the following elements and any additional details identified by the applicant:

- Design of the program, including if the applicant is proposing a high-quality, evidence-backed training model as described above, and a description of the credential(s) the participants will earn.
- Duration of the program and program components, such as time spent in classroom and on-the-job training. Applicants are encouraged to also describe ongoing support participants will receive once they exit the training program and connect to full-time employment to support retention.
- How applicants will engage employers and how the program will connect to high-quality jobs. Applicants can review the federal Good Jobs Principles [here](#).
- Estimated number of participants that will be trained in the program.
- Plan for how the program will recruit participants and how the program will build visibility and trust among residents of the Project Area.
- Curriculum the program will use and how it is informed by industry standards and employer demand.
- Wages or stipends for the duration of the program. Applicants are strongly encouraged to provide reasonable compensation for time spent in training to increase participation and retention.
- Strategies the program will use to meet the needs of populations that experience barriers to training and employment.
- Applicant's approach to administering supportive services to mitigate barriers to training and employment.
- Indicators the program will use to evaluate success as well as the methodology the program will use to track the progress of participants during and after the program. Applicants may review the Six Primary Indicators of Performance used by the public workforce system, as described by the Department of Labor [here](#).

Appendix D. Pollution Reduction Strategies and Associated Project Activities

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Eligible project activities associated with each Pollution Reduction Strategy could include but are not limited to the following examples. Applicants may propose different activities as long as the activities are consistent with the applicable Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

Strategy 1: Indoor Air Quality and Community Health Improvements

Examples:

- Remediate or mitigate harmful substances in buildings, including lead, mercury, pesticides, radon, mold, PCBs (caulk, flooring, etc.), lead-based paint, asbestos, and other toxic substances.²⁵
- Install, upgrade, or replace HVAC and / or filtration systems that improve indoor quality in schools, community-serving buildings, and single-and-multifamily homes. These upgrades may be done in conjunction with climate strategies that reduce building GHG emissions.
- Equip community centers and community buildings in agricultural worker communities with decontamination stations (e.g., publicly available shower and laundry stations) to eliminate take-home pesticide exposures.
- Purchase equipment that can enable “do-it-yourself” upgrades using research-based methods, to distribute within communities impacted by smoke.
- Replace wood heaters that do not meet EPA’s New Source Performance Standards with more efficient, cleaner heaters certified by EPA, and independently verified to meet (or to have emissions below) the most stringent Step 2 emission reduction standards described in Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces heaters.

Strategy 2: Outdoor Air Quality and Community Health Improvements

Examples:

- Reduce exposure from mobile and stationary sources by:
 - developing or expanding vegetative barriers.
 - creating alternate truck route programs to decrease impacts to sensitive communities.
 - providing grants, rebates, or subsidies for households, small businesses, public partners, and community organizations to replace portable diesel equipment such as leaf blowers and lawn mowers with zero-emission alternatives.
 - retrofitting spray booths in local small businesses to reduce VOC contamination from auto body painters.
 - providing grants, rebates, or subsidies for backup battery systems to replace diesel backup generators in homes, public facilities, or small businesses.
- Create clean air zones or low-emission zones such as:

²⁵ The prohibition on using Community Change Grant funding to remediate Brownfields sites does not apply to this activity.

- Encouraging “last-mile” delivery through electric delivery vehicles (e.g., trucks, vans, cargo bikes).
- Electrifying local government-owned fleets providing services to communities (e.g., sanitation trucks, public buses).
- Implementing urban designs that promote air flow and reduce the concentration of pollution along street corridors (e.g., remove or reduce costly parking mandates, reduce idling of diesel vehicles).
- Implement sustainable construction practices such as minimizing dust and emissions during building projects (e.g., electrify equipment, cover construction sites, utilize water sprays, properly manage waste).
- Replace toxic play surfaces that emit harmful pollutants (e.g., tire crumb and certain turfs at schools, community playgrounds, and fields) with non-toxic, permeable options to provide safe places for children to play.
- Develop other policies that promote reductions in air pollution from transportation such as land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas.

Guidelines:

- Communities seeking funding for zero-emission school buses should encourage their local school district apply to EPA’s \$5 billion [Clean School Bus program](#).

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Examples:

- Perform targeted infrastructure upgrades such as:
 - Replacing private-side lead lines in a home, childcare facility, school, or other community-serving building during full lead service line replacement²⁶
 - Septic to sewer conversions that connect homes to nearby community water systems.
 - Installing working water fountains at schools and parks where there are no fountains or they are inoperable, malfunctioning, or contaminated.
 - Installing water conservation and efficiency technologies that will allow utilities to better monitor and reduce energy consumption onsite.
 - Installing water reuse technologies that allow for system decreases in both energy and water use efficiencies through water capture, loss prevention, and closed loop approaches.
- Prepare and apply for state and / or federal water infrastructure funding to address larger community needs (e.g., a leak detection and pipe replacement plan, a PFAS action plan, or upgrades to water and wastewater treatment facilities that reduce pollution) by:
 - Assessing the problem through water sampling and monitoring.
 - Developing a plan, which could include the necessary design and engineering work.
 - Preparing an application for federal funding to one of several sources such as to EPA’s State Revolving Loan funds.
- Provide emergency interventions such as:

²⁶ [EPA’s Drinking Water Regulations for Lead. Lead Service Lines. Strategies to Achieve Full Lead Service Line Replacement.](#)

- providing recurring point-of-use filters while communities await lead service line replacement.
- providing alternate water supplies for communities and buildings that have contaminated water (PFAS, lead, PCBs, arsenic, nitrates, etc.) in communities with contaminated water systems.
- adopting facility procedures or system upgrades that allow for service flexibilities, mobility, and continuity in the event of an emergency due to climate-related disaster events.

Guidelines:

- The projects should also include a public outreach / education campaign on safe drinking water and / or wastewater, working with the public water system where possible.^{27 28}
- Activities should be coordinated with the EPA funded [Environmental Finance Centers](#) to minimize duplication of effort.

Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste

Examples:

- Purchase equipment for hazardous waste sampling to determine classification.
- Collect, process, recycle, or otherwise dispose of household hazardous waste and electronics programs and infrastructure.
- Conduct compliance oversight for the collection, processing, recycling, storage and disposition of household hazardous waste and electronics.
- Develop or expand hazardous waste collection, recycling, and safe recycling programs and infrastructure.
- Develop or expand safe disposal technologies for hazardous waste.
- Reduce demand for single-use plastic products (by installing public water bottle refill stations and water fountains or implementing community and city-scale water reuse and refill systems) and phasing out single-use products that may be unnecessary.

²⁷ [EPA on Reducing Lead in Drinking Water](#), [EPA Communication Plan 3Ts](#), [Basic Information about Your Drinking Water](#).

²⁸ [Drinking Water Analytical Methods](#).

Appendix E. Job Quality & Equitable Employment Opportunities

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It is a priority of the EPA that this grant program supports high-quality, family-sustaining, community-strengthening jobs with the free and fair choice to join a union, consistent with [Executive Order 14082, Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022](#). As such, EPA is interested in funding proposals that have a commitment to creating good jobs and utilizing a diverse, highly skilled workforce, including an emphasis on creating employment opportunities for populations living in communities that are disadvantaged.

This supports the broader goals of environmental justice by making sure federal funds are spent on Climate Action and Pollution Reduction projects that have a commitment to strong labor standards, creating stronger communities where worker, employer, and community needs are collectively met. Characteristics of a good job include strong wages and family-sustaining benefits; worker empowerment and neutrality with respect to union organizing and collective bargaining; work environments that promote worker health and safety; job security; equitable workforce development pathways and opportunities for career advancement; and supportive services, such as childcare and transportation, to support individuals that face barriers to employment; among others. When considering how to support job quality, EPA encourages applicants to review the eight [Good Jobs Principles](#) developed by the U.S. Department of Labor and Department of Commerce. The Department of Labor has produced several resources that help potential applicants understand the Good Jobs Principles and implement them through federal funding programs including: [Good Jobs in Federal Investments: A Toolkit for Employers, Workers, and Government](#); [Good Jobs Initiative Job Quality Check List](#); [Good Jobs in Federal Investments: Data and Reporting Appendix](#).

Grant funding for construction projects under this program is subject to Davis Bacon and Related Acts prevailing wage laws as provided in Section 314 of the Clean Air Act. Beyond this requirement, applicants are encouraged to articulate additional strategies they will use to deliver on the goals outlined above, including ensuring high labor standards and a diverse workforce to benefit the local community where the EPA funded work is taking place. These commitments should be concrete, specific, and measurable rather than vague statements, and may be integrated into EPA's agreement with the recipient through programmatic terms and conditions.

Appendix F. Track I and II Outputs and Outcomes

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The term “output” means an environmental activity, effort, and / or associated work product related to an environmental / public health goal and objective that will be produced or provided over a period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the assistance agreement funding period.

The term “outcome” means the result, effect, or consequence that will occur from carrying out an environmental / public health program or activity that is related to an environmental / public health programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, but must be quantitative. They may not necessarily be achievable within the assistance agreement funding period.

Examples of expected outputs and outcomes for the Track I and II awards under this NOFO include but are not limited to the following as applicable depending on the strategies and projects in the application. Applicants may identify additional outputs and outcomes as relevant to their specific strategies and projects in their application.

Track I Output and Outcome Examples

Strategy	Output Examples	Outcome Examples
Climate Action Strategies		
Strategy 1: Green Infrastructure and Nature-based Solutions	▪ Coastal green infrastructure projects, including blue-green trails (#) ▪ Green / complete streets, sidewalks, bus stops (#) ▪ Green / cool roofs (#) ▪ Area of impermeable surfaces replaced with vegetation (acres) ▪ New parks and / or public green space developed (acres) ▪ New shade tree canopy (square footage, # of shade trees planted) ▪ Area under implementation of low tillage / composting practices (acres) ▪ New community gardens and greenhouses (#)	▪ Increased green space as measured by square footage of added greenspace ▪ Increased resilience to extreme weather and climate conditions as measured by reduction in flash flooding events, improved groundwater recharge, and cooler ambient temperatures during heat waves ▪ Increased community resilience as measured by reduced damage and recovery costs for infrastructure, property, and cultural resources
Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience	▪ New EVs, bikes / electric bikes, and other low-and-zero emissions vehicles that are available via carsharing / bike sharing programs (#)	▪ Reduced air pollution from transportation (e.g., GHG reductions, reduced number of days with unsafe air quality for vulnerable populations) ▪ Increased use of public transportation services and

	▪ Streets improved to encourage walkability, bike-ability, and transit use (#, miles) ▪ EVs that can be used as backup power in lieu of diesel generators (#)	programs that promote electric vehicles, car sharing, and bike sharing
Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings	▪ Home energy audits performed (#) ▪ Air sealings completed (#) ▪ Homes insulated (#) ▪ Natural gas appliances replaced with electric equivalents (#) ▪ Mobile homes retrofitted with solar panels and storage (#) ▪ Electrification, weatherization, and HVAC upgrades / replacements of low-income houses, apartments, small businesses, and other community buildings (#) ▪ Energy efficient home-heating appliances installed (#) ▪ Homes or units converted to electric heating (#)	▪ Lower consumption of home heating fuels (propane, heating oil, natural gas, and wood) and reduction in associated climate pollutants (e.g., black carbon, methane, CO₂), as well as ambient and indoor emissions of Hazardous Air Pollutants and PM_{2.5}. ▪ Decreased incidence of asthma
Strategy 4: Microgrid Installation for Community Energy Resilience	▪ Renewable energy capacity installed (MW) ▪ Battery storage installations (MWh) ▪ GHG emissions reductions (ton CO₂)	▪ Enhanced resilience during extreme weather events as measured by fewer power disruptions ▪ Increased number of homes connected to a resilient power source
Strategy 5: Community Resilience Hubs	▪ Space built or converted into a community resilient hub (square ft) ▪ Disaster preparedness trainings delivered (#) ▪ Stormwater management flood preparedness training delivered (#)	▪ Enhanced physical safety during natural disasters as measured by the number of hospitalizations and lives lost among vulnerable populations ▪ Increased community awareness of emergency preparedness
Strategy 6: Brownfield Redevelopment	▪ Impervious surface reduced (square footage) ▪ Community meetings to involve impacted residents (#) ▪ Green demolition activities to support adaptive reuse or new construction (#) ▪ Shade trees planted (#) and new vegetation (square footage)	▪ Square footage of space redeveloped for resilience purposes, such as heat-reducing shade ▪ New economic opportunities created through the redevelopment of previously polluted land (e.g., number of business or low-income housing units)

Strategy 7: Waste Reduction and Management to Support a Circular Economy	- Waste diverted from landfills (pounds / tons) - Waste recycled (pounds / tons) - Food waste composted (pounds / tons)	- Cleaner communities with less trash / waste on land and in waterbodies as measured by litter surveys - Reduced food waste and associated emissions as measured by weight of compost diverted from landfills
Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants	- Individuals in disadvantaged communities that participate in workforce training in sectors related to GHG emissions and air pollution reduction who are currently unemployed, under-employed, or face employment barriers (#) - People in disadvantaged communities hired and retained into high-quality jobs to reduce air pollution and GHG emissions based on participation in a workforce training program (#) - Individuals who receive wages / stipends and supportive services delivered to enable community members' participation in workforce training programs (# individuals receiving such wages / stipends)	- Increased literacy among community members about environmental sectors and skills required to pursue these jobs - Increased number of high-quality workforce training programs, such as pre-apprenticeship and Registered Apprenticeship, in disadvantaged communities - Increased wages, benefits, job quality, and job security for participants in workforce training programs
Alaskan-specific Climate Action Strategies	- Renewable generation capacity installed (MW) - Fuel storage facilities repaired (#) - Greenhouses constructed (#) - Portable micro-water treatment systems installed (#)	- Improved water and soil quality so water / land can be used for Alaskan Native traditional uses - Increased access to energy sources with low air pollution and carbon emissions - Protection of cultural resources including environmental habitats
Pollution Reduction Strategies		
Strategy 1: Indoor Air Quality and Community Health Improvements	[Type of] trainings implemented (#) - Classrooms with air cleaners (#) - Houses / schools with upgraded / improved HVAC systems (#) - Homes in which moisture issues have been addressed (#) - Wood appliance upgraded or replaced (#)	- Increased public and environmental health literacy - Decreased incidence of asthma symptoms as measured by doctor visits or school nurse visits for asthma symptoms - Reduced exposure to radon and risk of developing radon-induced lung cancer
Strategy 2: Outdoor Air Quality and Community Health Improvements	Clean air zones or low-emission zones created (#)	Increased public and environmental health literacy

	▪ Abandoned oil / gas wells plugged (#) ▪ Toxic play surfaces replaced (#) ▪ Community monitoring and alert systems installed to alert households to increasing pollution levels (#) ▪ Wildfire smoke preparedness trainings delivered (#)	▪ Reduced exposure to PM, carbon dioxide, VOCs, ozone, nitrogen dioxides, and toxics. ▪ Increased skill development and improvements in community capacity to independently assess air pollution reduction options
Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience	▪ Clean water fountains installed in schools / parks (#) ▪ Full lead service lines replaced for low-income homes (miles) ▪ Private wells tested for PFAS (#) ▪ Stormwater management / flood preparedness trainings delivered (#) ▪ Water efficiency systems installed (e.g., drought mitigation systems, rain capture installations) (#)	▪ Decreased levels of water contamination and pollution as measured by boil water advisories, lead poisoning, or water quality monitoring results ▪ Increased availability of clean, safe drinking water
Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste	▪ Lead paint remediations completed (#) ▪ Tires diverted from landfills / the environment to disposal facilities (#, weight) ▪ Neighborhoods / cities / residents served through residential waste composting / chipping program (#) ▪ Waste transfer, material reuse, and / or recycling stations installed in underserved communities (#)	▪ Decreased exposure to toxics and hazardous chemicals ▪ Reduced odors and pathogens ▪ Increased residential waste composting
Strategy 5: Eliminate Harmful Chemicals through Product Replacements	▪ Conventional products replaced with Safer Choice-certified or other EPA recommended products (#, volume, customers impacted) ▪ Units of PFAS food contact materials replaced (#)	▪ Reduced exposure to hazardous chemicals for those who live and work in and near places with chemical use and application
ANCSA-Specific Pollution Reduction Strategies	▪ Homes served with micro-water treatment systems (#) ▪ Planning documents and Environmental Information Document created (#) ▪ Site assessments and initial cleanups completed (#)	▪ Improved water and soil quality so water / land can be used for Alaskan Native traditional uses ▪ Protection and preservation of cultural resources including environmental habitats

	▪ Reduced exposure to harmful chemicals and pollutants on Alaskan Native lands through remediation of contaminated lands and buildings (acres of land, # buildings)	
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Track II Output and Outcome Examples

Outputs

- New policies developed and implemented in response to community recommendations (e.g., through a new advisory council, participatory budgeting) (#)
- Community benefits agreements or memoranda of understanding signed (#)
- Number of community residents who complete a training that builds their capacity to participate in government processes (#)
- Amount of new funding allocated to benefit disadvantaged communities (dollars)
- Number of residents who participate in a community-based participatory research initiative that informs a government process and / or priority (#)
- Research products published with data reflecting community opinions and preferences (#)
- Number of educational forums and / or meetings held between governmental officials and community members (#)

Outcomes

- Increased involvement of individuals from disadvantaged communities in local, state, federal and other governmental environmental public processes
- Expanded knowledge of local, state, federal and other governmental environmental public processes among disadvantaged communities
- Stronger relationships and trust between disadvantaged communities and government entities on matters relating to environmental protection
- More transparent processes for governmental decision-making on environmental protection policies and greater governmental focus on inclusivity
- Increased accountability and community input into governmental decision-making on environmental protection policies
- More informed decisions made, and environmental actions taken, by government bodies to benefit disadvantaged communities
- Enhanced capacity in disadvantaged communities to be involved in local, state, federal, and other governmental environmental public processes
- Increased funding to enable disadvantaged communities to address environmental and climate justice issues
- New environmental or climate policies developed to be responsive to community needs

Appendix G. Budget Template

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(This template is optional, and applicants may use a different format for the template).

Category	Description	Total
Personnel		
Fringe Benefits		
Travel		
Equipment		
Supplies		
Contractual		
Construction		
Other (separate by participant support costs, subawards, and other costs)		
Total Direct Costs (sum of the above categories)		
Indirect Costs		
Total Project Costs (sum of direct and indirect costs)		

Guidance for Budget Template

The budget template is an attachment to the application and does not count toward the Project Narrative's page limit as described in Section IV of the NOFO. Applicants should include applicable rows of costs for each budget category in their budget template to accurately reflect the proposed application budget for each year of the grant. EPA provides detailed guidance on budget development in the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#), but applicants may use other forms instead of this template as long as total costs per category (and specific descriptions of costs) are included.

Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, supplies, contractual costs (including acquisitions of intangible property), construction, and other costs (including subawards and participant support costs) as direct costs. Direct costs plus the indirect costs equal the total project costs. Descriptions of these cost categories are below. Applicants should be aware that if their projects include using federal funds to purchase goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States, they must comply with the Build America, Buy America Term and Condition if they are selected for an award.

To facilitate consideration of an application for partial funding, EPA recommends that applicants separate costs for financial assistance in the program budget by project category, to the extent practicable.

- **Personnel - List all staff positions by title. Give annual salary, percentage of time assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the program (paid employees of the applicant organization as reflected in payroll tax records). Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the "Other" category; or (3) effort that is not directly in support of the proposed program, which may be covered by the organization's negotiated indirect cost rate. The budget table must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.
- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant's fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel - Specify the mileage, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the purpose of the proposed program (e.g., site visits); related to proposed program activities (e.g., attendance at community engagement meetings); or for a technical training or workshop that supports effective implementation of the program activities (e.g., consumer awareness activities). Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including consultants), which are included in the "Contractual" category; or (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the "Other" category. Further, travel does not

include bus rentals for group trips, which would be covered under the “Contractual” category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by EPA’s Office of International and Tribal Affairs prior to being taken.

- **Equipment - Identify each item to be purchased that has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased / rented, including lease / purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs must be included in the “Other” category. Items with a unit cost of less than \$5,000 must be categorized as supplies, pursuant to 2 CFR § 200.1. The budget table must include an itemized listing of all equipment proposed under the program. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.
- **Supplies - “Supplies” means all tangible personal property other than “equipment.” The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).** Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs must be included in the “Other” category.
- **Contractual - Identify proposed contracts, specifying the purpose and estimated cost for typical contractual services and disaggregating any costs for acquisitions of intangible property.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. The [EPA Subaward Policy](#) and supplemental frequently asked questions have detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) must be included in the “Other” category. EPA does not require applicants to identify specific contractors, but if an applicant does so they must demonstrate that the contractor was selected in compliance with competitive procurement requirements in 2 CFR Parts 200 and 1500. Subcontracts are not subawards and belong in the “Contractual” category.

In the budget description, the applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed / sole-source contracts more than the applicant’s 2 CFR § 200.320(a) micro-purchase threshold (generally \$10,000) must include a justification. Note that EPA rarely accepts proposed sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market absent a copyright, patent, or equipment warranty requirement or similar restriction that establishes that only one source can provide the necessary good or service; unique qualifications or long-standing relationships with a grantee do not provide an adequate basis for a sole source contract. Applicants must provide the aggregate amount they propose to issue as acquisitions of intangible property as a separate line item in the “Contractual” category. Refer to the [EPA Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises.

- **Construction.**

Include costs for activities that fall under the definition of construction in EPA's Small and Disadvantaged Business (DBE) rule at 40 CFR 33.103 which defines construction as "... erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, **or other improvements to real property**, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply." (Emphasis added). As stated on p. 32 of the **Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance mentioned above:**

Construction costs may include site preparation, demolishing and building facilities, making permanent improvements to facilities or other real property, major renovations of existing facilities, remediation of contamination and related architectural or engineering services. With very few exceptions, recipients carry out construction projects by hiring contractors which typically include a general contractor and an architectural or engineering firm for design work and in some cases purchasing equipment for installation at the site.

Construction costs are to be categorized on the SF 424A budget table as follows:

1. Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule's definition of Construction will be categorized as "Construction".
 2. Anticipated costs for pre-construction architectural and engineering Services as defined in the DBE rule for design and specifications documents will be categorized as "Contractual".
 3. Anticipated costs for separately purchased Equipment as defined in the DBE Rule that will be installed in a facility or used to remediate contamination will be categorized as "Equipment".
 4. Anticipated costs for land acquisition or relocation assistance paid to individuals or businesses will be categorized as "Other".
- **Other - List each item in sufficient detail for EPA to determine the reasonableness and allowability of the cost.** This category should include only those types of direct costs that do not fit in any of the other budget categories including subawards, participant support costs, and additional costs (e.g., insurance, costs for acquiring real property, rental / lease of equipment or supplies, equipment service or maintenance contracts, and printing or photocopying).
 - **Subawards** - 2 CFR § 200.1 defines a subaward as "an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity." 2 CFR § 200.1 defines a Pass-through entity as "a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program" and a Subrecipient as "an entity...that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award." Identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards. Additional guidance is available in the EPA Subaward Policy and below.
 - **Participant Support Costs** - 2 CFR § 200.1 defines participant support costs as "direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training

projects.” EPA regulations at 2 CFR § 1500.1(a)(1) expands the definition of participant support costs to include “[S]ubsidies, rebates, and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.” Additional guidance is available in the [EPA Guidance on Participant Support Costs](#).

Indirect Costs

If indirect costs are budgeted, indicate the approved rate and distribution base. Indirect costs are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or project and are not readily assignable to specific cost objectives or projects as a direct cost. Indirect costs must be based on a rate approved by the applicant’s cognizant federal agency, or the 10% de-minimus rate authorized by 2 CFR § 200.414(f). Additional indirect cost guidance is available in [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) and in Section VI.u, “IDC Competition Clause,” of the [EPA Solicitation Clauses](#).

Notwithstanding this, indirect costs have been capped as described below based on a deviation approved per 2 CFR 200.414:

Limitation on indirect costs for grants and cooperative agreements

- a. In general: Except as otherwise provided by statute, indirect costs charged against any grant and / or cooperative agreement awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award.
- b. Exception: Subsections (a) and (c) shall not apply to Indian Tribes as defined in section 302(r) of the Clean Air Act who serve in the role of direct recipient and / or subrecipient under the program or to Intertribal consortia that meet the requirements of 40 CFR 35.504(a) and (c) even if the Intertribal consortia is eligible for funding as a Community Based Nonprofit Organization.
- c. Treatment of subawards: In the case of a grant and / or cooperative agreement described in subsection (a), the limitation on indirect costs specified in such subsection shall be applied to both the initial direct assistance award amount and any subaward of the federal funds provided under the initial assistance award so that the total of all indirect costs charged to each of the federal awards (i.e., both the initial direct assistance award amount and any subawards) funded under the initial assistance award does not exceed such limitation. As provided in 2 CFR 200.332(a)(2) pass-through entities are responsible for ensuring compliance with the indirect cost limitation by their subrecipients.

Note: This limit does not extend to indirect costs on procurement contracts.

Appendix H. Alaska Tribal Lands Target Investment Area

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As noted in Section II.B, this NOFO includes a Target Investment Area for projects benefitting Alaska Tribal lands that are defined as disadvantaged communities in Appendix A. Under this Target Investment Area, EPA is accepting applications that include projects focusing on the clean-up of contaminated lands conveyed through the Alaska Native Claims Settlement Act (ANCSA).

Applications submitted by eligible applicants including Alaska Native Villages (ANVs), Alaska Native Nonprofit Organizations, and Alaska Native Nonprofit Associations for the Alaskan Target Investment Area must include, like all other Track I applications, at least one Climate Action Strategy and at least one Pollution Reduction Strategy and meet the other Track I application requirements in Section I.G of the NOFO, to be eligible for funding. Applicants are not limited to a single project activity under a strategy and may select several project activities associated with a strategy. Note that the for-profit Alaska Native Corporations are not eligible to be Lead Applicants or Statutory Partners for this NOFO. The Climate Action and Pollution Reduction Strategies addressed in applications for the Alaskan Target Investment Area can address either the Climate Action and Pollution Reduction Strategies (and project activities referenced in Appendices C and D) in Section I.G, or any specific Alaskan ones described below under paragraphs 1 and 3. EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA as addressed in Section 1 below. Consistent with this priority, EPA anticipates making a minimum of 5 awards for high-ranking applications that include projects to assess and/or clean up contaminated lands conveyed under ANCSA in furtherance of the federal government's interest in addressing this historic injustice as noted in Sections II.B and V.E.

1. ANCSA-Specific Pollution Reduction Strategy and Associated Project Activities

This section describes project activities specific to the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program. The specific requirements that apply to ANCSA cleanup projects are below.

ANCSA was enacted in 1971 to settle aboriginal claims to public lands through the conveyance of 46 million acres of land to Alaska Native regional and village corporations and the transfer of one billion dollars from the state and federal governments as compensation for lands which could not be returned to Alaska Native ownership. Many of the lands promised and conveyed to corporations pursuant to the settlement in ANCSA were contaminated. The contaminants on some of these lands—which include arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls, and petroleum products—pose health and other concerns to Indigenous Alaskans and communities and are present in quantities above state and federal clean-up levels, negatively impacting subsistence resources and hampering cultural, social, and economic activities.

In 2023, EPA initiated a new [Contaminated ANCSA Lands Assistance Program](#) (ANCSA Program) to assist with addressing contamination on lands conveyed pursuant to ANCSA and provide funding to (1) characterize, assess, and conduct planning and community involvement activities related to these lands and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance. The statutory authority for the ANCSA Program (Public Law 117-328) states that recipients of grants awarded under the ANCSA Program may use the funding to “. . . supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements.”

Eligible ANSCA project activities:

- Conducting Planning and Developing Site Plans:
 - Planning and site plan development for individual contaminated sites.
 - Where multiple sites are connected through location, infrastructure, or economic, social, and environmental conditions, planning and site plan development can take an area-wide approach for multiple sites. Applicants must demonstrate how work conducted at several sites will benefit the primary site selected for investment. Project Area requirements are outlined in I.D of the NOFO but may be waived for purposes of coordinated cleanup.
- Conducting Site Assessments and Related Activities:
 - Conducting site assessment and sampling activities
 - Developing a Health and Safety Plan, Quality Assurance Project Plan and / or Sampling Plan prior to conducting any environmental sampling and analysis (a requirement for any projects conducting sampling).
 - Submitting samples for analysis to an EPA accredited laboratory. Analytical costs from evaluating site samples.
 - Developing a report of the sample results and conclusions based on analysis (i.e., Conceptual Site Model, Assessment report, Site Inspection or Sampling Summary Report).
 - Supporting planning for future cleanup activities such as analysis of cleanup alternatives.
- Conducting Initial Cleanup Activities:
 - Developing a site cleanup approach and documenting the approach in a Site Cleanup Plan to include agreed upon cleanup endpoints, aligned with Alaska Department of Environmental Conservation (ADEC) cleanup process.
 - If necessary, procuring contract services to conduct cleanup activities such as contaminated material removal, sampling, or health and safety monitoring.
 - Conducting environmental confirmation sampling post-cleanup activities to determine if further action is required. If necessary, planning for next phase of site cleanup.
 - Developing a report documenting removal and / or cleanup activities.
- Conducting Community Engagement Activities:
 - As noted in Section I of the NOFO, all applicants are required to develop a Community Engagement Plan. Effective community engagement is vital to working effectively with Alaska Native communities. Therefore, for ANCSA-related cleanup projects, Community Engagement Plans should include community engagement activities and / or development of culturally sensitive protocols for project implementation of cleanup activities.
 - Costs of conducting community engagement activities, including training for workforce development, youth engagement, elder engagement in documentation of Traditional Knowledge, and other costs associated with meaningfully engaging the community in the project can be included in the proposal budget.
- Compiling Information to Use to Comply with NEPA
 - The projects funded under this NOFO do not require Environmental Information Documents (EID) because EPA awards under this NOFO are not subject to the National Environmental Policy Act (NEPA), under Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)). However, applicants may seek funding to prepare EIDs as needed to comply with NEPA in connection with other federal grant-funded projects in Alaska. EPA awards under the ANCSA program, for example, are subject to NEPA, as are programs funded by other federal agencies.

Additional Eligibility Requirements for ANCSA-related projects and activities:

Applicants proposing ANCSA-related cleanup projects must provide the following documentation of eligibility in their application. Failure to do so may render the application ineligible for funding. Specifically, applicants must provide the following site-specific information for where the cleanup activities will be performed, demonstrating that the site:

- was conveyed pursuant to ANCSA;
- was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and
- is listed on the interim EPA inventory of Contaminated ANCSA Lands (for more information on EPA's interim inventory and program related to cleaning up contaminated lands conveyed pursuant to ANCSA, visit EPA Region 10's [website](#)).
- If the applicant is not the owner of the contaminated site(s) to be addressed, EPA will require proof that the landowner will provide access to the site and supports taking action to address contamination.

2. General Alaskan Pollution Reduction Strategies

In addition to the ANCSA land contamination projects identified above, applicants for the Alaskan Tribal Lands Target Investment Area may include Pollution Reduction Strategies as identified in Section I.G of the NOFO.

3. Alaska-Specific Climate Action Strategies

Below are examples of additional Alaska-specific Climate Action Strategies and project activities that may be included in applications for the Alaskan Tribal Lands Target Investment Area, which are in addition to the Climate Action Strategies described in Section I.G of the NOFO.

- Community energy resilience, which may include activities such as:
 - Multi-energy systems including renewable (solar, wind, etc.) and traditional (bulk fuel) sources to increase resilience during extreme events and support a clean energy transition.
 - Power system projects, including renewable energy projects, and the construction, repair, and maintenance of fuel storage facilities in rural areas.
- Improving human health and climate resilience, which may include activities such as:
 - Construction of greenhouses that enable sustainable food growth that can promote healthy foods, food accessibility, and food availability.
 - Food storage facilities to enable sustainable access to traditional foods to support places where permafrost degradation is destroying traditional ice cellars. New food storage facilities may be constructed to support the access and availability of traditional foods. Selection of this project component must include a permafrost mitigation strategy.
 - Projects to support new and improved access points to traditional food resources, such as construction of new fishing docks or river / lake boat ramps to allow for improved fishing opportunities in places that have a high reliance on traditional foods, where climate change has degraded access and availability of food sources.
- Permafrost degradation management strategies that may include strategies such as:
 - Source water protection (impacts from landfills, thawing of permafrost, and potential impacts to traditional drinking water sources as well as established drinking water systems).

- Portable micro-water treatment systems applicable to those impacted by emergencies which impact drinking water systems, with the ability to treat water until system repairs are complete or new systems built.
- Manage and monitor contamination impacting land, food, and water backhaul / removal of waste materials not suitable for disposition in permitted landfills in Alaska.
- Climate emergency management and response strategies that may include activities such as:
 - Purchase of emergency response cargo containers with materials ready to deploy, including four-wheeler, snowmachine, communications, temporary office location, boat, oil spill response materials, smoke management equipment, etc.
 - Development of emergency alert and warning systems for wildfires, flooding and other emergencies stemming from climate change.
- Nature-based resilience strategies that may include activities such as:
 - Restoration of natural systems to help protect coastal communities from the impacts of storms, floods, and other natural hazards.
 - Storm damage prevention and reduction, coastal erosion, and ice and glacial damage stemming from climate change.

Environmental and Climate Justice Community Change Grants Program (CCGP) Notice of Funding Opportunity (NOFO) Frequently Asked Questions (FAQ)

Last updated: February 1, 2024

Please note: It is expected that this document will be updated regularly. In addition, all the answers are predicated on the assumption that an application meets the applicable NOFO requirements.

These FAQs are intended to clarify elements of the NOFO. To the extent of any inconsistency between an FAQ and the NOFO and/or the applicable requirements in the Clean Air Act and grant regulations, the NOFO and Clean Air Act/grant regulations take precedence.

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A. Application Process

1. Is there a limit on how many times we can apply under the NOFO?

Yes. As stated in Sections II.C and III.D.15 of the NOFO, Lead Applicants can only submit up to two applications under the NOFO. Further, as stated in Section III.D.15, notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications. There is no limit on how many applications an entity can be a Collaborating Entity on as long as the NOFO requirements are met, and all applications are evaluated based on the criteria in Section V of the NOFO.

2. Can we submit applications for both Track I and Track II under the NOFO?

Section II.C.2 of the NOFO states that: “Under this NOFO, Lead Applicants, as defined in Section III.A, may submit a maximum of two eligible applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total eligible applications will be asked to withdraw the excess one(s). EPA will not review more than two eligible applications from any one Lead Applicant.”

3. Can I apply for a grant under the CCGP if I am already receiving another grant from EPA?

Yes. There is nothing that prevents a recipient that received a separate award from EPA under another program from applying under the NOFO if the entity meets all requirements listed in the NOFO. However, as required by 2 CFR 200.403(f), recipients must have financial management systems capable of ensuring that the same costs are not charged to more than one EPA grant.

4. Does the 20-page limit for the Track I Project Narrative include the Community Engagement and Collaborative Governance Plan and Community Strength Plan or are there separate page limits for the plans?

This was clarified in the modification to the NOFO that was published on December 21, 2023. The application requirements are described in Section IV.B of the NOFO. The Track I Project Narrative 20-page limit does not include the Community Engagement and Collaborative Governance or Community Strength Plans. There are separate page limits for those plans. Please see the relevant parts of the Section IV.B Track I application requirements.

5. Are there any application templates?

The application requirements are described in Section IV of the NOFO. The only template that is provided is the optional budget template in Appendix G of the NOFO. EPA will not provide templates for other portions of the application, but technical assistance may be available to help with application preparation as described in Section I.E of the NOFO.

6. Can you clarify who needs to register with SAM.gov? Do entities who may serve as contractors under the grant need to register?

The Lead Applicant needs to register with SAM.gov to receive a Unique Entity Identifier (UEI). Any subrecipients (including the Statutory Partner) or Collaborating Entities that will receive subaward funding must also have a valid UEI. Contractors do not need to register with SAM.gov but keep in mind that the selection of contractors is governed by competitive procurement requirements as described in Appendix G of the NOFO.

7. Will applicants be notified of the status of their application as it is being reviewed?

Generally, yes. As stated in Section III.D of the NOFO: “Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.” Due to the volume of applications, we anticipate receiving, EPA does not currently plan to provide interim notifications of the status of applications that pass the threshold eligibility reviews.

8. Is the CCGP a pass-through grant program like the Thriving Communities Grantmaker Program?

No, the CCGP is not designed as a subaward pass-through program like the Grantmaker Program. While the NOFO does not specify any minimum or maximum amount of grant funds that must be provided via subawards to Collaborating Entities or other subrecipients, as indicated in Section III.B and throughout the NOFO the Lead Applicant is responsible for grant performance. There are evaluation factors in Section V of the NOFO that focus on the Lead Applicant and Statutory Partner’s role in the grant. These factors include experience and expertise, including those related to the Community Engagement and Collaborative Governance Plan, past performance, programmatic and managerial capability and resources, CBO commitment and experience, and the Compliance Plan.

Also please note this language in Section III.B of the NOFO:

“To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in Section I, subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process.”

9. If our application is not selected for award, can we submit it again before the NOFO closing date?

Yes, applicants whose applications are not selected may resubmit an application as described in Section II.C of the NOFO.

10. Does the debriefing and application resubmission follow a separate process from a dispute?

If you are resubmitting your application consistent with Section II.C of the NOFO, then you are not disputing the initial non-selection decision. Applicants that wish to dispute an eligibility or selection decision, either after the initial submission or the resubmission, may do so using the dispute process referred to in Section VI.A. of the NOFO.

11. When will applicants know if they have been selected for award?

Grant applications will be reviewed on a rolling basis as stated in the NOFO. EPA expects the first application reviews to begin sometime in February 2024. Applicants selected for award will be notified as soon as possible after the evaluation and selection process is complete. As noted in Section VI of the NOFO, selection does not mean award. Following selection, the official award process must be completed.

12. Will applying early increase the likelihood that an applicant will be selected for an award?

Not necessarily. EPA cannot provide advice on competition strategy or when to apply. Applications will be evaluated based on the criteria in Section V of the NOFO. As noted in Section II.C of the NOFO, EPA cannot predict how long funding will be available under the NOFO since this depends on the quality and volume of applications received, but EPA encourages applicants to take the time necessary to prepare a thorough application that is responsive to the NOFO requirements.

13. After the expected initial March 2024 award selections, what is the schedule for future selections?

EPA will be reviewing applications on a rolling basis and anticipates doing approximately monthly reviews and will announce selections as soon as practicable after the review process is complete. The timing of the review and selection process are dependent on the volume of applications received and other considerations. The dates in the NOFO are estimates only.

14. Is the CCGP a one-time funding opportunity or will there be another cycle of the CCGP in the future?

As of this time, the CCGP that is covered by the NOFO is a one-time funding opportunity using Inflation Reduction Act funds. Future funding cycles depend on Congressional appropriations.

15. When does the three-year period to complete the grants begin?

The grant period of performance is three years from award date, which is the same as the “agreement date.” Recipients may incur pre-award costs to the extent authorized by 2 CFR 1500.9, but EPA will adjust the period of performance and budget period to cover the pre-award costs as provided in 2 CFR 200.403(h). All costs must be incurred, and grant activities must be completed, during this 3-year period of performance. As provided in 2 CFR 200.344(b), recipients will have 120 days following the end of the period of performance to liquidate financial obligations incurred during the period of performance.

16. The NOFO states that all funds must be awarded by September 30, 2026. If an award is made on September 1, 2024, when must it be completed?

As required by law (Section 138(a)(1) and (b)(1) of the Clean Air Act), all the grants under the NOFO must be awarded and funds obligated by September 30, 2026, and the performance period for the grants must not extend beyond three years. If a grant is awarded on September 1, 2024, then it must be completed by September 1, 2027, and there can be no extensions.

17. Is there a minimum and maximum amount of funding that may be requested for Track I and II applications?

There is a maximum amount of funding that applicants may request under Track I and II, but there is not a minimum. Section II.A of the NOFO states that:

“EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each and cannot exceed \$20 million. Awards under Track II are expected to be between \$1-3 million each and cannot exceed \$3 million.”

Further information is also in Section III.D.10 of the NOFO. Based on this, while there is a maximum ceiling for Track I and II applications, there is no required minimum amount of funding that may be requested for Track I and II applications because we wanted to provide applicants with some flexibility. However, while applications for Track I and II that are submitted below the stated range may be eligible, they will be evaluated based on the criteria and requirements in the NOFO and Track I applications for significantly less than \$10 million may not be as competitive as those between \$10-20 million.

18. Can projects receiving funds from the CCGP also leverage federal funds for the same project?

Generally, yes, if the requirements for each program are met. Costs must be attributed to each individual federal grant/loan and properly accounted for pursuant to 2 CFR 200.403(f) and other applicable provisions of 2 CFR Part 200. In addition, Section V.E.7 of the NOFO (also see Sections V.E.5 and 6) states that in making final funding decisions EPA may consider:

The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and/or non-Federal sources of funds/resources to leverage additional resources to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education, and training providers, and/or Federal, state, Tribal, and local governments, as appropriate.

19. Are letters of support required to be submitted with an application?

No, there is no requirement to submit letters of support. However, there is a Statutory Partnership requirement as explained in Section III.A of the NOFO and Appendix B.

B. Scoring and Evaluation

1. Who will review applications and determine who is selected for awards?

The review and selection process are described in Section V of the NOFO for Track I and II applications. As stated in Section V.B of the NOFO, all applications that pass the threshold eligibility review process will be evaluated and scored by review panels using the track-specific evaluation criteria in Section V. Review panels may be comprised of EPA staff, other Federal reviewers, and/or external reviewers.

2. Will more points be awarded if a Track I application addresses more than one Climate Action and/or Pollution Reduction strategy?

Not necessarily. The NOFO requirement is to address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Track I applications will be evaluated based on the Track I criteria in Section V of the NOFO.

3. Does having a previous EPA grant impact scoring for this grant?

Having a prior EPA grant may be evaluated as part of the past performance evaluation factor for Track I and II applications as well as any other relevant criteria. Applications will be evaluated based on the evaluation criteria in Section V of the NOFO.

4. Will EPA fund two applications that focus on the same or similar project activities?

All applications will be evaluated based on the evaluation criteria in Section V of the NOFO. In addition, in making final selection decisions, EPA may also consider the other factors in Section V.E. One of those factors (number 8) includes duplicate funding considerations.

5. If a Lead Applicant applies for two grants, would that be considered in the evaluation of their applications?

Yes, applying for two grants as a Lead Applicant could be considered in the evaluation process, including under the Programmatic Capability evaluation factors in Section V for Track I and II applications and as a “other” factor (number 6) under Section V.E of the NOFO. Also see Section II.C.2 of the NOFO.

6. Is there a minimum score for receiving an award?

The scoring process for Track I and II applications is described in Section V of the NOFO and particularly Sections V.C and V.D. For Track I applications, there is a minimum score necessary to proceed to an oral presentation.

7. Do high scoring applications that are not initially selected carry over to subsequent review cycles?

No. EPA will review all incoming applications on a rolling basis as described in the NOFO, and applications do not carry over to subsequent review cycles. Please also note the resubmission process described in Section II.C of the NOFO.

8. What is meant by the “geographical diversity” other selection factor in Section V.E of the NOFO?

This is a factor EPA may consider when making final selection recommendations, as appropriate, so that awards are not disproportionately concentrated in one or more areas.

C. Awards and Payments

1. How will the grant funds be awarded and distributed among the entities that are part of an application?

As stated in Section III.B of the NOFO: “If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the EPA Subaward Policy, and taking responsibility for making subawards to Collaborating Entities.” The Lead Applicant will describe its process and capacity to make subawards in the application, including in the required Partnership Agreement among the Statutory Partners.

2. Does the entire award amount need to flow down to subrecipients?

No, the entire award amount does not need to flow down to subrecipients.

3. Is there cost-share or match requirement for awards under the NOFO?

No. There is no cost-sharing or matching requirement under the NOFO.

4. Will grant funds be paid to recipients via a draw-down system or will there be an opportunity to get the initial lump sum?

EPA will pay recipients under a draw-down system unless the recipient qualifies for an initial lump sum payment as a working capital advance under 2 CFR 200.305(b)(4). Working capital advances, however, will not be made in the entire amount of the award but will only “...cover [the recipient’s] estimated disbursement needs for an initial period generally geared to the [recipient’s] disbursing cycle. Thereafter, [EPA] must reimburse the [recipient] for its actual cash disbursements” as provided in that regulation.

Here is a summary of the draw-down requirements from EPA’s General Term and Conditions, “Automated Standard Application Payments (ASAP) and Proper Payment Draw Down.”

“Recipients must enroll in the Automated Standard Application for Payments (ASAP) system to draw down funds. Payments made to recipients through ASAP are virtually instantaneous—typically the same business day. Recipients must draw down funds based on actual costs incurred (“immediate cash requirements”) rather than in a single draw at the beginning of the grant or multiple lump sum draws based on estimated costs in order to comply with 2 CFR 200.305(b). Recipients do not have to pay employees, contractors and subrecipients before obtaining payment from ASAP but must disburse the funds for the incurred costs within 5 working days of receiving the ASAP payment subject to a 5% of the amount of payment or \$1,000 cushion for calculation errors. EPA’s Award Official may make exceptions to the 5-business day disbursement basis based on documented circumstances that prevent the recipient from complying with that requirement. Recipients must return excess funds through ASAP.”

5. Can the grants be used as match for other federal grants?

That depends on the statutory authority of the other Federal grant program. As provided in 2 CFR 200.306(b)(5), funds from one Federal grant may not be used as cost-share for another Federal grant unless a federal statute (e.g., HUD’s Community Development Block Grant statute) provides otherwise. Section 138 of the Clean Air Act, the statutory authority for the CCGP, does not authorize the use of CCGP grant funding as cost share for other Federal grants.

6. Can a project receive funding from other Federal or state funding sources in addition to the CCGP award?

Yes, you may be able to use CCGP funding as part of a larger project that is receiving resources from other sources. However, you must have effective accounting controls in place to ensure that the same costs are not charged to two different funding sources as required by 2 CFR 200.403(f) and 2 CFR 200.405(a).

7. If we receive an award under the NOFO, can we delay the official award issuance date so we can delay grant performance?

No, EPA will award and issue the grant simultaneously. Please note the Readiness, Feasibility, and other requirements in the NOFO.

D. Eligibility and Statutory Partnerships

1. Are non-profit organizations with a 501(c)(6) designation eligible to apply under the NOFO?

Yes, non-profit organizations exempt from Federal taxation under section 501(c)(6) of the Internal Revenue Code are eligible to compete under the NOFO assuming they meet the other requirements for a CBO as described in Section III A. of the NOFO.

2. Are the District of Columbia, Puerto Rico, the Virgin Islands, and any other territories eligible to be in a Statutory Partnership with a CBO to apply under the NOFO?

No. For the purposes of the NOFO and pursuant to the Clean Air Act, the District of Columbia, Puerto Rico, the Virgin Islands, and other territories are States, and are not eligible to apply for grants under the NOFO. In this regard, please note that the Clean Air Act defines State at 42 USC 7602(d) as:

“State means any non-Federal permitting authority, including any local agency, interstate association, or statewide program. The term “State” also includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Where such meaning is clear from the context, “State” shall have its conventional meaning.”

However, local governments (e.g., public housing authorities) and institutions of higher education that are in the District of Columbia and the U.S. territories (Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Puerto Rico) may be eligible to apply as part of a Statutory Partnership with a CBO under the NOFO if they meet the NOFO requirements.

3. Are the Freely Associated States eligible to apply under this NOFO?

No, the Freely Associated States are not eligible to apply under the NOFO, nor can projects be performed in the Freely Associated States.

4. Are hospitals eligible to apply under the NOFO?

It depends. Non-profit hospitals may be eligible as CBOs if they meet the criteria outlined in Section III.A of the NOFO for a CBO. A hospital that is an agency or instrumentality of a local government is eligible to participate in a Statutory Partnership as a local government as defined in Section III.A of the NOFO. For-profit hospitals are not eligible to apply.

5. Can a nonprofit organization incorporated as an LLC be considered a CBO and be part of a Statutory Partnership to apply under the NOFO?

Yes, if the applicant can demonstrate that the LLC is recognized as a nonprofit organization under state law as described in Section III.A of the NOFO, and otherwise meets the requirements for a CBO described in Section III.A of the NOFO. For example, an LLC whose sole member is a nonprofit organization may qualify as a CBO if the other requirements in the NOFO are met.

6. What are some examples of local governments that may apply under the NOFO with a CBO partner?

EPA uses the definition of local government in 2 CFR 200.1 as indicated in Section III.A.2 of the NOFO. Refer to that coverage for examples of local governments.

Please note that Regional Planning Councils or similar regional entities may qualify as a local government, but such applicants would need to document eligibility by securing an opinion from the Chief Legal Officer of the regional entity or the equivalent citing the specific state statute or local ordinance that establishes that the Regional Planning Council or other regional entity qualifies under Item 9 or 13 of the 2 CFR 200.1 definition of local government.

7. Is there a preference for collaborations with local governments over partnerships between two CBOs under the NOFO?

There is no EPA preference for any Statutory Partnership structure as long as one of the Statutory Partners is a CBO as required by section 138(b)(3) of the Clean Air Act and indicated in Section III.B of the NOFO. Applications will be evaluated based on the criteria in Section V of the NOFO.

8. What constitutes a Statutory Partnership agreement between the two Statutory Partners, and does EPA have a model agreement?

See Appendix B of the NOFO for the requirements of the Statutory Partnership Agreement. EPA does not have a model partnership agreement because they may vary per State law.

9. Can a letter of collaboration between the two Statutory Partners be a substitute for the Statutory Partnership Agreement?

No, a letter of collaboration between two entities would not suffice as a substitute for the Partnership Agreement that is outlined in Appendix B.

10. Must local governments enter into subaward agreements prior to award to meet the Statutory Partnership requirements in Appendix B even if local law prohibits binding commitments on the part of local governments?

Not necessarily. If the Partnership Agreement demonstrates that the local government intends to enter the required subaward with the Statutory Partner (the CBO) after EPA makes the award, that is sufficient. For example, the terms of the Partnership Agreement may include a contingency that makes receipt of a CCGP award a prerequisite for the subaward or a similar arrangement that complies with local law.

Note that EPA takes the same position regarding any Lead Applicant (CBO, Tribe, local government, institution of higher education) that includes a contingency in the Partnership Agreement that makes receipt of a CCGP award a prerequisite for the actual subaward to the Statutory Partner. In addition, please refer to the Community Engagement and Collaborative Governance structure in Section I.G. of the NOFO.

11. Does the Lead Applicant have to make subawards to Collaborating Entities before they are awarded a grant?

No and see above answer also. The Lead Applicant need not have a subaward in place with Collaborating Entities at time of application submission but must assure EPA that they will provide the subawards if the application is successful, and otherwise meet the NOFO requirements. They must also address the evaluation factors in Section V of the NOFO, including the Community Engagement and Collaborative Governance Plan requirements, and the Appendix G budget requirements.

In addition, the Partnership Agreement between the Lead Applicant and the Statutory Partner described in Appendix B must include a commitment to provide the Statutory Partner a subaward as indicated in Section III.B of the NOFO, although that commitment may be contingent on the award of CCGP funding as indicated in the prior question.

12. Do the two Statutory Partners have to demonstrate that they have worked together in the past to apply as a Statutory Partnership?

No. The requirements for a Statutory Partnership are explained in Sections III.A and B of the NOFO and Appendix B. The Statutory Partners do not have to show that they have worked together in the past to apply as Statutory Partners. Notwithstanding this, there are evaluation factors in Section V that focus on the Lead Applicant and Statutory Partners.

13. How do organizations determine which eligible entity should be the Lead Applicant and which should be the Statutory Partner?

It is up to the applicants to decide who is the Lead Applicant and who is the Statutory Partner as long as a CBO is one of them. See Section III.B of the NOFO. In deciding who should be the Lead Applicant, please consider the Lead Applicant's responsibilities for managing the grant as outlined in Section III.B of the NOFO.

14. Can a federal agency be a Lead Applicant or a Statutory Partner on an application?

No, a federal agency cannot be a Lead Applicant or a Statutory Partner because of the requirements in Section 138 of the Clean Air Act. However, if the federal agency has statutory authority to provide services to non-federal entities on a reimbursable basis, it may participate as a Collaborating Entity that receives a subaward.

15. Can we apply as a collaboration between multiple Federally recognized Tribes?

Please see the definition of Federally recognized Tribe in Section III.A.3 of the NOFO. Informal partnerships of Tribes are not eligible entities. Intertribal Consortia that meet the definition of a CBO in the NOFO are eligible to apply as CBOs with a Statutory Partner as indicated in Section III.A of the NOFO. Federally recognized Tribes may apply in partnership with a CBO including an Intertribal Consortium that meets the definition of a CBO.

16. Can the Statutory Partnership that applies for a grant consist of more than 2 entities?

No. As described in Section III.B of the NOFO, the Statutory Partnership is comprised of two eligible entities, one of which must be a CBO. Other entities may be involved in the grant as Collaborating Entities or procurement contractors as explained in Section III.B of the NOFO.

17. Can an institution of higher education apply with a Resource Conservation District (RCD) as the CBO?

It depends. Whether an RCD can qualify as a CBO depends on the legal status of the RCD and whether it can meet the CBO requirements in the NOFO. Some RCDs may be structured as CBOs, and others are structured more like local governments as defined in 2 CFR 200.1.

18. If a CBO is partnering with a single Joint Powers Association (JPA) entity made up of five local governments, then can the JPA serve as the Lead Applicant?

It depends. If the JPA is considered a *Local government*, as defined in 2 CFR 200.1, and it meets the eligibility requirements outlined in Section III.A of the NOFO, then yes. For example, depending on state or local law, the JPA may be a "special district," an "intrastate district," or a "council of governments." But the JPA would apply as one local government, not five separate local governments. EPA will require that the Chief Legal Officer for the JPA or the State Attorney General's Office provide a legal opinion documenting that the JPA is a local government within the meaning of the regulation.

19. Can a CBO that works in a disadvantaged community partner with an Institution of Higher Education that is not located in that disadvantaged community?

Yes. As described in Section III.A of the NFO, a CBO must demonstrate that it is "a public or private nonprofit organization that supports and/or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders." Institutions of Higher Education do not have to meet the same requirements. However, as noted throughout the NOFO, all applications must benefit disadvantaged communities as defined in Appendix A of the NOFO.

20. Can a nonprofit Community Development Financial Institution (CDFI) be considered a CBO and apply in partnership with another CBO or a local government?

Yes, if the nonprofit CDFI meets the requirements for a CBO described in Section III A.1 of the NOFO.

21. Can a Public Benefit Corporation with non-profit CBO “shareholders” apply as a CBO or other eligible entity?

Probably not. Public Benefit Corporations are for-profit entities, and for-profits are ineligible to apply under the NOFO. Even though some of the shareholders are non-profit CBOs, the Public Benefit Corporation may also have other shareholders including companies or individuals who may receive profits from services or products the Public Benefit Corporation sells commercially. A PBC that only has nonprofit shareholders may qualify as a CBO, but EPA will need detailed information (including documentation that the State of incorporation recognizes the PBC as a nonprofit organization) to determine whether the PBC qualifies as CBO.

22. Can a collaborative of CBOs apply as one CBO?

It depends. If the collaborative of CBOs has its own independent legal existence and meets the requirements for a CBO in Section III.A.1 of the NOFO, it may apply as one CBO. However, the requirement to partner with another CBO, local government, Federally recognized Tribe, or institution of higher education would still apply.

23. Can the Department of Energy’s National Laboratories receive funding under the NOFO as a subrecipient to a Lead Applicant?

Nonprofit organizations that operate National Laboratories under contract with the U.S. Department of Energy are eligible subrecipients provided they receive permission from DOE to perform the subaward and comply with the NOFO requirements.

24. Are investor-owned public utilities eligible to apply for the grants?

No, they are considered for-profit entities and not eligible to apply. In some circumstances they can receive subawards under Appendix A of the EPA Subaward Policy such as a subaward to upgrade pollution-control equipment or provide energy efficiency upgrades (via subsidies or direct construction or services) to their rate payers in disadvantaged communities.

25. If a CBO partners with a local government to apply for a grant, does the Partnership Agreement between them need to be adopted by the local government?

The answer depends on the local government’s legal requirements. However, as stated in Appendix B of the NOFO “[T]o be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding.”

26. Is a national Tribal consortium eligible to apply as part of a Statutory Partnership under the NOFO?

An Intertribal Consortium that meets the requirements for a CBO as well as 40 CFR 35.504(a) and (b) may be eligible for funding as stated in Section III.A and Appendix G of the NOFO.

27. Can religious-affiliated organizations be considered CBOs under the NOFO?

Yes, religious-affiliated nonprofit organizations can apply as part of a Statutory Partnership if they meet the eligibility requirements for a CBO described in Section III.A of the NOFO. Grant funding may not, however, be used for religious purposes, and recipients may not select program or project beneficiaries based on a religious purpose.

28. Is a state agency eligible to apply for funding under the NOFO?

No, neither States nor State agencies are eligible to apply under the NOFO based on the statutory requirements for the CCGP. However, they can be involved as Collaborating Entities and receive subawards. Please refer to Sections III.A and III.B of the NOFO for more information.

29. The NOFO refers to Institutions of Higher Education as being eligible to apply with a CBO, but are K-12 educational institutions also eligible to participate?

A school district is eligible to apply as a local government as defined in 2 CFR 200.1 and described in Section III.A of the NOFO in partnership with a CBO. An individual school may also be eligible to participate and receive subawards as a Collaborating Entity depending on its status under the state statutes or local ordinances establishing the school district. Incorporated nonprofit organizations affiliated with schools such as Parent Teacher Organizations may also be eligible as CBOs if they can meet the CBO criteria in the NOFO. Private schools may be eligible to apply as part of Statutory Partnership if they meet the requirements for a CBO as described in Section III.A. of the NOFO.

30. Can CCGP funding be used for AmeriCorps stipends?

It depends. As a federal agency, AmeriCorps is not eligible to apply under the NOFO because they do not meet the statutory eligibility requirements for the CCGP. However, CCGP funding may be used for AmeriCorps program participant stipends if the recipient's agreement with AmeriCorps authorizes the use of grant funds from another Federal agency to pay AmeriCorps stipends. EPA understands that AmeriCorps has unique statutory authority that allows funds from Federal grants from other agencies to be used to pay part of the cost for an AmeriCorps project or program.

31. Is there a list of Federally recognized Tribes who are eligible?

Please refer to Section III.A.3 of the NOFO for information on the eligibility of Federally recognized Tribes. The Department of Interior keeps a list of Federally recognized Tribes. Be aware that Alaska Native Corporations (ANCs) are not eligible to apply in a Statutory Partnership because they are not Indian tribes as defined in section 302(r) of the Clean Air Act, but they may participate as Collaborating Entities to receive subawards. See questions in the Target Investment Area section of this document for further information.

32. What is EPA's position on "fiscal sponsors" applying under the NOFO?

EPA does not recognize the "fiscal sponsor" or "fiscal agent" concept. Thus, a fiscally sponsored organization is not eligible to apply as a Statutory Partner as described in Section III.A and III.B of the NOFO unless they meet the requirements of a CBO described in Section III A.1 of the NOFO. Please also refer to Questions 49 through 51 of the EPA Subaward Frequent Questions which are available at <https://www.epa.gov/grants/epa-subaward-frequent-questions>.

33. Can a community college or other Institution of Higher Education with non-profit status qualify as a CBO?

No. Community colleges and other Institutions of Higher Education are *Institutions of Higher Education* as defined in 2 CFR 200.1 and noted in Section III.A of the NOFO, which is the definition EPA uses to interpret the term "institution of higher education" in section 138(b)(3) of the Clean Air Act. That definition incorporates the definition of an Institution of Higher Education under Title I of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001.

Community colleges are identified in 20 U.S.C. 1001(a)(3) as Institutions of Higher Education offering 2-year programs "...that is acceptable for full credit toward...a bachelor's degree." The fact that any such institution also has nonprofit status does not alter their designation as such an institution indicated by 20 U.S.C. 1001(a)(4).

34. Our university's research corporation, a 501(c)(3) non-profit, submits and administers grant dollars on behalf of the university. Would the research corporation be eligible to be a CBO on an application submitted under the NOFO?

A nonprofit organization affiliated with a university could qualify as a CBO if they meet the other requirements for a CBO specified in Section III.A of the NOFO. However, if the nonprofit intends to name the university parent as a Statutory Partner or otherwise provide a subaward to the university parent, then EPA's Financial Assistance Conflict of Interest Policy (<https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>) would be implicated due to the potential for personal and organizational conflicts of interest.

35. Are local government agencies considered part of a local government even if they have their own unique entity identifier (UEI) and indirect cost rates?

Yes, local governments are “unitary” legal entities even if they have separate agencies and departments, unless the agencies and departments can demonstrate they are legally independent of the local government. For example, if City Y is a local government, then all its agencies and departments are considered part of the local government, unless they can convincingly demonstrate that they are legally independent of, and do not report to, the executive of the local government (either elected or appointed) and the legislative body of the local government. This means that City Y, including its agencies and departments, can only submit up to two applications as a Lead Applicant under the NOFO.

However, EPA recognizes the legal structure of local governments varies and that there may be nonprofit organizations such as community economic development agencies or public bodies such as school systems, public utilities, and public housing authorities that may be sufficiently independent of the local government to qualify as separate legal entities.

36. My organization is a national organization but has a presence in certain communities to work on community issues-- would we be considered a CBO?

To be considered a CBO you must meet the requirements in Section III.A of the NOFO. The NOFO states in pertinent part in Section III A.1 that:

“For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO's connection to the community that will benefit from the grants.”

37. If there is a university that has a multi-campus system with only one sponsored project office for the entire system, and assuming it is an Institution of Higher Education and wants to be a Lead Applicant on an application, are they limited to two applications for all campuses, or would each campus be permitted to submit up to two applications as a Lead Applicant?

Our policy is to treat multi-campus Institutions of Higher Education as unitary entities for the purposes of the two-application limit in the Threshold Eligibility Criteria in Section III.D of the NOFO unless there is some unique state law feature that makes each campus a separate legal entity for liability, contracting, or similar purposes. Otherwise, these multi-campus universities would be able to submit more applications than other Lead Applicants. The fact that each campus has its own Unique Entity Identifier and academic leadership is not determinative if the contracting authority for all campuses would be the same office and the campuses are not separate legal entities.

38. Are Federally Funded Research and Development Centers (FFRDC) eligible to apply for the grants as a CBO?

Yes, as long as the contractor operating the FFRDC is a nonprofit organization and can meet the definition of a CBO in Section III.A of the NOFO. The nonprofit contractor operating the FFRDC may apply as part of a Statutory Partnership as described in Section III.A of the NOFO in its nonprofit capacity if they otherwise meet the requirements for a CBO in Section III.A of the NOFO and other NOFO requirements, and the Department of Energy or another Federal agency operating the FFRDC gives the FFRDC contractor permission to apply for the grant.

39. Can a Tribe apply as a Lead Applicant even if the project isn't on tribal land?

Yes, a Tribe can apply as a Lead Applicant for a project, even if it isn't on tribal land, if their project benefits a disadvantaged community as described in Appendix A of the NOFO and meets all the other requirements noted in the NOFO. The determination of who becomes the Lead Applicant is up to the Tribe and its Statutory Partner.

40. Can a Federally recognized Tribe qualify as a CBO since they are exempt from Federal taxation?

No. Federally recognized Indian tribes as defined in section 302(r) of the Clean Air Act are units of government. Their exemption from taxation, like that of states, stems from governmental powers such as taxation, law enforcement, and civil authority recognized in Federal law.

E. Collaborating Entities

1. Is there a minimum or maximum number of subawards that a Lead Applicant must make to Collaborating Entities?

No, the NOFO doesn't indicate a required number of subawards to Collaborating Entities.

2. Can a Collaborating Entity be an organization located outside of the United States?

In limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico border or north of the U.S.-Canada border). See Section II.B of the NOFO. In these cases, there may be some limited instances where a Collaborating Entity may be located outside of the United States. This may also apply to projects benefitting U.S. Territories.

3. Can subawards only be granted to Collaborating Entities named in the application?

Applicants need to identify and describe existing relationships with Collaborating Entities in the application based on the NOFO requirements and as indicated in Appendix G for the budget template. However, grant recipients may find it necessary to issue subawards to entities not originally named in the application. Replacing a previously named Collaborating Entity requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(e)(6).

Collaborating Entities will receive subawards as explained in the NOFO, including in Section III.B and Appendix G, but the NOFO also acknowledges in Section III.B that there may be "other subrecipients" in addition to those recognized as Collaborating Entities. Subawards may be made to Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education), as well as entities that cannot legally be Statutory Partners (e.g., states, territorial governments, Alaska Native Corporations, and international organizations).

4. Can for-profit/private companies be Collaborating Entities?

No. As stated in Section III.B of the NOFO, for-profit private companies cannot be Collaborating Entities that receive subawards. When a for-profit firm is providing commercial services to the recipient as a vendor, then the recipient cannot circumvent competitive procurement requirements by providing the firm a subaward even if the firm agrees not to "profit" from the transaction.

5. Can a for-profit entity receive a subaward, or otherwise be a program participant?

Yes, in certain very limited circumstances. For example, as Appendix A to EPA's Subaward Policy (incorporated into Section III B. of the NOFO) notes, a for-profit firm can receive a subaward for a project to install pollution-control equipment at its facilities, since the firm in that case is not providing goods or services to the recipient on commercial terms.

Similarly, an investor-owned utility could receive a subaward to provide energy efficient HVAC equipment to residents of low-income communities via subsidies or actual installation of equipment. The utility would not be providing the recipient with the services (energy transmission or other services/products the utility "sells" to ratepayers or others) that generate profits for its investors. For-profit firms may receive rebates or subsidies for purchases of pollution control equipment including electric vehicles and related charging infrastructure as program participants under 2 CFR 1500.1(b) and the EPA Guidance on Participant Support Costs, which is referenced in Appendix G of the NOFO.

F. Procurement Questions

1. If we have already completed a competitive procurement in advance of applying, can we list the contractor/consultant in the application? And does this apply to engineering contracts as well?

For the first question, yes, provided the procurement process complied with the requirements specified in the Procurement Standards in 2 CFR Part 200, the Good Faith Efforts to encourage participation of small and disadvantaged businesses described in 40 CFR 33.301, and the compensation that you intend to charge to the grant for individual consultants (if any) complies with 2 CFR 1500.10. Please refer to the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is incorporated into the CCG NOFO as well (See Appendix G).

And yes, this requirement applies to engineering contracts as well, although for architectural and engineering (A/E) services you may use a qualifications-based competitive procurement as long as the requirements in 2 CFR 200.320(b)(2)(iv) are met. EPA also recognizes that geographic preferences may be used as provided in 2 CFR 200.319(c). Note that EPA takes the position that qualifications-based and geographic preference procurements may only be used to acquire services such as the development of building specifications that must be performed by a licensed A/E firm under state or local law.

2. What if we have a Master Service Agreement that was previously competed in compliance with federal procurement policies? Can we list it in the application?

It depends. Your Master Service Agreement may not be so “stale” that it does not reflect current market conditions and cannot be a non-competitive retainer type of consulting contract prohibited by 2 CFR 200.319(b)(4). As indicated on page 13 in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (found here: <https://www.epa.gov/sites/default/files/2021-03/documents/best-practice-guide-for-procuring-services-supplies-equipment.pdf>), which is referenced in the NOFO including in Appendix G, EPA will accept properly competed long-term contracts that are 5 years or less in length. We also expect recipients to ensure that the pricing under Master Service Agreements remains consistent with market conditions to meet the “reasonable cost” standard in 2 CFR 200.404, which applies to all expenditures of grant funds.

3. Can a Lead Applicant procure contractors to assist with grant performance, or should procurement be managed by subrecipients who receive subawards from the Lead Applicant?

Both Lead Applicants and subrecipients may procure contractors in compliance with competitive procurement requirements as described in Section III.B of the NOFO.

4. Based on the NOFO, the period of performance cannot exceed 3 years, and projects should begin no later than 120 days of award. Does this mean that issuing a procurement solicitation and initiating a competitive procurement process to implement the project must begin within the 120 days, or can the procurement be conducted before award and be a pre-award cost?

When to begin the procurement process is a matter for applicants to decide based on the time it takes to acquire services or products under their procurement procedures. We recommend, however, that applicants as a minimum wait until EPA notifies them of initial selection before initiating the competitive procurement process.

Costs for conducting a procurement that complies with federal requirements can be an allowable pre-award cost subject to the restrictions in 2 CFR 1500.9 and 2 CFR 200.458. Recipients incur pre-award costs at their own risk, and EPA will only reimburse recipients for pre-award costs for competitive programs if the pre-award costs were incurred after the recipient was notified of initial selection for funding. More importantly, as provided in 2 CFR 200.211(b)(5) and 2 CFR 200.403(h), the *Period of Performance* (defined in 2 CFR 200.1) will be adjusted to encompass the time frame in which the pre-award costs were incurred. The Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance that is referenced in Appendix G of the NOFO says this on pre-award costs:

“2. EPA defines pre-award costs as costs incurred prior to the award date, but on or after the start date of the Budget period and Period of performance as defined in 2 CFR 200.1. Under EPA’s interpretation of 2 CFR 200.308(e)(1) and 2 CFR 1500.9, all eligible costs must be incurred during the budget/ performance period as defined by the start and end date shown on the grant award to receive EPA approval. This interpretation is implemented in a grant-specific Term and Condition entitled ‘Pre-award Costs,’ which will be included in all awards when the recipient has incurred EPA approved costs prior to award.”

By statute, the performance period for these grants is limited to 3 years. The total amount of time for incurring costs will not be lengthened by incurring the costs for procurements prior to the date of the award although depending on the “construction season” in the applicant’s locale there may be sound reasons for initiating the procurement process immediately following EPA’s notification of selection. Again, any pre-award costs the recipient incurs are at their own risk.

5. If an applicant is interested in procuring a consultant do they have to do so before submitting an application?

No. Applicants are not required to procure a consultant before submitting an application. Consultants, regardless of when they are procured, must be selected in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500. EPA provides guidance on complying with the competition requirements in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

6. Can I receive sample Requests for Proposals (RFPs)/Requests for Quotes (RFQs) or other forms of assistance in developing RFPs/RFQs from potential contractors that will then be allowed to bid on the procurement that will be made under the RFP?

No. If you seek any assistance from a contractor, including obtaining sample RFPs/RFQs, that contractor is not allowed to submit a proposal in response to your RFP/RFQ. If the contractor submits a proposal, you must reject the proposal. Accepting the proposal will be in violation of 2 CFR § 200.319. You may, however, seek assistance from a contractor that will not submit a proposal in response to your RFP/RFQ.

7. What is an example of an unfair competitive practice?

One example of an unfair competitive practice is to allow a consultant (or any other type of contractor) who drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals to compete for the services or products that will be procured. This practice violates 2 CFR § 200.319(b) and may result in EPA disallowing any costs for the tainted contract that are charged to CCG grant. Non-competitive contracts with consulting firms on retainers are another example of an unfair competitive practice as indicated at 2 CFR § 200.319(b)(4).

Additionally, EPA will not accept sole source justifications for procurement contracts for services such as consulting, engineering, construction services, or information technology support that are available in the commercial marketplace.

8. Must I consider price when procuring a consultant or other contractor?

It depends. EPA's position is that the "qualifications based" procurement procedures described in 2 CFR § 200.320(b)(2)(iv) may be used when acquiring services that can only be provided by a licensed Architectural and Engineering (A/E) firm such as when state or local law requires that a licensed A/E firm develop the design plans and other specifications for construction work. As stated in the regulation: "The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort." A/E firms are one potential source for a wide range of services in addition to those that only licensed A/E firms may perform as a legal matter.

9. Is my RFP process federally compliant if I only receive one bid?

Possibly, but additional inquiries by EPA are possible. Per the grant regulations at 2 CFR § 200.325(b)(2), when only one bid is received in response to a RFP/RFQ, you must make the procurement documents available to EPA if requested. Services necessary for performing CCGP grants are widely available in the commercial marketplace so it would be unusual for only one bid to be received under an RFP. Depending on the information contained in the procurement documents, as well as circumstances surrounding the procurement, EPA may require you to re-issue the RFP.

10. What are the potential consequences for an applicant/recipient that does not conduct a fair and open competition for the procurement of a contractor?

If an applicant/recipient fails to comply with the competitive procurement requirements in 2 CFR Parts 200 and 1500 or 40 CFR Part 33, EPA may impose additional conditions, as described in 2 CFR § 200.208 which may include re-issuing an RFP. If EPA determines that noncompliance cannot be remedied by imposing additional conditions, EPA may take one or more of the following actions, as outlined in 2 CFR § 200.339 Remedies for Non-Compliance, as appropriate in the circumstances:

11. What should I do when a consultant has offered to prepare our application for a CCGP grant without charging a fee?

If a consultant has offered to prepare your application for a CCGP grant without charge you need to be careful not to provide that consultant with an unfair competitive advantage when selecting a contractor to perform work under a CCGP grant.

Unfair competitive advantage is when the terms of the consultant's offer require the applicant/recipient to hire the consultant on a sole source basis if the application is successful. Such a practice unfairly restricts competition for services that are widely available in the marketplace. You must procure contractual services through fair and open competition when the amount of the contract exceeds the micro-purchase threshold (\$10,000 for most recipients).

12. Can the same contractor that assists me with preparing the grant application also submit a proposal in response to an RFP/RFQ for consulting services that I may issue if I receive the grant?

Yes. EPA does not prohibit consultants who prepare grant applications from competing for contracts that will be funded under the grant as long as the competition is conducted fairly and openly. The contractor may not assist with drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals and also be allowed to compete for the services or products that will be procured as indicated in 2 CFR § 200.319(b).

13. The terms of the contract for application preparation services require us to hire the consultant to provide services necessary to perform the CCGP grant if EPA selects the application for funding or pay the consultant a \$5,000 application preparation fee if we hire a different consultant. What is EPA's view on this practice?

EPA considers this practice to be a violation of the procurement requirements in the grant regulations because it may provide the consultant who prepared the application an unfair competitive advantage. The grant regulations require recipients to fully and openly compete professional services contracts when the amount of the contract will exceed the general \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)). Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements which is available through links in the CCG NOFO.

Additionally, if your organization did conduct a competition to procure environmental services, and the consultant that prepared the application won the bid/contract, EPA may question whether the decision to select the consultant was based on an improper factor such as the requirement to pay the consultant the \$5,000 application fee otherwise.

14. Can an entity issue a competitive solicitation to procure a consultant for grant writing services as well as to implement the grant, if selected for funding?

Yes, as long as the entity complies with the competitive procurement requirements in 2 CFR § 200.319, 2 CFR § 200.320, 2 CFR § 1500.10 and 40 CFR Part 33. Refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements for additional guidance. The price for performing the grant implementation services must be a significant evaluation factor in the competitive solicitation. Since direct costs for proposal preparation are not allowable under the CCGP program, the price for preparing the proposal is not relevant to the EPA funded portion of the contract and cannot be a basis for selection.

15. What is EPA's position on hiring a particular consulting firm or other contractor?

EPA does not endorse hiring any particular firm or firms by EPA grant recipients. All contracts with consulting firms or any other type of contractor must be procured in compliance with the full and open competition requirements described in the Procurement Standards of 2 CFR Part 200. There are many qualified consulting firms in the commercial market.

16. If I name a consulting, law, or engineering firm as a "partner" in the application is it proper to award that firm a sole source contract on that basis?

No. All contracts for professional services in excess of the 2 CFR § 200.320(a)(1) micro-purchase threshold (\$10,000 for most recipients) must be awarded competitively to the maximum extent practicable and in compliance with requirements to consider disadvantaged business enterprises set forth in 40 CFR Part 33. The market for consulting, legal, and engineering services is robust and it is unlikely that competition is impractical. Note that as required by 2 CFR § 200.320(a)(1) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipient practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs. Additional information regarding EPA policies on procurements under EPA financial assistance programs is available in our Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements.

17. How must recipients handle contracts for micro-purchases?

As required by 2 CFR § 200.320(a)(1), for contracts that do not exceed the \$10,000 micro-purchase threshold (or a higher threshold as authorized in 2 CFR § 200.320(a)(1)) recipients must distribute non-competitive micro-purchases equitably among qualified suppliers and the price must be reasonable. Recipients' practices for distributing micro-purchases are also subject to requirements in 40 CFR Part 33 for the participation of disadvantaged business enterprises in EPA financial assistance programs.

G. Disadvantaged Communities

1. Do the disadvantaged communities that the grants are intended to benefit need to be identified in the application?

Yes, the disadvantaged communities who are intended to benefit from the projects need to be identified in the application, as discussed in Sections III.D and IV.B of the NOFO, as well as in Appendix A.

2. The NOFO is requesting documentation from an authorizing governmental entity for farmworker community validation—what types of documentation are you expecting for farmworker community validation and which public agencies would hold such authority?

Appendix A of the NOFO states in pertinent part that: “Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.” How this is done may vary by state or local law.

3. Would a project be funded if it “partially” benefits a disadvantaged community?

As stated in relevant part in Appendix A: “While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.” In addition, Section III.D.3 states that: “All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

H. Project Area Map, CEJST, and EJScreen

1. Do applicants have to be located in a disadvantaged community to apply for a grant?

No, while applicants must meet the eligibility requirements in Sections III.A and B of the NOFO to apply for a grant, they do not have to be located in a disadvantaged community to apply. However, all applications must benefit disadvantaged communities as expressed throughout the NOFO and in Appendix A and will be evaluated based on the criteria in Section V of the NOFO.

2. If a Track I application involves multiple disadvantaged communities that are in a geographically contiguous area but are not all right next to another, is this eligible?

Yes, please refer to Appendix A to the NOFO which states that:

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.

3. Can EPA modify the definition of disadvantaged community to include a community that isn't identified as disadvantaged based on CEJST and EJScreen?

No. Applicants must use the methodology described in Appendix A to determine which communities are designated as disadvantaged. Applicants must use the EPA IRA Disadvantaged Communities Map (found here: <https://epa.maps.arcgis.com/home/item.html?id=f3be939070844eac8a14103ed6f9affd>), which combines multiple datasets (including CEJST and EJScreen), unless the community meets the definition of a Disadvantaged Unincorporated Community (DUC) or Farmworker Community in Appendix A.

4. Can you explain the color coding on the EPA IRA Disadvantaged Communities Map in Appendix A?

On the EPA IRA Disadvantaged Communities Map, block groups highlighted in light orange are designated as disadvantaged communities. Block groups highlighted in light blue are not designated as disadvantaged communities.

5. Would an application be eligible if it primarily included projects benefitting communities that are not defined as disadvantaged in Appendix A to the NOFO?

No. Projects must primarily benefit disadvantaged communities as defined in Appendix A to the NOFO. Also see Section III.D.3 of the NOFO which states that:

“All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

6. Can a project be on private land, such as the reclamation of polluted legacy mine land, if it benefits a disadvantaged community?

If the term “reclamation” means cleaning up the soil and subsurface contamination from mine-scarred land that meets the definition of a Brownfields site in 42 U.S.C. 9601(39)(D), then the assessment and remediation portion of the project is not eligible for CCGP funding as indicated in Section I.G.3 of the NOFO. Please refer to the examples and guidelines for Climate Action Strategy 6 in Appendix C of the NOFO. The only exception to this exclusion would be if the private land was conveyed under the Alaska Native Claims Settlement Act (ANCSA) and would be eligible for assessment and remediation funding as described in Appendix H of the NOFO. However, if the remediation at the non-ANCSA site is complete,

CCGP funding could be used for post-cleanup redevelopment at the site if the project meets all other requirements described in the NOFO.

7. For the Disadvantaged Unincorporated Communities category in Appendix A, can an application focus on all the unincorporated areas in a county, if they meet the Disadvantaged Unincorporated Community definition in Appendix A?

It is up to the applicant to design their project based on the NOFO requirements. The criterion for Disadvantaged Unincorporated Communities is in Appendix A to the NOFO.

8. Can there be an application that benefits both residents of disadvantaged communities and residents of communities that are not considered disadvantaged communities?

Please see Appendix A to the NOFO which states that:

“All projects and activities should be located within the Project Area, except in cases where the project must be located outside of the Project Area to address the localized pollution issue at the source, or where otherwise necessary to ensure that the disadvantaged community will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area.”

Please also see Section III.D.3 of the NOFO which states that:

“All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental benefit to census block groups or other areas that are not considered disadvantaged communities as defined in Appendix A, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities as defined in Appendix A.”

9. Would a protected bike path that starts in a disadvantaged community tract, goes through a neighboring non-disadvantaged community tract, then goes through another disadvantaged community tract be eligible if they are geographically contiguous?

Yes, see Appendix A to the NOFO which states that:

“The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups that are designated as a disadvantaged community by EPA as defined above, but the disadvantaged census block groups need not be fully contiguous with each other.”

10. Consistent with the Justice40 Initiative, is there a requirement that 40 percent of the project benefits flow to the census block groups designated as disadvantaged communities?

As required by Section 138 of the Clean Air Act, all grants under the NOFO must benefit disadvantaged communities. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects’ primary benefits will flow to disadvantaged communities in the Project Area as noted in Section III.D.3 of the NOFO and Appendix A.

I. Track I Project Activities

1. Can applicants include multiple projects (in the same geographic area) in an application?

Yes, as described in the NOFO, multiple projects may be included in an application if the NOFO requirements are met and if the projects are designed and focused to maximize benefits for the residents of disadvantaged communities in the Project Area.

2. Can I submit an application with one project if that project addresses at least one Climate Action Strategy and at least one Pollution Reduction Strategy?

Yes, if the application demonstrates how the project meets at least one of each of the strategies and meets the other NOFO requirements. While this may be possible to do, applicants need to think carefully about whether one project can meet at least one of each of the strategies, and all the NOFO requirements, and would have to demonstrate this in the application.

3. Can a Track I application include projects with activities that are carried out on a regional, county, or statewide basis?

While a regional, county, or statewide project may technically be eligible, depending on the specific content of an application, it may be unlikely that such an application would score well and be successful considering the NOFO evaluation criteria, objectives, and requirements as further discussed below.

Such an application, again depending on the specific projects in an application, may not be consistent with the following directions for Track 1 applications in the NOFO:

Community Change Grants Objectives in Section I.C:

“The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.”

Community Vision Description in Section IV.B:

“Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A, concentrated and compact Project Areas may maximize benefits to the residents of the disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful. As described in Section V.C, EPA will evaluate applications based in part on the extent and quality to which project benefits will accrue to the residents of disadvantaged communities in the Project Area as defined in Appendix A in an impactful manner.”

Appendix A:

“For Track I applications for geographically defined communities identified as disadvantaged communities on the EPA IRA Disadvantaged Communities Map, applicants must identify the specific census block groups designated as disadvantaged communities that the projects and supporting activities will directly benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below. Applicants should note that while they can determine the Project Area for their projects consistent with the instructions in Appendix A and the NOFO, concentrated and compact Project Areas may maximize benefits to the residents of the census block groups designated as disadvantaged communities in the Project Area. Activities spread across a large Project Area may be more dispersed and less impactful to the residents of the census block groups designated as disadvantaged communities in the Project Area.”

4. Can an applicant use funding under Climate Action Strategy 6: Brownfields Redevelopment to acquire and redevelop a brownfield site but use other funding sources to remediate and clean up soil and subsurface contamination on the land before the Brownfield Redevelopment project begins?

No, other than for projects to clean up contaminated ANCSA lands as described in Appendix H to the NOFO, an applicant cannot use a Community Change Grant to acquire a Brownfield site with soil and subsurface contamination that has not yet been cleaned up. Section III.D.8 of the NOFO states that as a threshold eligibility matter:

“All Track I applications for projects under Climate Action Strategy 6: *Brownfield Redevelopment*, must be performed on sites where cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site, as well as meet the requirements stated in Appendix C for Brownfields Redevelopment projects.”

Such a scenario would also not appear be able to meet the Readiness Approach Requirements in Section I.G of the NOFO, which state that:

“Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award . . . so they can successfully complete the grant within the three-year period.”

Further, such a scenario would also raise feasibility concerns, which is an evaluation factor for Track I applications.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, “The remediation of contamination from asbestos and lead-based paint in buildings is an eligible activity, even if the building is on a Brownfields site.”

EPA will issue a modification to the NOFO to clarify this issue which will include changes to Climate Action Strategy 6 and Section III.D.8 of the NOFO.

5. For a Brownfields Redevelopment project under Climate Action Strategy #6, does an applicant have to demonstrate that all soil and subsurface site cleanup has been completed by the time of application submission or just by the time the project would commence after award?

Yes. Site cleanup must be complete by the time of application submission. EPA intends to clarify in a modification to the NOFO that for Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in its application that at the time of application submission no soil or subsurface site cleanup is necessary (e.g., through a Phase II Environmental Assessment Report by a Qualified Environmental Professional) or has been completed for the project to be eligible for funding.

Documentation of cleanup completion must be by an official written communication or other written documentation from the cognizant regulatory authority. Therefore, at the time of application submission, for all Brownfields Redevelopment projects under Climate Action Strategy 6, the applicant must demonstrate in their application that at the time of application submission, not by the time the project will begin, no cleanup at the site is necessary for the project to be eligible for funding consideration.

Note, however, that under the examples of projects for Pollution Reduction Strategy 1: Indoor Air Quality and Community Health Improvements, in Appendix D to the NOFO, the remediation of contamination from asbestos and lead-based paint inside buildings is an eligible activity, even if the building is on a Brownfields site.

6. Is food waste reduction/food scrap diversion an eligible project activity under Track I?

Yes, this is listed as an eligible activity under Climate Action Strategy 7 in Section I.G of the NOFO.

7. Is adding protection to a currently unprotected bike lane an eligible activity, or would it need to be a completely new bike lane?

Modifications and upgrades to existing bike lanes are eligible for funding, in addition to new construction, if the application meets all the NOFO requirements.

8. Will new construction be allowed under the NOFO?

Yes. Construction activities for new structures are eligible if the other requirements of the NOFO are met and as noted in Appendix G.

9. Can the grants be used to maintain existing green infrastructure, or are they only to be targeted toward development/installation of new elements?

Yes, subject to the statutory three-year project period limitation, a grant can be used for maintenance of green infrastructure if the NOFO requirements are met. Note that a green infrastructure maintenance project may not score well under the Readiness to Perform, Feasibility, and Sustainability evaluation criteria in Section V of the NOFO unless the applicant can provide an effective plan for sustaining the operation and maintenance of the green infrastructure when the performance period for the grant ends.

10. Based on Section III.D of the NOFO, can research activities be part of an application?

Please refer to Section III.D.17 of the NOFO which states that:

“EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project’s success, and ensure that such research does not already exist.”

11. Would building demolition be an eligible expense under the CCGP NOFO?

Yes. Strategy 6 in Appendix C of the NOFO states in part that: “[D]econstruction and green demolition activities to support adaptive reuse or new construction” is an activity that could be covered under a grant. Applicants can refer to [EPA’s Climate Smart Brownfields Manual](#) for information about green demolition activities.

12. If an application includes construction activities, is there any special or extra documentation we need to submit with our application?

The requirements for Track I applications, which could include construction activities, are set forth in Section I.G of the NOFO and also see Appendix G. Application requirements are also in Section IV of the NOFO. In addition, please note the Readiness Approach requirements in Section I.G of the NOFO including Government Approvals which states that:

“If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.”

Additionally, the Federal Requirements for Construction Projects section in Section I.G of the NOFO states that:

“Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference

requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.”

13. Under the Site Control section in the Readiness Approach requirements in Section I.G of the NOFO, it states that, "Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s)." How can we demonstrate this?

EPA does not mandate a specific way to demonstrate site control and access given the variances in state, Tribal, and local real property laws. There could be several ways for an applicant to demonstrate this requirement is met (e.g., site ownership, long-term irrevocable lease, site access agreement) depending on the project. We recommend that you consult with the legal department of the unit of government that has jurisdiction over the site or with a private attorney licensed to practice law in that jurisdiction.

14. Is new housing construction an eligible activity under the NOFO?

Yes, if the other NOFO requirements are met. For example, refer to the coverage in the NOFO on Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings and Strategy 6: Brownfields Redevelopment in Section I.G of the NOFO.

15. Can you buy land or property under the NOFO funding?

Yes, land acquisition may be an eligible project cost, consistent with the grant cost principles, if the projects in the application otherwise meet the NOFO requirements. Please also refer to Appendix G of the NOFO. Note that EPA will require that recipients who use EPA funds to acquire real property to “...record liens or other appropriate notices of record to indicate that... real property has been acquired... with a federal award and that use and disposition conditions apply to the property” as provided in 2 CFR 200.316.

EPA may also, depending on the nature of the improvements, require that liens or other notices of the Federal interest in the proceeds of the sale of the property attributable to the improvements be recorded. Land acquisition must comply with the Uniform Relocation Act and Federal Highway Administration’s implementing regulations at 49 CFR Part 24 which requires grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements.

16. Does the creation of a resilience hub also include site acquisition funding?

Yes, costs for land acquisition are eligible if reasonable and necessary to create the community resilience hub. Please refer to Section I.G and Appendix G of the NOFO, as well as the question immediately above regarding Federal requirements for acquisition of real property with the grant funding.

17. If a school district has a mix of schools with some located in disadvantaged communities and others not located in disadvantaged communities, can an application for district-wide indoor air quality work be submitted?

As stated in Appendix A of the NOFO and Section III.D.3, projects may benefit both disadvantaged communities and others that are not disadvantaged, but the projects’ primary benefits must flow to communities designated as disadvantaged.

18. Can the grant funds be used to purchase instruments to collect data needed to perform the grant?

Yes, if the instruments are necessary to perform the projects in the application and would be considered allowable and reasonable costs per the grant regulations. Please refer to Appendix G of the NOFO for guidance on how to characterize the estimated costs for purchasing instruments. Note also that acquisition of instruments may be subject to the competitive procurement requirements described on pages 21

through 23 of the Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance, which is available through a link in Appendix G of the NOFO.

19. Would a project on agricultural lands be eligible under a Track I application?

Yes. There is nothing that prevents a project being performed on agricultural lands if the application meets all NOFO requirements.

20. Is removal of pollution above a Superfund site but not within the boundaries of the site as described in the Superfund site listing an allowable expenditure?

Yes, if all the NOFO requirements are met. See Appendix D on Pollution Reduction Strategies.

21. Would PFAS remediation of private wells and development of new water infrastructure to bypass PFAS contamination be an eligible activity?

Yes, subject to the three-year statutory limit on the grant period of performance. Please see Pollution Reduction Strategy 3 in Section I.G of the NOFO and Appendix D to the NOFO as well as the coverage on Readiness and Feasibility in Section IV.B and Section V of the NOFO.

22. Can you bury powerlines for improved climate resilience with these funds?

If this activity is part of a Climate Action or Pollution Reduction strategy in the NOFO, then it may be an eligible activity. Applicants must design their projects to meet the NOFO requirements, including those in Section I.G of the NOFO.

23. Are capital expenses such as basic repair that are needed for eligible energy efficiency projects an eligible cost?

Yes, if the costs are allowable and reasonable, comply with the allowability standards in 2 CFR 200.436 and 200.439, and the project is consistent with Strategy 4: Microgrid Installation for Community Energy Resilience as described in the NOFO.

24. Would the creation of staff positions within a CBO to create community-facing programming under a Climate Action strategy be an eligible expense?

Yes, assuming the application and projects in it meet the NOFO requirements. Please note, however, that given the statutory three-year limit on the grant performance period, the CCGP is not intended to support long-term staffing for CBO programming. Applicants must describe their plan for sustaining the project when funding ends as provided in the NOFO.

25. Would costs to provide or subsidize emissions-reducing equipment to benefit members of a disadvantaged community (e.g., electric equipment, stoves/landscaping, e-bikes, etc.) be an eligible activity?

Yes, please refer to the discussion of Climate Action Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience as well as Climate Action Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings in Section I.G of the NOFO. Subsidies are allowable “Participant Support Costs” under 2 CFR 1500.1(a)(2) as implemented in the EPA Guidance on Participant Support Costs, which is available through Appendix G of the NOFO.

26. Is stormwater infrastructure construction to mitigate flooding to homes such as underground outlets, above-ground inlets, drainage basins, etc. an eligible activity under this grant?

Yes, please refer to the discussion of Climate Action Strategy 1: Green Infrastructure and Nature-Based Solutions and Pollution Reduction Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience in Section I.G of the NOFO.

27. If we use a portion of the funds to establish a revolving loan fund to support green and climate resilient affordable housing, can the use of the funds extend beyond 3 years?

Applicants can propose revolving loan fund programs that meet the NOFO requirements, but the performance period for the grant is limited by statute to 3 years. EPA would discontinue direct funding after the performance period ends. A close-out agreement would govern post-award program income accumulated during the performance period or generated after the period of performance ends. See 2 CFR 1500.8(b) and (d) for additional guidance.

28. Can we include planning phases in our project?

Please refer to the Readiness Approach requirements in Section I.G of the NOFO and other sections in the NOFO, including the evaluation criteria in Section V that relate to this. While some planning activities may be necessary for some projects, projects must be completed within the three-year statutory period of performance. EPA cannot provide extensions. In addition, readiness to perform is an evaluation factor under Section V. If a project is not ready to be performed upon award or soon thereafter, it may impact the evaluation of the application. Please also note the Readiness to Perform Requirements clause in Section VI of the NOFO.

29. Can individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents receive training under the Climate Action Strategy for Workforce Development Programs (Climate Action Strategy 8)?

Yes, individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents may receive training under CCGP funded Workforce Development Programs for occupations that reduce greenhouse gas emissions and air pollutants as indicated in Climate Action Strategy 8 in Section I.G of the NOFO, assuming all other NOFO requirements are met.

Notwithstanding this, based on EPA Policy referenced in Section 5.E of the [EPA Guidance on Participant Support Costs](#), individuals who are not U.S. citizens or lawfully admitted to the U.S. as permanent residents cannot receive EPA funded stipends for participating in the Workforce Development Program. It is up to the applicant to design their Workforce Development Program consistent with the requirements in the NOFO.

J. Budget/Indirect Cost Issues

1. What is the indirect cost limitation?

The applicability of the 20% total indirect cost limitation varies by types of recipients and subrecipients. Please see Appendix G of the NOFO, which addresses the indirect cost limitations.

2. Does the 20% indirect cost cap apply to all indirect cost expenses, and are there flow-down requirements to subrecipients?

Yes, the cap is on all eligible indirect cost expenses. This limitation will extend to direct recipients of grants and cooperative agreements under the CCGP, as well as to subrecipients as defined in 2 CFR 200.1. Therefore, both direct recipients and subrecipients may charge up to 20% of their respective award or subaward-- e.g., up to 20% of the direct award (if they are the Pass-through entity) or up to 20% of the total subaward (if they are a subrecipient).

Due to the sovereign status of Indian tribes that meet the Federal recognition requirement in section 302(r) of the Clean Air Act, and the unique burdens placed on these entities due to the composition of their tax base where chargeable indirect costs can be an essential financing component for the Tribe, EPA is exempting Indian tribes and Intertribal consortia comprised of eligible Indian tribes from this 20% indirect cost limitation, provided the Intertribal Consortia meets the requirements of 40 CFR 33.504(a) and (c).

3. If the only source of funding for my organization is an EPA grant or subaward such that all overhead costs are charged directly to the EPA grant or subaward, can I still use the 10% de-minimis indirect cost rate?

No. The 10% de-minimis indirect cost rate, like all Federally approved indirect cost rates, is intended to compensate recipients for the Federal government's share of overhead costs such as office space rental, insurance, utilities, and administrative personnel compensation that are borne by multiple sources of funds. Recipients and subrecipients who charge all overhead costs directly to their federal award would improperly "profit" from using the 10% de-minimis indirect cost rate. See OMB Frequent Question 122 from [2 CFR Frequently Asked Questions](#) which addresses this issue.

4. Can a recipient conducting a single function funded predominately by federal awards elect to charge the 10% de minimis rate if they currently only charge direct costs to their awards?

No. If all costs are charged directly to the federal award (e.g., space costs, utility, and administrative costs), the recipient must not also charge the de minimis rate. Costs must be consistently charged as either indirect or direct cost and may not be double-charged or inconsistently charged. See prior question.

5. Does the 20% indirect cost rate cap change my negotiated indirect cost rate or authorize me to use a de-minimis rate of 20% rather than the 10% de-minimis rate?

No. As stated in Appendix G of the NOFO "...indirect costs charged against any grant and/or cooperative agreement [or subaward] awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award [or subaward]."

The actual indirect cost rate a recipient or subrecipient is authorized to charge does not change—the recipient or subrecipient charges their indirect cost rate at the negotiated level *or* the 10% de minimis rate to the authorized distribution base (typically *Modified total direct costs* as defined in 2 CFR 200.1). If the negotiated indirect cost rate exceeds 20%, then the recipient or subrecipient may apply that rate until the total indirect costs recovered equal 20% of the award or subaward. When that cap on indirect costs is reached, the recipient or subrecipient must stop charging indirect costs. Also, the 20% indirect cost rate cap is not an indirect cost rate -- it's a limitation on the total amount of indirect costs that can be charged to the EPA Award or Subaward.

Applicants who have a negotiated indirect cost rate have two calculations to make. The first calculation is to apply their approved IDC rate to their approved base (MTDC or direct labor). The second calculation is 20% of the total award amount. The two amounts are then compared and the lesser of the two amounts is the total amount of allowable indirect costs. The 10% de minimis rate applied to their MTDC will always result in less allowable IDCs than 20% the total award amount. Therefore, it does not require two calculations.

6. Can a fixed amount subaward include the 10% de-minimis indirect cost rate?

No. Fixed amount subawards are intended to compensate recipients on a milestone achievement or unit cost basis rather than to reimburse the recipient based on incurred direct or indirect costs documented in the subrecipient's financial management systems. Pass-through entities and subrecipients may, however, factor the subrecipients' overhead costs into the pricing structure for fixed amount subawards.

7. Is predevelopment for equitable transit-oriented development an eligible cost?

Yes. All costs that are necessary and reasonable for an equitable development transit project including pre-development costs such as engineering studies or community involvement may be eligible costs.

8. Do Collaborating Entities need to be identified in the budget description/ template described in Appendix G?

Yes, Collaborating Entities are subrecipients and must be identified in the budget description and in the "other" budget category in line-item amounts as described in Appendix G. As stated in the instructions for subawards in Appendix G, applicants must "identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards." Please also see the Community Engagement and Collaborative Governance Plan described in Section I.G of the NOFO.

9. Do subrecipients need to comply with the procurement requirements if they are buying supplies or procuring services under the grant?

Yes, federal procurement requirements flow down to subrecipients and apply to acquisition of both supplies and services. See Section III.B of the NOFO.

10. Can subaward funds directly go to subrecipients from EPA?

No, EPA does not pay subrecipients directly. The Lead Applicant (the *Pass-through entity* as defined in 2 CFR 200.1) draws down funds from EPA and then transfers the funds to the subrecipient in amounts necessary to meet the subrecipient's immediate need for cash as provided in 2 CFR 200.305(b).

11. Is purchasing a multi-family apartment building with the intention of rehabilitating it to improve climate resilience and reduce pollution an allowable cost?

Generally, yes, purchases of real property could be an eligible cost if the application met the other NOFO requirements.

12. Could an application be partially funded?

Yes. Partial funding is addressed in Section II.F of the NOFO.

13. If we are awarded a grant, can we be reimbursed for our grant application preparation costs (e.g., hiring a grant writing consultant) and our grant management costs for managing the grant?

No. Applicants will not be reimbursed for their grant application preparation costs as a direct cost because that is not an allowable cost for the CCGP. Those costs are normally covered by the recipient's indirect cost rate as provided in 2 CFR 200.460. The CCGP is not among those programs for which EPA has

made exceptions for application costs in Item 6 of the EPA Office of Grants and Debarment (OGD) Guidance on Selected Items of Cost for Recipients (<https://www.epa.gov/grants/rain-2018-g01-r>).

Direct costs of grant management may be allowable if those same costs are not covered by the recipient's indirect cost rate—as provided in 2 CFR 200.412 recipients must charge costs as direct or indirect consistently.

K. Track II Applications

1. Can Track II applications focus on benefitting multiple disadvantaged communities?

Yes, applicants can propose Track II projects that benefit multiple disadvantaged communities if they meet the Track II NOFO requirements.

2. Can a Track II application focus on facilitating the engagement of disadvantaged communities in different cities and/or states in governmental processes?

Yes, there is no Project Area Map required for Track II applications, and Track II applications do not have to be as place-based as Track I applications. Please refer to the NOFO Track II requirements.

3. Do Track II applications need to include a Project Area Map?

No. See Appendix A of the NOFO which states that: “While Track II applications are not required to submit a Project Area Map. As stated in Section III.D and IV.B they must describe and identify the disadvantaged communities that will benefit from the projects.”

4. Is a statutory partnership needed for a Track II application?

Yes, the applicant eligibility requirements in Sections III.A and III.B of the NOFO are the same for Track I and II applications.

5. Can a Track II application include activities to facilitate the engagement of disadvantaged communities in, and build their capacity to participate in, public utility commission proceedings, state legislative campaigns, and advocacy before state agencies on environmental justice matters?

The answer is yes for facilitating engagement of disadvantaged communities in public utility commission proceedings. However, the answer is no for engagement of disadvantaged communities in state legislative campaigns because the use of grant funding for those types of activities is unallowable as provided in 2 CFR 200.450, *Lobbying*. Whether advocacy before state agencies is allowable depends on the context of the advocacy. For example, costs for advocacy on matters that are decided administratively by state agencies, such as permitting of industrial facilities, may be allowable as indicated in the Track II Project Examples in Section I.H of the NOFO. Costs for advocating the introduction or modification of state statutes or legislation, however, are unallowable lobbying costs as indicated in 2 CFR 200.450.

6. Under Track II, when it says, “facilitating the engagement of disadvantaged communities in... other public processes,” what is meant by other public processes?

Under Track II, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” broadly as encompassing local, Tribal, and other governmental processes, with the exception of unallowable lobbying activities as described at 2 CFR 200.450.

L. Target Investment Areas (TIA)

1. Does an application have to address one of the five Target Investment Areas identified in Section II.B of the NOFO?

No, applications can address areas outside of the five Target Investment Areas (TIAs) if they meet the requirements of the NOFO. The TIAs are just priority categories, but applications can be submitted for projects outside of those areas if they meet the NOFO requirements.

2. Is there a different application process for applications submitted for a TIA described in Section II.B of the NOFO?

No, the application process is the same for all applications and is described in Section IV of the NOFO, but there may also be specific requirements for a particular TIA that need to be addressed as identified in the NOFO (e.g., see Sections II.B and III.D). If you are applying for a TIA, please note that you need to identify what TIA you are applying for as noted in the application instructions in Section IV.B of the NOFO. Also please note that the TIAs are only for Track I applications.

3. Are there additional requirements that apply to TIA A for Alaska?

Yes, they are identified in the NOFO, including in Section III.D.12 and Appendix H.

4. What is considered a border community?

Please see Section II.B of the NOFO.

5. If an application is for a project that will be carried out to benefit disadvantaged communities in Alaska, but the applicant is not applying under the Tribes in Alaska TIA identified in Section II.B of the NOFO, can the application include projects identified in the “Alaska-specific Climate Action Strategies” found in Appendix H?

Yes, the application can include Alaska-specific climate action strategies, even if it is not applying under the Tribes in Alaska TIA.

6. Under the Tribes in Alaska TIA (TIA A) in Section II.B of the NOFO, is the EPA also accepting applications that are for projects on lands conveyed through the Alaska Native Claims Settlement Act (ANCSA) but not focused on the clean-up of contaminated ANCSA lands?

Yes. Please note that all applications, including those for funding under TIA A, must benefit disadvantaged communities as defined in Appendix A of the NOFO and meet other applicable NOFO requirements. Additionally, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

7. If applying under the Tribes in Alaska TIA or for any project to benefit disadvantaged communities in Alaska, is it required that the project be on ANCSA land?

Applications submitted to benefit disadvantaged communities in Alaska, whether under TIA A or not, are not required to be on ANCSA land. However, as noted in Appendix H, under TIA A EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands conveyed through ANCSA.

8. Can an eligible CBO be the Lead Applicant applying under the Alaska Tribal Lands TIA even if they are not an Alaska Native Village, Alaska Native Non-Profit, or Alaska Native Association?

Yes. It is up to the Statutory Partnership that applies for the grant to determine who the Lead Applicant for the grant will be provided the Lead Applicant is an eligible entity. Please see Section III.B of the NOFO for more information.

9. How can Alaska Native Corporations (ANCs) participate in the CCGP?

Under the CCGP, ANCs may be Collaborating Entities that receive competitive or non-competitive subawards, or they may compete for procurement contracts, depending on the nature of the transaction. Please read this response carefully to assure such collaboration would meet NOFO requirements.

For purposes of clarity, please be aware that ANCs are not Community Based Non-Profit Organizations (CBO) under the CCGP. As indicated in Section III.A of the NOFO, this is because ANCs are for-profit organizations. Further, as explained in Section III.A of the NOFO, ANCs are not eligible to enter Statutory Partnerships with CBOs as “Indian Tribes.” This is based on the definition of “Indian Tribes” in section 302(r) of the Clean Air Act, which does not include ANCs. See also Appendix H.

The coverage on Collaborating Entities in Section III.B of the NOFO, however, notes that “Collaborating Entities may include Statutory Partners (CBOs, Federally recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). For-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities.”

While ANCs do not meet the definition of Indian Tribes under section 302(r) of the Clean Air Act, ANCs are considered Indian Tribes for the purposes of 2 CFR Part 200 and the EPA Subaward Policy, making them eligible to receive subawards.

That said, to receive a subaward (competitive or non-competitive), ANCs must agree not to profit from the receipt of the subaward. A more detailed explanation is included in the EPA Subaward Frequent Questions (<https://www.epa.gov/grants/epa-subaward-frequent-questions>) on ANCs (Number A.54), which states that program offices may, as a matter of policy, allow ANCs to receive subawards, provided that the ANC agrees not to profit from the transaction. Under this NOFO, we have determined that ANCs are eligible for CCGP subawards. Therefore, under this NOFO, ANCs may receive subawards under the Tribes in Alaska TIA if the terms of the subaward provide that the ANC only receive reimbursement of their direct and indirect costs.

Finally, ANCs may profit from EPA-funded procurement contracts if the transaction complies with the competitive procurement requirements in 2 CFR Part 200, including restrictions on personal conflicts of interest, as interpreted in the Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (<https://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance>).

Note also that ANCs, like all businesses in disadvantaged areas, may receive participant support cost subsidies to enable them to purchase low-emission equipment or similar devices that reduce pollution.

M. Administrative Requirements

1. Does the CCG program allow for waivers if Build America, Buy America (BABA) compliant components are not available?

The BABA requirements are part of the Infrastructure and Investment Jobs Act (IIJA), which applies to federal financial assistance programs. Grant recipients may request BABA waivers for items that are not domestically available, but waivers must be based on robust market research. We expect recipients to make good faith efforts to comply with BABA. Please see Section VI of the NOFO for additional BABA information.

2. Are facility upgrades such as energy efficiency retrofits or installation of EV chargers subject to Build America, Buy America requirements?

Build America, Buy America (BABA) requirements apply to “infrastructure projects,” which is broadly defined to include many project types. EV charger installation projects are subject to BABA as provided in 2 CFR 184.4(b). Energy retrofits could trigger BABA requirements in certain circumstances, depending on whether the project involves construction or installation of equipment that is permanently affixed to a structure or other real property. Please see Section VI of the NOFO and [EPA's BABA website](#) for more information.

3. Does NEPA apply to projects awarded under the NOFO?

No, as stated in Section VI.B of the NOFO, “Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act).” This Section states: “No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.” Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the CCGP.

4. Does a project need to have an approved construction permit prior to applying for the grant?

No, but please review the Readiness Approach Requirements in Section I.G of the NOFO and Section III.D.5 which states that: “Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.”

Additionally, the NOFO describes the requirements for Readiness Approach for Track I applications in Section IV.B as follows:

“Applicants must demonstrate, based on the Readiness Approach Requirements described in Section I.G, their ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and/or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award. There is no page limit for this information, but applicants should be as concise as possible.”

N. Technical Assistance (TA)

1. What are the TCTACs, and can they help with an application under the NOFO?

The TCTACS are the EPA-funded Environmental Justice Thriving Communities Technical Assistance Centers, and they are available to provide general technical assistance for applicants and grantees. Further information on the TCTACS can be found on [EPA's website](#). However, while the TCTACs are available for general technical assistance, we recommend that applicants access the dedicated technical assistance for the CCGP for more specialized questions as noted in Section I.E of the NOFO.

2. What kind of technical assistance is available under the CCGP?

Please see Section I.E of the NOFO for more information about technical assistance specific to the Community Change Grants. Both pre-award and post-award technical assistance may be available to eligible entities. Please note, however, that receiving technical assistance does not guarantee that an applicant will be selected for funding.

3. Is technical assistance available to help an eligible entity find a partner to apply with under the NOFO?

Yes, technical assistance can be used for this purpose. See Section I.E of the NOFO for more information.

4. Will there be technical assistance available to help a grantee manage a grant?

Yes, post-award technical assistance will be available from EPA as part of our substantial involvement in the cooperative agreement and through EPA's technical assistance contractor. Further information will be provided to the grantee after award.

O. Webinars

1. Will the webinars be available in other languages besides English?

Yes, EPA provides Spanish and American Sign Language interpretation for our webinars.

2. Will EPA conduct additional webinars?

Information about future webinars will be available on the [Community Change Grant website](#) under the section at the bottom called “Engagement Opportunities.” In addition, EPA’s technical assistance contractor is expected to hold webinars about the NOFO. Further information about that will be posted once the information is available.



Report to

Tracking ID: 21448

MEETING DATE	PRESENTER	DEPARTMENT
NOV 04 2024	Chelsee Chism, Director cchism@wycokck.org X8046	Economic Development
AGENDA ITEM #		
RESOLUTION: BUC-EE'S FAMILY TRAVEL CENTER DEVELOPMENT AGREEMENT		
BACKGROUND		
Adopt a resolution authorizing the Unified Government to enter into the Development Agreement for Buc-ee's Family Travel Center to be located at 601 Village West Parkway in Kansas City, Kansas.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution Authorizing Buc-ee's Development Agreement, Buc-ee's Development Agreement, Executive Summary - Buc-ee's Travel Center (004)		

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

[Signature] 10/23/2024
Approved
[Signature]

RESOLUTION NO. R-____-24

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ENTER INTO THE
DEVELOPMENT AGREEMENT FOR BUC-EE'S FAMILY TRAVEL CENTER.**

WHEREAS, CSMS Management, LLC, a Delaware limited liability company ("Developer"), wishes to design, develop, and construct a new Buc-ee's travel center and related amenities (the "Project") on real property generally located at 601 Village West Parkway in Kansas City, Kansas;

WHEREAS, development of the Project should stimulate the economy of Wyandotte County through additional real property taxes and sales taxes, which would promote the public good, health, and welfare within Wyandotte County; and

WHEREAS, the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") has determined that it is advisable to enter into the Development Agreement (Buc-ee's Family Travel Center), attached hereto as **Exhibit A** (the "Agreement"), with Developer.

**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 Agreement 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 Agreement. The County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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

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

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON _____, 2024.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

Development Agreement (Buc-ee's Family Travel Center)

[Attached on following pages.]

**DEVELOPMENT AGREEMENT
(BUC-EE'S FAMILY TRAVEL CENTER)**

This DEVELOPMENT AGREEMENT (this "Agreement") is made effective as of the ____ day of _____, 2024 (the "Effective Date") by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and CSMS MANAGEMENT, LLC, a Delaware limited liability company ("Developer").

RECITALS

A. Developer wishes to design, develop, and construct a new Buc-ee's travel center and related amenities (the "Project," as further defined below in Section 2.2) on approximately 25 acres of real property generally located at 601 Village West Parkway in Kansas City, Kansas (the "Project Site"), as legally described on **Exhibit A-1** and generally depicted on **Exhibit A-2** attached hereto.

B. Developer does not yet own the Project Site, but has the right to acquire the Project Site from the current owner of the Project Site (the "Owner") pursuant to that certain Purchase and Sale Agreement executed as of June 7, 2023, and Developer shall, upon closing, have all rights to occupy and develop the same as set forth herein.

C. The UG has the authority to create a tax increment financing ("TIF") district pursuant to K.S.A. 12-1770 *et seq.*, as amended from time to time (the "TIF Act"), for the purpose of financing certain economic development projects. In order to establish a TIF district for the Project (the "TIF District"), the UG will have to (i) hold a public hearing to consider whether or not the Project Site is an eligible area under the TIF Act as an enterprise zone designated prior to July 1, 1992, and (ii) approve the creation of the TIF District by passage of an ordinance pursuant to the TIF Act (the "TIF District Ordinance"). It is expected that the boundaries of the proposed TIF District would be the same as the Project Site. The TIF District Ordinance is to be attached to this Agreement as **Exhibit B** upon approval and publication.

D. The TIF District, if approved by the UG, would include a single project area (the "Project Area"). Additionally, if the UG establishes the TIF District, the UG must hold a public hearing in connection with a project plan for the Project Area (the "Project Plan") and ultimately approve the Project Plan by passage of an ordinance (the "TIF Project Plan Ordinance"), all as required by the TIF Act. Any such Project Plan must provide, among other things, for the collection of Incremental Sales Taxes (defined below in Section 4.2(a)(i)) within the TIF District to be disbursed to and used by Developer and the UG on a pay-as-you-go basis to reimburse certain TIF Eligible Expenses (defined below in Section 4.2). The TIF Project Plan Ordinance is to be attached to this Agreement as **Exhibit C** upon approval and publication.

E. The UG has the authority to create a community improvement district ("CID") pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "CID Act"), for the purpose of financing certain economic development related projects. Under the CID Act, the owners of 55% of the land (by land area and assessed value) within the boundaries of a proposed CID may petition the UG to request the creation of a CID and to impose an additional CID sales tax on the sale of tangible personal property at retail or the rendering or furnishing of services which are taxable within the boundaries of the CID in order to pay for or reimburse a portion of the "costs" of a CID "project" (as defined in the CID Act).

F. On or about [REDACTED], 2024, in accordance with the CID Act, Developer caused the Owner to submit a proper petition (the "CID Petition") to the UG requesting the formation of a CID for the Project encompassing all of the Project Site (the "CID"), and requesting the imposition of a 1.0% add-on CID sales tax within the boundaries of the CID (the "CID Sales Tax") to be used to pay or reimburse CID

Eligible Expenses (as defined in Section 4.3). It is expected that the boundaries of the proposed CID would be the same as the Project Site.

G. In order to ultimately approve the CID for the Project in accordance with the CID Act, the UG would need to approve the creation of the CID by passage of an ordinance (the "CID Ordinance"), which would specify that the CID Sales Tax will commence on June 1, 2026 (the "CID Collection Date") or such other date as Developer may request by petition to the UG early enough that it may be heard by the UG's Economic Development and Finance Committee and advanced to full Commission for consideration, and provided to the Kansas Department of Revenue (the "DOR") on a date that is at least one full calendar quarter prior to such commencement date. The CID Ordinance is to be attached to this Agreement as **Exhibit D** upon approval and publication.

H. The parties agree that the Project is not financially feasible without the public-private partnership as set forth in this Agreement, and therefore the parties wish to enter into this Agreement to provide the necessary financing for the Project.

AGREEMENT

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

ARTICLE 1. DEFINITIONS AND INTERPRETATION

1.1 Interpretation. In this Agreement, unless a clear contrary intention appears:

- (a) the singular number includes the plural number and vice versa;
- (b) reference to any Person includes such Person's successors and assigns but, if applicable, only if such successors and assigns are permitted by this Agreement, and reference to a Person in a particular capacity excludes such Person in any other capacity or individually;
- (c) reference to any gender includes each other gender;
- (d) reference to any agreement, document or instrument means such agreement, document or instrument as amended or modified and in effect from time to time in accordance with the terms thereof;
- (e) reference in this Agreement to any article, section, appendix, annex, schedule or exhibit means such article or section thereof or appendix, annex, schedule or exhibit thereto;
- (f) each of the items or agreements identified on the attached Index of Exhibits are deemed part of this Agreement to the same extent as if set forth herein;
- (g) "hereunder", "hereof", "hereto" and words of similar import shall be deemed references to this Agreement as a whole and not to any particular article, section or other provision thereof;
- (h) "including" (and with correlative meaning "include") means including without limiting the generality of any description preceding such term; and
- (i) relative to the determination of any period of time, "from" means "from and including" and "to" means "to but excluding."

1.2 Accounting Terms. Unless expressly otherwise provided, accounting terms shall be construed and interpreted, and accounting determination and computations shall be made, in accordance with GAAP.

1.3 Legal Representation of the Parties. This Agreement was negotiated by the parties hereto with the benefit of legal representation and any rules of construction or interpretation otherwise requiring this Agreement to be construed or interpreted against any party shall not apply to any construction or interpretation hereof or thereof.

1.4 Definitions. All capitalized terms used in this Agreement shall have the meanings ascribed to them in Annex 1 attached hereto and made a part hereof, or as otherwise provided herein.

ARTICLE 2. THE PROJECT

2.1 Undertaking of Developer. Developer hereby agrees, subject to the terms and conditions hereinafter provided, to develop, construct, complete and operate the Project. The performance of all activities by Developer hereunder shall not be as an agent of the UG, except as otherwise specifically provided herein.

2.2 Development of the Project Site. The UG and Developer hereby agree that the Project shall be as described below. Developer contemplates that all buildings, parking facilities and other improvements constituting the Project, as specifically described in this Section 2.2 (the "Improvements"), shall be developed, constructed, completed, and operated on the Project Site in substantial accordance and compliance with the terms and conditions of this Section 2.2 and the final site plan approval from the UG's Planning Commission (the "Development Plan") attached hereto as **Exhibit E**. The Improvements are generally depicted on the Development Plan. On and subject to the terms and provisions set forth in this Agreement, Developer shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Improvements, and shall operate and use the Improvements in the manner described herein, all in accordance with the terms of this Section 2.2 and all other Applicable Laws and Requirements, subject to the condition described in Section 3.1(f) below. The parties further agree as follows:

(a) The Project shall be designed, developed and constructed as a new Buc-ee's Family Travel Center and shall, at minimum, include the following Improvements: (i) a prototypical Buc-ee's Family Travel Center comprising an approximately 74,000 square-foot building; (ii) approximately 120 gas pumps; (iii) approximately twelve (12) electric charging stations; and (iv) other related amenities as determined by Developer. Developer shall also design, develop and construct sidewalks, entrances to the Project Site and any required signalization, pursuant to the Development Plan.

(b) Developer recognizes, stipulates and agrees that its signage shall be subject to all Applicable Laws and Requirements, and any special use permits granted by the UG's Board of Commissioners.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Applicable Laws and Requirements (the "Parking Improvements").

(d) Developer's plans for landscaping on the Project Site shall be considered in accordance with all Applicable Laws and Requirements and approval thereof by the UG will not be unreasonably withheld.

(e) Developer's design, development and construction of the Improvements shall in all respects comply with the Plans and Specifications (as further described in Section 5.2).

(f) The Project described in this Section 2.2 shall not be amended or modified if such amendment or modification would constitute a Material Change without (i) the prior written consent of the UG, which consent shall not be unreasonably withheld, and (ii) full compliance with all Applicable Laws and Requirements, provided, however, that nothing in this Agreement is intended to prohibit Developer from seeking a waiver, variance or modification of such Applicable Laws and Requirements if necessary to complete the Improvements shown on the Development Plan.

2.3 General Agreements. Developer agrees to promptly and completely perform each and all of its duties and obligations under this Agreement. The UG agrees to promptly and completely perform each and all of its duties and obligations under this Agreement.

ARTICLE 3. CONDITIONS

3.1 Construction and Public Financing Conditions. Except for the obligations expressly set forth in Section 3.2 below, the obligations of Developer and the issuance and delivery to Developer of any public financing contemplated under the terms of this Agreement shall be subject to the following conditions precedent (the "Public Financing Conditions"):

(a) Financing Plan. Developer shall secure and provide evidence of immediately available private funds which, when added to the Public Financing (as defined in Section 4.1 below) are sufficient to complete the Improvements. Developer shall provide evidence of such private funds in form and substance verifiable and approved by the UG's County Administrator in his or her sole discretion, in the form of: (x) cash funds held in a bank account; or (y) private equity and/or a closed loan from a financial institution that is ready, willing and able to provide construction draws for the Project, subject only to normal and customary draw conditions that are approved by the UG;

(b) Closing. Developer closing on its acquisition of the Project Site;

(c) TIF District and Project Plan Approval. The UG's Board of Commissioners shall have approved the TIF District and the Project Plan by approval of the TIF District and the TIF Project Plan Ordinance described in Recital C and Recital D above, or Developer shall have waived this requirement in writing;

(d) CID Approval. The UG's Board of Commissioners shall have approved the CID by approval of the CID Ordinance described in Recital G above, or Developer shall have waived this requirement in writing;

(e) IRBs. The UG's Commission shall have approved a Resolution of Intent for the IRB financing described in Section 4.9 below, or Developer shall have waived this requirement in writing; and

(f) Final Site Plan Approval. Developer shall have obtained all final site plan approvals, building and all other permits necessary to commence construction and any other required approvals for the Improvements as required by all Applicable Laws and Requirements, including without limitation, Developer's satisfaction with any variances, stipulations and/or approvals related to signage, foundation plantings, exterior façade insulation and finishing systems and use of ice machines.

Where approval of the UG is required for the various conditions set forth in this Section 3.1, such approval shall be granted or withheld by the UG's County Administrator in his or her sole, but reasonable discretion.

3.2 Termination. In the event that the Public Financing Conditions are not met or waived on or prior to March 1, 2025 (the "Drop Dead Date"), then (a) either party Developer shall have the right to terminate this Agreement if the unsatisfied condition is as set forth in Sections 3.1(a) or (b), or (b) Developer alone shall have the right to terminate this Agreement if the unsatisfied condition is as set forth in Sections 3.1(c) through (f), and any such termination shall be exercised by providing written notice to the other party within thirty (30) days of the Drop Dead Date, but in no case shall any such failure to satisfy a condition be deemed to be an event of default hereunder. Upon any such termination of this Agreement, the parties hereto shall have no further duty, obligation, or liability each to the other hereunder, except for those provisions that are specifically set forth herein to survive termination of this Agreement, 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 June 17, 2024, as amended, 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.

ARTICLE 4. FINANCING — SOURCE OF FUNDS

4.1 Public Financing; Source of Funds. Reference is hereby made to the Total Project Budget attached hereto as Exhibit F, and by this reference made a part hereof. The costs of the Project (the "Project Costs") will be funded in part by the TIF, the CID and the respective proceeds thereof (collectively, the "Public Financing"), as well as private equity and debt. Developer, using private equity and debt (the "Private Funds"), will initially advance all of the costs for the design, development and construction of the Project. Developer, subject to the terms and conditions of this Agreement, shall (a) be reimbursed for certain TIF Eligible Expenses from and to the extent of the TIF Proceeds collected during the Term (defined below in Section 6.1), (b) be reimbursed for certain CID Eligible Expenses (as defined in Section 4.3) from and to the extent of the CID Proceeds (as defined in Section 4.3(c)) collected during the Term and (c) interest on any unpaid TIF Eligible Expenses and unpaid CID Eligible Expenses at a rate not to exceed six percent (6%) per annum ("Project Interest") from the CID Proceeds as set forth below.

4.2 TIF. It is contemplated by the parties that the Project Costs shall be funded in part by TIF Proceeds. Developer has identified certain Project Costs which may be reimbursed with TIF Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within the TIF District, all as specifically identified on Exhibit F attached hereto, and are eligible for payment or reimbursement pursuant to the TIF Act (the "TIF Eligible Expenses"). In connection with the TIF District, the parties hereby agree as follows:

(a) Collection of TIF Revenues. For a period not to exceed fifteen (15) years from the date of approval of the Project Plan, the UG shall collect Incremental Sales Taxes as set forth below, unless the TIF District shall be earlier terminated pursuant to the express terms of this Agreement.

(i) Incremental Sales Tax. Subject to the terms and conditions of this Agreement and the TIF District Ordinance, the UG hereby agrees that the TIF Eligible Expenses may be financed and reimbursed with Pay-Go TIF Financing (defined below in Section 4.2(b)) from an amount equal to 50% of the Incremental City Sales Tax collected within the TIF District and 25% of the UG's share of the Incremental County Sales Tax collected within the TIF District. The "Incremental Sales Tax" includes the following incremental sales and use taxes, which are imposed pursuant to K.S.A. 12-187 *et seq.*: (A) the UG's 1% share of the current City of Kansas City sales tax rate of 1.625% (excluding

the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax)(the "Incremental City Sales Tax"), and (B) the UG's share of the current Wyandotte County 1% sales tax, which is currently 93.84% (the "Incremental County Sales Tax"), which annually exceed the Base Year Revenues received by the UG from the TIF District. For purposes hereof, the term "Base Year Revenues" means the amount of the sales and use taxes, respectively, for the 12-month period preceding publication of the TIF District Ordinance for each of (x) the UG's 1% share of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax), and (y) the UG's share of the current Wyandotte County 1% sales tax, which is currently 93.84%.

(ii) TIF Fund. During the TIF Collection Period (defined below in Section 4.2(b)(i)), an amount equal to 50% of the Incremental City Sales Tax collected within the TIF District and 25% of the UG's share of the Incremental County Sales Tax collected within the TIF District shall be deposited into a separate fund (the "TIF Fund"), which shall be established and administered by the UG in compliance with this Agreement and all Applicable Laws and Requirements.

(iii) TIF Proceeds. The revenues received from the Incremental Sales Taxes (as described above), less the TIF Administrative Fee (defined below in Section 4.2(d)), constitute the "TIF Proceeds". The TIF Proceeds shall be used to reimburse Developer for the TIF Eligible Expenses, subject to the limitations in the TIF Act and provided that none of the TIF Proceeds shall be used to pay for anything other than the TIF Eligible Expenses specifically identified on Exhibit F without the prior approval of the UG, in its sole discretion.

(b) Pay-Go TIF Financing. Subject to the terms and conditions of this Agreement, the parties hereby agree that the TIF Proceeds shall be disbursed by the UG to Developer from the TIF Fund on a pay-as-you-go basis ("Pay-Go TIF Financing") upon Developer's completion of the Project to reimburse Developer for TIF Eligible Expenses, if and to the extent that: (1) there are sufficient TIF Proceeds in the TIF Fund, (2) Developer has fully satisfied all of the conditions set forth in Section 4.5, (3) Developer has not already been reimbursed for TIF Eligible Expenses in an amount equal to the TIF Cap (defined below in Section 4.2(b)(ii)), and (4) the Term has not yet expired and this Agreement has not otherwise been terminated. The parties further agree as follows:

(i) TIF Collection Period. The Incremental Sales Taxes shall be collected within the TIF District for a period that commences on the date that the Project Plan is approved by the UG's Board of Commissioners up to and concluding upon that date which is the earlier of (x) the date that Developer has been reimbursed for all TIF Eligible Expenses by Pay-Go TIF Financing in an amount equal to the TIF Cap, or (y) fifteen (15) years from the date that the Project Plan was approved (the "TIF Collection Period"). At the end of the TIF Collection Period, the parties understand and agree that the Developer shall have no further access to such Incremental Sales Taxes to reimburse or pay for TIF Eligible Expenses.

(ii) TIF Cap. The TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses through Pay-Go TIF Financing shall in no event exceed \$3,347,127 (the "TIF Cap"). The TIF Cap shall, for all purposes set forth herein, operate as a cap on the use of TIF Proceeds for reimbursement to Developer of any of Developer's TIF Eligible Expenses. Once Developer has received an amount equal to the TIF Cap in reimbursements

of TIF Eligible Expenses through Pay-Go TIF Financing, the parties understand and agree that Developer's access to the Pay-Go TIF Financing shall thereafter terminate.

(iii) Conditions for Reimbursement. Developer shall not receive any reimbursements from Pay-Go TIF Financing unless and until the conditions precedent set forth in Section 4.5 have been fully satisfied or waived by the UG, upon which satisfaction or waiver Developer shall be reimbursed as provided in this Agreement.

(c) No TIF Bonds. Developer hereby understands and agrees that all reimbursements to Developer hereunder shall be made only from Pay-Go TIF Financing, and nothing in this Agreement shall in any way obligate the UG to issue bonds or other obligations to reimburse Developer for the TIF Eligible Expenses or any other Project Costs.

(d) TIF Administrative Fee. A portion of the Incremental Sales Taxes shall be used to pay an administrative fee in an amount equal to 1% of such Incremental Sales Taxes (the "TIF Administrative Fee"). The TIF Administrative Fee shall be due and payable on the date the Incremental Sales Taxes are received by the UG. Developer hereby understands and agrees that such TIF Administrative Fee shall be withheld by the UG prior to depositing the TIF Proceeds into the TIF Fund. As and when there are sufficient TIF Proceeds to pay the TIF Administrative Fee, the TIF Administrative Fee shall have first priority to available Incremental Sales Taxes.

4.3 CID. It is contemplated by the parties that the Project Costs shall be funded in part by CID Proceeds (as defined in Section 4.3(c)). Developer has identified certain Project Costs which may be reimbursed with CID Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within the CID, all as specifically identified on Exhibit F attached hereto, and are eligible for payment or reimbursement pursuant to the CID Act (the "CID Eligible Expenses"). In connection with the CID, the parties hereby agree as follows:

(a) Collection of CID Revenues. For a period of 20 years from the CID Collection Date, the UG shall collect CID Sales Taxes as set forth below, unless the CID shall be earlier terminated pursuant to the express terms of this Agreement.

(b) CID Sales Tax. Subject to the terms and conditions of this Agreement and the CID Ordinance, the UG hereby agrees that the CID Eligible Expenses and Project Interest may be reimbursed with Pay-Go CID Financing (defined below in Section 4.3(e)) from the imposition of the CID Sales Tax in the amount of 1.0% on the sale of tangible personal property at retail or rendering or furnishing of services which are taxable pursuant to the Kansas Retailers' Sales Tax Act (K.S.A. 79-3601 *et seq.*) from only those revenues received from within the CID. Developer agrees to provide to the DOR a list of tenants, licensees, vendors and concessionaires within the CID within the timeframes required by the DOR, so that the DOR can notify tenants within the CID of their requirement to collect the CID Sales Tax. At the time the list of tenants, licensees, vendors and concessionaires is provided to the DOR, Developer shall also provide a copy to the UG.

(c) CID Proceeds. The revenues received from the imposition of the CID Sales Tax, less the CID Administrative Fee (as defined in Section 4.3(g)), constitute the "CID Proceeds" and shall be collected and deposited into the CID Fund (as defined in Section 4.3(d)). The CID Proceeds shall be disbursed as follows:

(i) first, the UG may reimburse itself for any of its legal fees incurred in connection with this Agreement (and not otherwise paid or reimbursed pursuant to the Funding Agreement) from the CID Proceeds; and

(ii) thereafter, to pay or reimburse Developer for the remaining CID Eligible Expenses and Project Interest, subject to the limitations in the CID Act and provided that none of the CID Proceeds shall be used to pay for anything but the CID Eligible Expenses identified on Exhibit F attached hereto and Project Interest, without the prior approval of the UG in its sole discretion.

(d) CID Fund. During the existence of the CID, all CID Proceeds generated within the CID shall be deposited into a separate fund (the "CID Fund"), established and administered by the UG in compliance with this Agreement and all Applicable Laws and Requirements.

(e) Pay-Go CID Financing. The parties hereby agree that the CID Proceeds shall be disbursed by the UG to Developer quarterly from the CID Fund on a pay-as-you-go basis ("Pay-Go CID Financing") upon Developer's completion of the Project to reimburse Developer for the CID Eligible Expenses and Project Interest, if and only to the extent that: (1) there are sufficient CID Proceeds in the CID Fund, (2) Developer has fully satisfied all of the conditions set forth in Section 4.5, (3) Developer has not already been reimbursed for CID Eligible Expenses in an amount equal to the CID Cap (as defined in Section 4.3(e)(ii) below) and Project Interest, and (4) the Term has not yet expired. The parties further agree as follows:

(i) CID Collection Period. The CID Sales Tax shall be collected within the CID for a period commencing on the CID Collection Date -- the date that the CID Sales Tax is first imposed within the CID and up to and concluding upon that date which is the earlier of (a) the date that Developer has been reimbursed for all CID Eligible Expenses by Pay-Go CID Financing in an amount equal to the CID Cap and has been reimbursed for all Project Interest, or (b) the date that is 20 years after the CID Collection Date (the "CID Collection Period"). At the end of the CID Collection Period, the parties understand and agree that the CID shall thereafter terminate, the CID Sales Tax shall terminate and no longer be levied or collected within the CID, and the UG shall promptly take any action required to so terminate the CID and the CID Sales Tax.

(ii) CID Cap. The CID Proceeds shall be available to Developer for reimbursement of CID Eligible Expenses and Project Interest through Pay-Go CID Financing. The CID Proceeds available to Developer pursuant to subsection 4.3(c) for reimbursement of CID Eligible Expenses shall in no event exceed an amount equal to \$10,041,382 (the "CID Cap"). The CID Cap shall, for all purposes set forth herein, operate as a cap on the use of CID Proceeds for reimbursement to Developer of any of Developer's CID Eligible Expenses; provided, however that the CID Cap shall not apply to reimbursement of Project Interest. Once Developer has received an amount equal to the CID Cap in reimbursements of CID Eligible Expenses and reimbursement of Project Interest through Pay-Go CID Financing, the parties understand and agree that Developer's access to the Pay-Go CID Financing shall thereafter terminate.

(iii) Conditions for Reimbursement. Developer shall not receive any reimbursements from Pay-Go CID Financing unless and until the conditions precedent set forth in Section 4.5 have been fully satisfied or waived by the UG, upon which satisfaction or waiver Developer shall be reimbursed from Pay-Go CID Financing as provided in this Agreement.

(iv) Payment of Project Interest. All Project Interest shall be paid to Developer through CID Proceeds, and the UG may elect to issue a bond or other instrument to Developer to provide for the payment of Project Interest to Developer hereunder.

(f) No CID Bonds. Developer hereby understands and agrees that all reimbursements to the Developer hereunder shall be made only from Pay-Go CID Financing, and nothing in this Agreement shall in any way obligate the UG to issue bonds or other obligations to reimburse Developer for the CID Eligible Expenses or any other Project Costs.

(g) CID Administrative Fee. A portion of the CID Proceeds from the CID shall be used to pay an administrative fee in an amount equal to one percent (1%) of the CID Proceeds actually received by the UG from the DOR (the "CID Administrative Fee"), and Developer hereby understands and agrees that such CID Administrative Fee shall be withheld by the UG prior to depositing the balance of the CID Proceeds into the CID Fund. As and when there are sufficient CID Proceeds from the CID to pay the CID Administrative Fee, such CID Administrative Fee shall have first priority to available CID Proceeds.

4.4 Limitations. In addition to the TIF Cap and CID Cap described above, the Public Financing shall also be subject to the following limitations:

(a) 50/50 Limitation. The Public Financing available to Developer for reimbursement of TIF Eligible Expenses and/or CID Eligible Expenses at any given time shall be limited to an amount which is equal to one-half (1/2) of the amount of Project Costs which have been paid by Private Funds. In other words, the reimbursement of Project Costs from Public Financing shall be paid on a 50/50 basis between Private Funds and a combination of TIF Proceeds and CID Proceeds available to Developer, and there shall not at any time during the Term be more Project Costs paid with the proceeds of the Public Financing (the "Public Financing Proceeds") than the amount of Project Costs paid by Private Funds (the "50/50 Limitation"). However, the parties understand and agree that for purposes of this provision, the portion of Private Funds which is spent on legal fees, developer fees, and contingency shall not be included in the calculation of Private Funds for purposes of calculating the 50/50 Limitation. By way of illustrative example of the 50/50 Limitation, if at a given point in time, Developer has incurred Project Costs (including any CID Eligible Expenses and TIF Eligible Expenses) equal to \$200 (none of which has been reimbursed with Public Financing), then Developer's maximum reimbursement for CID Eligible Expenses and/or TIF Eligible Expenses from Public Financing is \$100. However, the parties further understand and agree that if at a given point in time, Developer has incurred \$225 of Project Costs, of which \$125 are CID Eligible Expenses and/or TIF Eligible Expenses and \$100 are not CID Eligible Expenses or TIF Eligible Expenses (and are not land acquisition, legal fees, and/or construction period interest), then: (i) at that particular time, no more than \$100 of CID Eligible Expenses and/or TIF Eligible Expenses may be reimbursed with Public Financing Proceeds, but (ii) if Developer later incurs an additional \$25 of Project Costs which are paid with Private Funds, then the remaining \$25 of CID Eligible Expenses and/or TIF Eligible Expenses may be reimbursed with Public Financing Proceeds. Payment of Project Costs from Private Funds shall be evidenced to the UG as set forth in Section 4.6 below.

(b) Percentage Limitation. In addition to the CID Cap, TIF Cap and the 50/50 Limitation set forth above, the parties hereby agree that upon completion of the Improvements and submittal of the final Certificates of Expenditure by Developer pursuant to Section 4.6 below, the TIF Cap shall be reduced if and to the extent that the TIF Eligible Expenses and CID Eligible Expenses (not including Project Interest) shall be more than 20% of the total Project Costs (including the Private Funds therefor). In other words, if and to the extent that the TIF Eligible Expenses and CID Eligible Expenses (not including Project Interest) shall collectively be more than 20% of the total Project Costs, then Developer hereby agrees that the TIF Cap shall be proportionately reduced so that the TIF Eligible Expenses and CID Eligible Expenses (not including Project Interest) shall not be more than 20% of the total Project Costs.

4.5 Conditions Precedent to Reimbursements. Developer hereby understands and agrees that even when Public Financing Proceeds have begun to be collected by the UG, the UG will hold and not disburse to Developer any reimbursements for TIF Eligible Expenses and/or CID Eligible Expenses from Public Financing, unless and until the conditions precedent set forth below have been fully satisfied as determined by UG in its sole reasonable discretion:

(a) The UG has approved Certificate(s) of Expenditures for such CID Eligible Expenses and/or TIF Eligible Expenses;

(b) Developer shall have completed and opened the Project; and

(c) Developer shall be in full compliance with the terms and conditions of this Agreement and shall not be in default hereunder, nor shall there be conditions, actions or omissions of Developer which will, with the passage of time, become occurrences of default hereunder.

4.6 Certificate(s) of Expenditures for Reimbursement from Public Financing Proceeds. The parties hereby agree as follows:

(a) Certificate of Expenditures. In order to receive reimbursement for Project Costs from Public Financing Proceeds, Developer shall submit a certificate of expenditures in the form attached hereto as **Exhibit G** (each, a "Certificate of Expenditures") attesting to the expenditure of Project Costs in accordance with the procedure set forth below. Developer may submit one Certificate of Expenditures for all costs of the Project, or periodic Certificates of Expenditures during the construction of the Project, but no more than one time per month. Additionally, Developer shall require that no transferee, purchaser, or lessee of any portion of the Project Site otherwise provide Certificate(s) of Expenditures to the UG, except through Developer or except as otherwise approved by the UG and Developer.

(b) Procedures for Certification of Expenditures. The UG or a representative of the UG shall review the Certificate(s) of Expenditures to be made in connection with the Project Costs for approval or denial of the same as follows:

(i) Developer shall submit to the UG a Certificate of Expenditures setting forth the amount for which certification is sought and identification of the relevant Project Costs and the appropriate source of Public Financing Proceeds (CID Fund or TIF Fund) for payment of such Project Costs. Developer shall further certify to the UG that it will only use: (x) the CID Proceeds for CID Eligible Expenses, and (y) the TIF Proceeds for TIF Eligible Expenses.

(ii) Each Certificate of Expenditures shall be accompanied by an accounting of the Private Funds paid to date, along with supporting documentation therefor.

(iii) Each Certificate of Expenditures shall be accompanied by such bills, contracts, invoices and other evidence with respect to the costs requested for payment or reimbursement in the Certificate of Expenditures for any TIF Eligible Expenses and CID Eligible Expenses as the UG shall reasonably require to document appropriate payment; provided however that the UG will provide a process for a confidential review of any Project Costs which are to be paid with Private Funds, which process may include a direct submittal to the third-party representatives described in subsection (c) below, along with a commercially reasonable non-disclosure agreement.

(iv) The Certificate of Expenditures shall be accompanied by a report regarding any LBE/MBE/WBE participation associated with the costs requested for payment or reimbursement in the Certificate of Expenditures.

(v) The UG reserves the right to, at reasonable times and upon reasonable notice, have its engineer or other agents, consultants or employees inspect all the items set forth in Section 4.6(b)(iii) above as reasonably necessary to determine that the expenses therein are valid, eligible and properly incurred and constitute CID Eligible Expenses or TIF Eligible Expenses (as the case may be).

(vi) The UG shall have 120 calendar days after receipt of any Certificate of Expenditures to review and respond by written notice to Developer. If the UG disapproves of the Certificate of Expenditures, the UG shall notify Developer in writing of the reason for such disapproval within such 120-day period, in which event Developer shall have the right to revise and re-submit the Certificate of Expenditures to address the UG's reason for disapproval, and the UG will review and approve the revised Certificate of Expenditures within 30 calendar days after receipt of the re-submitted Certificate of Expenditures. Approval of any Certificate of Expenditures will not be unreasonably withheld, conditioned, or delayed. If the UG intends to disapprove a Certificate of Expenditure and such disapproval is related to certain line items or certain discrete Project Costs, then the UG shall limit its disapproval to those items in dispute and the remainder of the Certificate of Expenditure shall be approved for reimbursement. Similarly, if the UG intends to disapprove a Certificate of Expenditure for reasons related to a default or violation of certifications 4, 5, 6, 7 or 8 under the Certificate of Expenditure, then the UG may only withhold approval of a Certificate of Expenditure in an amount equal to 200% of the amount which would reasonably be necessary to cure such default. As an illustrative example, if a payment dispute exists between Developer and a subcontractor in the amount of \$1,000, then the UG may withhold approval of a Certificate of Expenditure in the amount of \$2,000 with the remainder of the Certificate of Expenditure to be released for reimbursement.

(c) Third Party Oversight/Management. The parties hereby understand and agree that the process to approve Certificate(s) of Expenditures and properly disburse the Public Financing Proceeds is important to the UG and Developer for various reasons. Accordingly, the parties hereby understand and agree that the UG may retain outside third-party representatives to manage and/or provide oversight to this process and Developer hereby agrees to fully cooperate with any such third-party representatives in this process and to pay the UG's costs for retaining any such third parties with such payments to be considered Project Costs and eligible for reimbursement as a CID Eligible Expense provided the cost for any such third party review for any Certificate of Expenditure shall not exceed \$50,000, cumulatively, without approval of Developer.

4.7 Reimbursement Priority. All payments or reimbursements of whatever kind from the UG to Developer under this Agreement shall be made in the following priority:

(a) First, to the UG, to the extent permitted by Applicable Laws and Requirements, as payments by Developer for any amounts due and owing to the UG; provided, however, that the UG shall first provide Developer with advance written notice specifying the amount(s) in question, and afford Developer a period of 10 days following its receipt of such notice in which to pay such amount(s) from Private Funds, including, without limitation: (i) all amounts delinquently due or owing, including all taxes, fees, or fines and including any interest and penalty thereon, by Developer to the UG under this Agreement, under any other agreement between Developer and the

UG, or under any Applicable Laws and Requirements; (ii) all actual out-of-pocket costs incurred (and any interest or penalty thereon) by the UG in entering into, operating under, or enforcing this Agreement, including reasonable attorneys' fees, and all costs of pursuit of Developer (or any Affiliate); (iii) indemnification of the UG for any indemnity obligation owed by Developer (or any Affiliate) to the UG, and any interest or penalty thereon; and (iv) any reimbursement due to the UG on account of any prior overpayment or over-reimbursement to Developer under this Agreement, under any other agreement between Developer and the UG, or under any Applicable Laws and Requirements; and

(b) Second, to Developer for actual amounts to which Developer is entitled by the other provisions of this Agreement.

4.8 Line Items. The parties hereby agree that increases or decreases in line item amounts in the columns labeled "CID Eligible Expenses" or "TIF Eligible Expenses" in the Total Project Budget as set forth on **Exhibit F** may be made by Developer as long as: (a) no increase is made within any of the "Soft Costs" or "Contingency" line items or any line item that is marked with a zero (\$0.00) allocation in the "CID Eligible Expenses" and/or "TIF Eligible Expenses"; (b) no other increase represents more than 12% change per line item, and (c) Developer provides the County Administrator's office with prior written notice of such change. No increase will be effective without such notice to the County Administrator's office and a modified Total Project Budget reflecting such change. However, in the event the Developer wants to increase a "Soft Cost" or "Contingency" line item or increase one or more other line items in the Total Project Budget in excess of 12% per line item, then any such modifications may be requested by Developer in writing and approved by the County Administrator and such approval shall not be unreasonably withheld, conditioned or delayed.

4.9 IRBs. Developer has requested IRB financing in order to pay certain Project Costs pursuant to K.S.A. 12-1741 *et seq.* Subject to all Applicable Laws and Requirements and subject further to compliance by Developer with all of the UG's requirements for the issuance of IRBs, the parties hereby agree that Developer may use IRB financing to obtain an exemption on sales taxes for construction materials, equipment and furnishings for the Project. However, the parties hereby understand and agree that IRB financing shall not be used for abatement of ad valorem taxes for the Project or the Project Site. Developer agrees to pay all costs and expenses related to the issuance of the IRBs, including without limitation the UG's IRB issuance fees.

ARTICLE 5. CONSTRUCTION OF IMPROVEMENTS

5.1 Architect. Developer shall select such architects, engineers and other design professionals and consultants as are necessary to provide construction documents and construction oversight services for the Improvements. All agreements respecting architectural and engineering services shall be between Developer and such Persons, and a copy of each such agreement shall be timely provided to the UG upon a request for the same.

5.2 Design and Plans and Specifications. Developer shall, as soon as practicable, provide the UG with plans and specifications for the Improvements (the "Plans and Specifications"), which Plans and Specifications shall include cost estimates for the Improvements, the design of which is compatible with the Development Plan, the Project Plan and all Applicable Laws and Requirements. Developer recognizes, stipulates and agrees that the Plans and Specifications will be presented to and subject to approval by the appropriate Government Authorities in accordance with Applicable Laws and Requirements. Without the prior written approval of the appropriate Government Authorities, there shall be no Material Changes to the Plans and Specifications subsequent to the initial approval.

5.3 General Contractor and Construction Documents. Developer shall select one or more general contractors (the "General Contractor") for the Improvements. Developer represents that its construction contract with its general contractor relative to the Improvements (the "Construction Documents") will require and provide for (a) the design, development, construction, equipping and completion of the Improvements (or applicable portion thereof) in accordance with this Agreement, the Development Plan, the Project Plan, the Plans and Specifications, and all Applicable Laws and Requirements; and (b) a guaranteed maximum price, or other commercially reasonable payment structure acceptable to Developer. Developer shall provide the UG with a copy of the Construction Documents.

5.4 Changes or Amendments. Developer shall promptly deliver to the UG copies of all change orders or other changes or amendments to the Construction Documents that constitute a Material Change. Developer agrees with the UG that it will perform its duties and obligations under the Construction Documents in all material respects.

5.5 Terms and Requirements for Improvements. The contracts for all Improvements in the Project shall comply with all Applicable Laws and Requirements. Any Material Changes to the Improvements require the prior approval of the UG in accordance with Applicable Laws and Requirements. The UG, or its designee, shall have the right to inspect, observe, and oversee the construction of the Improvements in order to ascertain and determine whether the requirements of this Agreement have been met. Developer shall obtain the UG's approval of all change orders relating to the Improvements that result in a Material Change and such approval shall not be unreasonably withheld, conditioned or delayed.

5.6 Responsibility for Design and Construction. Developer shall, subject to the terms of this Agreement, the Development Plan and the Project Plan, have the sole right and the responsibility to design, manage, construct and operate the Project. Developer shall receive no separate fee from the UG for acting as construction manager or developer of the Project.

5.7 Payment and Performance Bonds. If required by Applicable Laws and Requirements for the Improvements, the General Contractor shall be required under the Construction Documents to furnish and maintain in full force and effect performance and labor and material payment bonds for the scopes of work associated with TIF Eligible Expenses or CID Eligible Expenses in an amount not to exceed the sum of the TIF Cap and the CID Cap. The bonds shall be in form and substance and issued by a corporate surety reasonably satisfactory to Developer, Developer's lender, and the UG.

5.8 Permits and Reviews. Developer hereby recognizes, stipulates and agrees that: (a) in the design, construction, completion, use or operation of the Improvements, Developer, or its General Contractor, shall procure and pay for any and all permits, licenses or other forms of authorizations that are, from time to time, required by Applicable Laws and Requirements; and (b) nothing herein shall be construed as any release by the UG of the responsibility of Developer to comply with and satisfy the requirements of all Applicable Laws and Requirements.

5.9 Periodic Meetings with Developer. From the Effective Date until Substantial Completion of the Project, Developer hereby agrees to meet with the UG at such intervals as Developer, the UG and any such designee of the UG shall mutually agree or reasonably request, and not more frequently than monthly, to review and discuss the design, development and construction of the Improvements and the Project. Such meetings may occur via Zoom, Teams or other digital conferencing software or other such means agreed upon by the UG and Developer.

5.10 Commencement Date and Completion Date. Developer hereby agrees that, subject only to Force Majeure (defined below in Section 9.2), Developer shall Commence Construction on or before that date which is 60 calendar days after the Drop Dead Date (the "Commencement Date"). Developer further

agrees that, subject only to Force Majeure, Developer shall achieve Substantial Completion and open the Project on or before 24 months after the Commencement Date (the "Completion Date").

ARTICLE 6. USE AND OPERATION

6.1 Term. The Term of this Agreement shall commence on the Effective Date and shall expire on that date which is the later of: (a) the last day of the CID Collection Period or (b) the last day of the TIF Collection Period (the "Term").

6.2 Use and Operation. Developer covenants that at all times during the Term, it will, at its expense:

(a) Use the Project only as a prototypical Buc-ee's Family Travel Center as described in Section 2.2 above (the "Permitted Use").

(b) Conduct its business at all times in a dignified quality manner and in conformity with first-class industry standards.

(c) Open and occupy the Project by the Completion Date and thereafter continuously operate and conduct business and without interruption, use, occupy and operate all of the same, other than such minor portions thereof as are reasonably required for maintenance, storage and office purposes; use such storage and similar space only in connection with the business conducted by Developer in the Project; furnish and install all trade fixtures and permitted signs; open for business and remain open during the entire Term. Notwithstanding the foregoing, the parties hereby agree as follows:

(i) the Improvements shall be continuously open during the Term, subject to Developer's (x) security and management restrictions; and (y) right to temporarily close as necessary for repair, maintenance, etc.; and

(ii) the Improvements, or any portion thereof may be closed temporarily for periods during national pandemics, Casualty, reconstruction and/or as otherwise required by any Applicable Laws and Requirements; and

(iii) the Improvements or portions thereof may be temporarily closed during remodeling or during periods of rebranding.

(d) Developer hereby recognizes that its covenants in this Section 6.2 are a material consideration to the UG. Without the covenants set forth in this Section 6.2, the UG would not agree to provide the Public Financing set forth herein.

(e) Additionally, Developer hereby understands and agrees that the nature of the retail uses within the TIF District and the CID are critical to the UG's creation of same. Accordingly, the parties hereby agree that the following uses shall be prohibited within the TIF District and the CID, except as otherwise provided herein or with the prior written approval of the UG:

(i) Any use which is offensive by reason of odor, fumes, dust, smoke, noise, or pollution, or which constitutes a nuisance or is hazardous by reason of fire or explosion, or injurious to the reputation of the Project, as determined by the UG and Developer in their reasonable discretion.

(ii) A facility primarily used as a storage warehouse operation, mini-warehouse, or freight terminal.

(iii) A facility for the manufacturing, refining, or smelting, drilling, mining, exploring or the producing of oil, gases or other minerals.

(iv) Any use which involves the long-term raising, breeding, and keeping of any animals or poultry.

(v) Salvage or reclamation yards and the storage of inoperative vehicles.

(vi) Any pawn shop or "second hand" store; provided, however, that the foregoing restriction shall not in any way prohibit the operation of high quality antique or so-called vintage stores.

(vii) Any mobile home park, camp ground, trailer court, or labor camp; provided, however, that the foregoing restriction shall not be applicable to temporary access and use by trailers, delivery trucks or recreational vehicles of invitees, guests, and customers of the Project.

(viii) Any dumping, disposing, incineration or reduction of garbage; provided, however, that this prohibition shall not be applicable to garbage compactors located near the rear of the building in the Project subject to the approved final Development Plan, the Project Plan, and in compliance with all Applicable Laws and Requirements.

(ix) Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation.

(x) Any central laundry, or laundromat; provided, however, this prohibition shall not be applicable to a drop-off and pickup facility, or a central laundry or laundromat that complies with Environmental Regulations and other Applicable Laws and Requirements.

(xi) Any automobile, truck or equipment dealerships of any kind, including without limitation, facilities with permanent sales, leasing or displays of any automobile, truck, trailer or recreational vehicle, except for in conjunction with promotions, displays, and other marketing activities (subject to Applicable Laws and Requirements).

(xii) Any body shop repair operation, engine repair or vehicle repair facility for all vehicles, including motorcycles.

(xiii) Any mortuary or funeral home.

(xiv) Any establishment selling or exhibiting pornographic materials or which sells drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially-clothed dancers or wait staff and/or any massage parlors or similar establishments.

(xv) A nightclub, which shall be deemed to mean any bar, club or other establishment that derives 70% or more of its gross receipts from the sale of alcoholic beverages; provided that this restriction is not intended to prohibit a high-quality brewery, distillery or restaurant.

(xvi) Any store selling tobacco products, CBD products, electronic or vapor smoking devices or paraphernalia; provided that this restriction is not intended to prohibit a Buc-ee's travel center, a convenience store, drug store, high-quality and reputable gas station or convenience store, or other businesses where such products are sold but are not material to the business's primary source of revenue.

(xvii) Any hookah bars or other establishment with a primary focus on smoking.

(xviii) Pay-day or title loan facilities.

(xix) Any seasonal tax preparation facilities; provided, however, for purposes of clarity, nothing herein is intended to prohibit independent certified public accountants with office space in the Project.

(xx) Any store or business that uses "street marketing" of any kind, including without limitation, inflatable signs or characters, people dressed in costume, holding signs or wearing sandwich-boards or otherwise advertising directly to pedestrians or vehicular traffic.

(xxi) Any precious metals facilities, except for and excluding high quality jewelry stores that purchase precious metals as an ancillary part of their business operations.

(xxii) A flea market.

(xxiii) Any use not permitted by the applicable zoning ordinance of the UG.

The foregoing list of prohibited uses is not intended to supplant the requirements and/or prohibition of uses stated within the UG's Code of Ordinances. The UG's Board of Commissioners may grant variances to the restrictions set forth in this Section 6.2(f) from time to time in its sole and absolute discretion. At Closing, or within 30 days thereafter, Developer and the UG shall execute a document which shall memorialize the restrictions set forth in this Section 6.2(f) and record the same against the Project Site, which restrictions shall be effective and run with the land for the Term of this Agreement.

6.3 Development Plan. During the Term, Developer agrees that it shall materially perform and comply with each and all of the terms and provisions of the Development Plan, and not suffer or permit any default or breach of any such terms or provisions of the Development Plan.

6.4 Maintenance and Use. During the Term, Developer shall cause the Project, and all parts thereof, the Project Site and all other of its property used or useful in the conduct of its business and operations on 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 similarly situated Buc-ee's Family Travel Centers in the Midwest, 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. Developer may make additions, alterations and changes to the Project so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements, the Development Plan, and the Project Plan, and as long as the same do not materially adversely affect Developer's ability to perform its obligations under this Agreement. Developer agrees to set aside on its books such reasonable reserves for future maintenance and capital expenditures.

6.5 Compliance. Developer shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Project; provided, however, that nothing contained in this Agreement shall require Developer to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Developer in good faith by appropriate proceedings, and provided that Developer shall have set aside on its books adequate reserves in accordance with GAAP or secured adequate bonding with respect to such contest and such contest shall not materially impair the ability of Developer to meet its obligations under this Agreement. Developer agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding sentence.

6.6 Payment of Taxes and Other Charges. During the Term, Developer and each successor owner within the Project shall pay or cause to be paid as they become due and payable all taxes, assessments and other governmental charges lawfully levied or assessed or imposed upon parcels owned by Developer or upon any income therefrom, including, but not limited to, any taxes, assessments, or other governmental charges levied, assessed or imposed on the Project, the Project Site, and/or the Improvements. Ad valorem property taxes shall be due in arrears, with half due on December 20th and half due on May 10th of each year in which such amount is required to be paid, and will be considered delinquent if not paid by such dates of each such year or as otherwise determined by Applicable Laws and Requirements. The obligation to make ad valorem property tax payments shall be a covenant running with the land and shall create a lien in favor of the UG on each such tax parcel as constituted from time to time and shall be enforceable against Developer or each relevant successor parcel owner. Additionally, Developer hereby understands and agrees that if Developer shall fail to timely pay its ad valorem property taxes for a parcel, then Developer's access to the Public Financing Proceeds for the Project shall be suspended until such taxes are paid in full. Nothing herein is intended to restrict Developer's right to file property tax appeals as long as such taxes are paid under protest when the subject property taxes are due and owing during the pendency of an appeal.

6.7 Payment of Obligations. During the Term, Developer shall promptly pay or otherwise satisfy and discharge all of its obligations and all demands and claims against it as and when the same become due and payable, unless the validity, amount or collectability thereof is being contested in good faith or unless the failure to comply or contest would not materially impair its ability to perform its obligations under this Agreement nor subject any material part of the Project to loss or forfeiture.

6.8 Liens and Encumbrances/Subordination. During the Term, except for a Permitted Mortgage, Developer shall not incur, permit, create (or cause to be created) any mortgage, lien, security interest, charge or encumbrance upon the Project, or any part thereof, and shall promptly cause to be discharged, challenged or terminated all mortgages, liens, security interests, charges and encumbrances that are not Permitted Encumbrances or a Permitted Mortgage. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 6.2 of this Agreement. The Parties hereby further agree as follows:

(a) Except for the restrictions described in Section 6.2, the UG agrees to and hereby does subordinate the terms and conditions of this Agreement to a Permitted Mortgagee that is providing construction financing for the Project (a "Construction Mortgagee"); provided however that if and when any such construction financing is converted into permanent financing (regardless of the terms of such permanent financing), this Agreement shall no longer be deemed to be subordinate to the Permitted Mortgage. Notwithstanding the foregoing, a Construction Mortgagee

shall have the right, in its sole discretion, to subordinate such Construction Mortgage to this Agreement.

(b) The Parties hereby agree that except for the subordination provided by the UG in subsection (a) above, any other Permitted Mortgage shall be subordinate to this Agreement in all respects.

(c) The UG and any Permitted Mortgagee shall provide commercially reasonable documentation to confirm and evidence the agreements set forth herein upon request by the other party hereto.

6.9 Licenses and Permits. During the Term, Developer shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Project.

6.10 Insurance. During the Term, Developer shall maintain or cause to be maintained insurance with respect to the portions of the Project which it owns and operates covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of Developer, are adequate to protect Developer, the UG and the Project, but in no event in an amount less than that required by the Insurance Specifications attached hereto as Exhibit H, and made a part hereof. Each policy or other contract for such insurance shall: (i) name the UG as an additional insured (with respect to liability insurance and only in an amount equal to \$500,000), and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least 30 days after written notice of cancellation to Developer and each other insured, additional insured, loss payee and mortgage payee named therein. The rights of the UG to any insurance proceeds shall be subject and subordinate to the rights of any Permitted Mortgagee.

6.11 Damage, Destruction or Condemnation. The parties hereby agree as follows:

(a) In the event of damage to or destruction of any portion of the Improvements resulting from fire or other Casualty during the Term, or in the event any portion of the Improvements is condemned or taken for any public or quasi-public use or title thereto is found to be deficient during the Term, the net proceeds of any insurance relating to such damage or destruction, the net proceeds of such condemnation or taking, or the net proceeds of any realization on title insurance shall be paid into, and used in accordance with, a construction escrow agreement satisfactory to the UG and Developer ("Casualty Escrow").

(b) If, at any time during the Term, all or any portion of the Project shall be damaged or destroyed by a fire or other Casualty (the "Damaged Facilities"), Developer shall proceed as promptly as possible to repair, restore and replace the Damaged Facilities as nearly as possible to their condition immediately prior to the Casualty, and shall be entitled to draw upon the Casualty Escrow for payment of such costs.

(c) If at any time during the Term, title to the whole or substantially all of the Improvements shall be taken in condemnation proceedings or by right of eminent domain, Developer, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 6.11(c), "substantially all of the Improvements" shall be deemed to have been taken if the UG and Developer, each acting reasonably and in good faith, reasonably determines that the untaken portion of the Project, including the Parking Improvements, cannot be

practically and economically used by Developer for the purposes and at the times contemplated by this Agreement.

(d) Notwithstanding anything set forth above in this Section 6.11, if and to the extent a Permitted Mortgage sets forth any requirements for use of insurance proceeds following any damage, destruction or condemnation, the provisions of such Permitted Mortgage shall apply to the use of insurance proceeds following any such damage, destruction or condemnation; provided however, that notwithstanding a Permitted Mortgage's option to prohibit use of such insurance proceeds to repair or restore as otherwise required above, Developer shall nonetheless be required to secure the Project in accordance with Applicable Laws and Requirements and to repair, restore and replace the Damaged Facilities as nearly as possible to their condition immediately prior to the Casualty as set forth in subsection (b) above.

6.12 Indemnity. Developer shall pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense incurred by or imposed upon the UG arising out of: (a) the acquisition of the Project Site; (b) the design, construction and completion of the Project by Developer; (c) the use or occupation of the Project by Developer or anyone acting by, through or under it; (d) damage or injury, actual or claimed, of whatsoever kind or character occurring after Closing, to persons or property occurring or allegedly occurring in, on or about the Project; (e) any breach, default or failure to perform by Developer under this Agreement following any notice and cure period provided herein; (f) any act by an employee of the UG at the Project Site where such action is taken at the direction of Developer; and (g) any claims or challenges related to the legality of the approval of, or terms contained in the planning, zoning, platting or other governmental approvals necessary for this Project, this Agreement, the Development Plan, the Project Plan, the TIF District, the CID, the formation of the CID and/or the TIF District and collection of the Incremental Sales Taxes and/or CID Sales Taxes and the terms thereof, and of the public financing structure contemplated by this Agreement except to the extent such claims or challenges are based on failure of the UG to follow Applicable Law and Requirements. Developer shall also pay, indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Developer in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. If any action or proceeding is brought against the UG or its governing board members, directors, officers, employees or agents by reason of any such claim or demand, Developer, upon notice from the UG, covenants to resist and defend such action or proceeding on demand of the UG or its governing body members, directors, officers, employees or agents. Notwithstanding the foregoing, (i) no party benefited by this indemnity shall be indemnified against liability for damage arising out of bodily injury to persons or damage to property caused by such party's own respective willful and malicious acts or omissions or gross negligence, and (ii) Developer shall not ever be liable, under this Section 6.12 or any other provision of this Agreement, for any lost tax revenues, except as otherwise required under Section 6.6 hereof. The foregoing covenants contained in this Section 6.12 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive for a period of five (5) years following the termination, satisfaction or release of this Agreement.

6.13 Prohibition on Sales, Etc. Except for Permitted Encumbrances and a Permitted Mortgage, which are hereby permitted without any further approval of the UG, and except as otherwise provided herein, during the Term, Developer will not, without the prior written consent of the UG: (a) assign, sell, lease, mortgage or otherwise transfer the Project Site, the Improvements or equipment that comprise 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. Any such assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG shall be an "Approved Assignment" and the assignee, purchaser, lessee, mortgagee or transferee shall be an

"Assignee". The UG shall have the right to grant or withhold its consent to any of the aforesaid in its sole discretion after inquiry and delivery of information to the UG as to whether the proposed Assignee has sufficient financial wherewithal, reputation and experience to successfully complete and operate the Project according to the terms hereof. If there is an Approved Assignment, the Assignee shall assume and agree to pay and perform each and all of the terms and provisions hereof. Notwithstanding the foregoing, Developer shall have the right to assign and transfer the Project, as well as all of Developer's rights, duties and obligations set forth in this Agreement, to any Affiliate of Developer, all at Developer's sole and absolute discretion, provided that (i) Developer provides written notice of such transfer to the UG within thirty (30) days, along with a fully-executed assignment and assumption document evidencing such transfer and assumption by the Affiliate, and (ii) no such assignment shall release Developer from liability hereunder without a specific consent and approval of the UG.

6.14 Utilities. During the Term, all utility and utility services used by Developer in, on or about the Project shall be paid (or caused to be paid) for by Developer, and Developer shall, at no cost to the UG, procure any and all permits, licenses or authorizations necessary in connection therewith.

6.15 Access. During the Term, Developer hereby recognizes, acknowledges and agrees that the UG, and its duly authorized representatives and agents, shall have the right to enter the Project at reasonable times and upon reasonable notice, to substantiate compliance with this Agreement or, to the extent Developer has failed to cure any breach within applicable notice and cure periods, to cure any defaults under this Agreement. In exercising its rights hereunder, the UG shall use reasonable efforts to avoid unreasonable interference with the construction and operation of the Project. Except as otherwise provided in this Agreement, the UG shall pay all costs it incurs under this provision. Nothing contained in this Section 6.15 shall restrict or impede the right of the UG to enter the Project pursuant to any Applicable Laws and Requirements.

6.16 Environmental Matters. Except for and excluding any UG Environmental Matters (as defined below), as between Developer and the UG, Developer hereby agrees that Developer has sole responsibility for the costs of any remediation of any environmental conditions upon the Project Site. Further, Developer shall not store, locate, generate, produce, process, treat, transport, incorporate, discharge, emit, release, deposit or dispose of any Hazardous Substance in, upon, under, over or from the Project in violation of any Environmental Regulation; shall not permit any Hazardous Substance to be stored, located, generated, produced, processed, treated, transported, incorporated, discharged, emitted, released, deposited, disposed of or to escape therein, thereupon, thereunder, thereover or therefrom in violation of any Environmental Regulation; shall cause all Hazardous Substances to be properly removed therefrom and properly disposed of in accordance with all applicable Environmental Regulations; shall not install or permit to be installed any underground storage tank therein or thereunder in violation of any Environmental Regulation; and shall comply with all Environmental Regulations that are applicable to the Project. Developer shall indemnify the UG against, shall hold the UG harmless from, and shall reimburse the UG for, any and all claims, demands, judgments, penalties, fines, liabilities, costs, damages and expenses, including court costs and attorneys' fees incurred by the UG (prior to trial, at trial and on appeal) in any action against or involving the UG, resulting from any breach of the foregoing covenants or from the discovery of any Hazardous Substance, in, upon, under or over, or emanating from, the Project (collectively "Environmental Claims"), whether or not Developer is responsible therefor, it being the intent of Developer and the UG that the UG shall have no liability or responsibility for damage or injury to human health, the environment or natural resources caused by, for abatement and/or clean-up of, or otherwise with respect to, Hazardous Substances, which arises subsequent to Closing (collectively, "Environmental Damage"); provided, the indemnity under Section 6.12 and this Section 6.16 shall not apply to any Environmental Claims or Environmental Damage for matters occurring prior to Closing on certain property previously owned by the UG as specifically identified on Exhibit I attached hereto, or occurring at any time due to the gross negligence or willful misconduct of the UG (such Environmental Claims and

Environmental Damage, if any, herein collectively, the “UG Environmental Matters”). The foregoing covenants contained in this Section 6.16 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument. Any amounts covered by the foregoing indemnification shall bear interest from the date incurred to the Prime Rate plus 2%, or if less, the maximum rate permitted by law, and shall be payable on demand.

6.17 Power of the UG. Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent rights and powers of the UG to act in its capacity as a public body. Further, nothing herein shall relieve Developer from complying with all Applicable Laws and Requirements.

ARTICLE 7. SPECIAL PROVISIONS

7.1 Special Agreements of Developer.

(a) Developer recognizes, stipulates and agrees that it will actively market and advertise (or cause to be actively marketed and advertised) the Project in the Kansas City metropolitan area and regionally.

(b) During the Term, Developer agrees to participate in the civic, charitable, educational, philanthropic and economic development of the Kansas City, Kansas/Wyandotte County by being a dues-paying member in good standing with the KCK Area Chamber of Commerce and the Wyandotte Economic Development Council during the Term.

7.2 LBE/MBE/WBE Employment Opportunity Goals. Developer agrees to use its Best Efforts to comply with the goals set forth in Exhibit J (as the term "Best Efforts" is defined therein), attached hereto and made a part hereof, in order to identify and provide employment opportunities for local businesses and contractors, women and local minority-owned businesses. Except as expressly provided for in Section V.C.1 of Exhibit J, a failure under this Section 7.2 herein and/or Exhibit J shall not be a default under this Agreement and the remedy for any failure under this Section 7.2 and/or Exhibit J shall be reduction in the TIF Cap and CID Cap as expressly set forth in Section V.C.2 of Exhibit J.

ARTICLE 8. DEFAULT AND REMEDIES

8.1 Default Provisions. Developer shall be in default under this Agreement if:

(a) Developer fails to make any of the payments of money to the UG required by the terms of this Agreement, and Developer fails to cure or remedy the same within 30 days after the UG has given Developer written notice specifying such default; or

(b) Developer fails to keep or perform any covenant or obligation herein contained on Developer's part to be kept or performed, and Developer fails to remedy the same within 60 days after the UG has given Developer written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Developer within such period and diligently pursued until the default is corrected; or

(c) Developer or any Affiliate shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against any such party in a court having jurisdiction and said petition is not dismissed within 60 days; or Developer or any Affiliate generally is not paying its debts as such debts become due; or Developer or any Affiliate makes an

assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Developer or any Affiliate and such appointment is not dismissed within 60 days; or any execution or attachment shall issue against Developer whereupon the Project, or any part thereof, or any interest therein of Developer under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(d) Developer breaches the representations and warranties set forth in this Agreement and fails to cure or correct same within 60 days following Developer's receipt of written notice from the UG specifying such breach.

8.2 Rights and Remedies. Upon the occurrence and continuance of a Developer default, subject to any applicable notice and cure periods as described in Section 8.1 above, the UG shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by law:

(a) Whenever any default by Developer shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may: (i) refuse to approve any further Certificate of Expenditures or make any further reimbursements from Public Financing Proceeds unless and until such default is cured by Developer; (ii) terminate Developer's access to the Public Financing Proceeds; and/or (iii) terminate this Agreement.

(b) The UG may pursue any available remedy at law or in equity by suit, action, mandamus or other proceeding to enforce and compel the specific performance of the duties and obligations of Developer as set forth in this Agreement, to enforce or preserve any other rights or interests of the UG under this Agreement or otherwise existing at law or in equity and to recover any damages incurred by the UG resulting from such Developer default. Notwithstanding the foregoing, the UG hereby agrees that with respect to Developer's obligations under Sections 6.2(a), 6.2(c), 6.7 and/or 6.11 (and only for those specific Sections), the UG may not exercise its remedy to specific performance if Developer pays, returns and reimburses the UG an amount equal to all Public Financing received by Developer, and Developer foregoes any further Public Financing under this Agreement.

(c) In the event of such default by Developer, the UG may take such actions, or pursue such remedies, as exist hereunder or at law or in equity and Developer covenants to pay and to reimburse the UG for all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies. The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. If a default by Developer occurs under this Agreement and is continuing, the UG may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by Developer of any provision of this Agreement. The UG shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof.

(d) Notwithstanding the foregoing or anything in this Agreement to the contrary, the parties hereby expressly acknowledge and agree that, under no circumstances, will Developer ever be liable for any remote or consequential damages including without limitation lost tax revenues,

arising out of or in any way related to this Agreement (except as otherwise required under Section 6.6 hereof).

8.3 **Default by the UG.** The UG shall be in default under this Agreement if the UG fails to keep or perform any covenant or obligation herein contained on the UG's part to be kept or performed, and the UG fails to remedy the same within 30 days after Developer has given the UG written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by the UG within such period and diligently pursued until the default is corrected. If a default by the UG occurs under this Agreement and is continuing, Developer may take whatever action at law or in equity as may appear necessary or desirable, in Developer's discretion, to enforce performance and observance by the UG of any provision of this Agreement; provided, however, that the UG's liability for monetary amounts shall be limited to the actual amount, if any, in question, and under no circumstances shall the UG be liable for any remote or consequential damages. Developer shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceedings in equity.

In the event of such default, Developer may take such actions, or pursue such remedies, as exist hereunder or at law or in equity; and if Developer is the prevailing party in an action to enforce its remedies hereunder, Developer shall be entitled, subject to Applicable Laws and Requirements, to reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of Developer in connection with the enforcement of such actions or remedies.

ARTICLE 9. MISCELLANEOUS

9.1 **Waiver of Breach.** No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

9.2 **Force Majeure.** In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, unavailability of sufficient trade laborers or materials, global pandemic such as COVID-19, 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 UG to timely approve the Plans and Specifications, the Construction Documents, war, terrorism 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 ("**Force Majeure**"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section 9.2 shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

9.3 **Covenants of Parties.**

(a) **Representations and Warranties of Developer.** Developer represents and warrants to the UG as follows:

(i) Organization. Developer is a Delaware limited liability company duly formed and validly existing under the laws of the State. Developer is duly authorized to conduct business in each other jurisdiction in which the nature of its properties or its activities requires such authorization. Developer shall: (1) preserve and keep in full force and effect its corporate or other separate legal existence and (2) remain qualified to do business and conduct its affairs in the State and each jurisdiction where ownership of its property or the conduct of its business or affairs requires such qualification.

(ii) Authority. The execution, delivery and performance by Developer of this Agreement are within Developer's powers and have been duly authorized by all necessary action of Developer.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Developer or any provision of law, statute, rule or regulation to which Developer is subject, or to any judgment, decree, license, order or permit applicable to Developer, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Developer is a party, by which Developer is bound, or to which Developer is subject.

(iv) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by Developer of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by Developer of this Agreement or the consummation of the transactions contemplated hereby except for zoning, building and other customary permits to be obtained from the UG or other Government Authorities.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Developer, enforceable against Developer in accordance with the terms hereof.

(b) Representations and Warranties of the UG. The UG represents and warrants to Developer as follows:

(i) Authority. The execution, delivery and performance by the UG of this Agreement are within its powers and have been duly authorized by all necessary action.

(ii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of the UG or the laws of the State nor result in a breach, conflict with or be inconsistent with any terms, covenants, conditions or provisions of any indenture, agreement or other instrument by which the UG is bound or to which the UG is subject.

(iii) No Consents. Except as set forth in Section 3.1(c)-(f), no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by the UG of this Agreement. No consent, authorization, approval, order or

other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by the UG of this Agreement or the consummation of the transactions contemplated hereby.

(iv) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the UG enforceable against the UG in accordance with its terms.

9.4 Amendments. This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Developer.

9.5 Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of the State.

9.6 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

9.7 Headings. The Article and Section headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

9.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. Hand signatures transmitted by electronic mail in portable document format (PDF) or similar format shall also be permitted as binding signatures to this Agreement.

9.9 Time. Time is of the essence in this Agreement.

9.10 Consents and Approvals. Wherever in this Agreement it is provided that the UG or Developer shall, may or must give its approval or consent, the UG or Developer shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Developer or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action.

9.11 Notices. All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within two business days by United States Mail or by nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the parties set forth below:

Unified Government Clerk
Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: (913) 573-5260
Email: clerkwest@wycokck.org

with a copy to:

Chief Counsel
Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 961

Kansas City, Kansas 66101
Telephone: (913) 573-5060
Email: legaldiv@wycokck.org

And a copy to:

David Johnston
County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 945
Kansas City, Kansas 66101
Telephone: (913) 573-5030
Email: djohnston@wycokck.org

And a copy to:

Todd A. LaSala
Anna M. Krstulic
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: (816) 842-8600
Email: todd.lasala@stinson.com
anna.krstulic@stinson.com

and to Developer at:

CSMS MANAGEMENT, LLC
Attn: Legal
327 FM 2004
Lake Jackson, Texas 77566
Telephone: (346) 774-2260
Email: legla@buc-ees.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, and 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.

9.12 Real Estate Commissions. Each party hereby agrees to indemnify and hold harmless the other from and against: (i) any and all losses, liens, claims, judgments, liabilities, reasonable costs, expenses or damages (including reasonable attorneys' fees and court costs) of any kind or character arising out of or resulting from any duty or responsibility to pay any commission or make any other payment by either Developer or the UG; or (ii) arising out of or resulting from any agreement, arrangement or understanding alleged to have been made by Developer or on its behalf, or by the UG or on its behalf, with any other broker, agent or finder in connection with this Agreement or the transactions contemplated hereby. Notwithstanding anything herein to the contrary, this Section 9.12 shall survive the Closing or any termination of this Agreement.

9.13 Entire Agreement. Together with the Exhibits hereto, this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes and replaces all prior oral or written agreements concerning the subject matter hereof.

9.14 Run with the Land. This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors and assigns and shall run with the land. However, Developer shall remain liable in the event of a violation of any of the terms or restrictions set forth in Sections 6.8 and 6.13 hereof. At Closing, the parties shall record a memorandum describing this Agreement in the land records of Wyandotte County, Kansas.

9.15 Electronic Storage. The parties agree that the transactions described herein may be conducted and related documents may be received, sent or stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

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

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

UG:

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
Printed Name: _____
Title: _____

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

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

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

My commission expires

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

CSMS MANAGEMENT, LLC, a Delaware limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2024 by _____, as _____ of CSMS MANAGEMENT, LLC, a Delaware limited liability company.

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

My commission expires

ANNEX 1
DEFINITIONS

"Affiliate" means any person, entity or group of persons or entities which controls Developer, which Developer controls or which is under common control with Developer. As used herein, the term "control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise. However, the parties understand and agree that the term "Affiliate" shall not include passive investors or capital partners without day to day operational control of the Project.

"Agreement" means this Development Agreement by and between the UG and Developer.

"Applicable Laws and Requirements" means any applicable constitution, treaty, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, directive, requirement or decision of or agreement with or by Government Authorities, and all requirements of any insurers. Applicable Laws and Requirements includes, without limitation, the Development Plan, the Project Plan, the Kansas Cash Basis Law (K.S.A. 10-1101 *et seq.*) and Budget Law (K.S.A. 79-2925 *et seq.*). Applicable Laws, as defined herein, shall be subject to and limited by any of the foregoing which are specifically waived, modified or varied by the entity with authority to grant such waiver, modification or variance.

"Approved Assignment" means any assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG, as described in Section 6.13.

"Assignee" means the assignee, purchaser, lessee, mortgagee, or transferee of an Approved Assignment, as described in Section 6.13.

"Base Year Revenues" means the the amount of the sales and use taxes, respectively, for the 12-month period preceding publication of the TIF District Ordinance for each of (x) the UG's 1% share of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax), and (y) the UG's share of the current Wyandotte County 1% sales tax, which is currently 93.84%, as described in Section 4.2(a)(i).

"Casualty" means any fire, storm, earthquake, tornado, flood or natural disaster or other sudden, unexpected or unusual cause of damage or destruction.

"Certificate of Expenditures" means those certain certificates submitted by Developer in accordance with Section 4.6 and on the form set forth in Exhibit G.

"CID" means the community improvement district established pursuant to the CID Act hereunder, as described in Recital F and Section 4.3.

"CID Act" means the Kansas Community Improvement District Act, K.S.A. 12-6a26 *et seq.*, as amended, as described in Recital E.

"CID Administrative Fee" means the 1% administrative fee for the CID, as described in Section 4.3(g).

"CID Cap" means the limitation on the CID Proceeds available to Developer for reimbursement of CID Eligible Expenses through Pay-Go CID Financing, as described in Section 4.3(e)(ii).

"CID Eligible Expenses" means those Project Costs which are: (i) agreed upon by the parties and identified on the Total Project Budget, and (ii) eligible for payment or reimbursement pursuant to the CID Act, as described in Section 4.3.

"CID Fund" means the separate fund and account established by the UG for collection of CID Proceeds, as described in Section 4.3(d).

"CID Ordinance" means the ordinance that may be passed by the UG pursuant to the CID Act to create the CID, as described in Recital G and a copy of which is to be attached hereto as **Exhibit D**.

"CID Petition" means that petition submitted by Owner pursuant to the CID Act, as described in Recital F.

"CID Proceeds" means the revenues received from the imposition of the CID Sales Tax, less the CID Administrative Fee, as described in Section 4.3(c).

"CID Sales Tax" means the sales tax assessed on the sale of tangible personal property at retail or services rendered which are taxable within the CID(s) pursuant to the CID Act, as described in Section 4.3(b).

"Closing" means the date by which Developer closes on its acquisition of the Project Site.

"Construction Documents" means Developer's construction documents relative to the Improvements, as described in Section 5.3.

"Construction Mortgage" means any mortgage placed on, or other security interest granted in, the Project Site or any part thereof in connection with the construction of all or any portion of the Project.

"Construction Mortgagee" means the holder of any Construction Mortgage.

"Damaged Facilities" means any part or the whole of the Project to the extent that the same is damaged or destroyed by a Casualty, as described in Section 6.11(a).

"Developer" means CSMS MANAGEMENT, LLC, a Delaware limited liability company.

"Development Plan" means the final site plan approvals for the Improvements (or portion(s) thereof), as described in Section 2.2.

"DOR" means the Kansas Department of Revenue.

"Drop Dead Date" means the date certain by which all Public Financing Conditions must be met or waived and Closing must occur, as set forth in Section 3.2.

"Effective Date" means the date of this Agreement first above written.

"Environmental Regulation" means any and all present and future laws, statutes, ordinances, rules, regulations and orders of any Government Authority having jurisdiction over the parties hereto or any portion of the Project Site and pertaining to the protection of human health, Hazardous Substances, pollution, or the environment, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as the same may be further amended from time to time (collectively, "CERCLA").

"50/50 Limitation" means the limitation on the Public Financing available to Developer for reimbursement of TIF Eligible Expenses and/or CID Eligible Expenses, as described in Section 4.4(a).

"Force Majeure" is defined in Section 9.2.

"GAAP" means generally accepted accounting principles.

"General Contractor" means the general contractor selected by Developer for the Improvements, as described in Section 5.3.

"Government Authority" means any and all jurisdictions, entities, courts, boards, agencies, commissions, offices, divisions, subdivisions, departments, bodies or authorities of any nature whatsoever of any governmental unit (federal, state, county, district, municipality, city or otherwise), whether now or hereafter in existence, with affirmative jurisdiction over Developer or the Project.

"Hazardous Substance" means any substance that is defined or listed as a hazardous or toxic substance and which is regulated as such or may form the basis of liability under any present or future Environmental Regulation, or that is otherwise prohibited or subject to investigation or remediation under any present or future Environmental Regulation because of its hazardous, toxic, or dangerous properties, including, without limitation, (i) any substance that is a "hazardous substance" under CERCLA, and (ii) petroleum, natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), only to the extent that the constituents of such synthetic gas are released or threatened to be released into the environment.

"Improvements" means those certain improvements that are contemplated to be constructed in the Project, as described in Section 2.2 and generally depicted on **Exhibit E**.

"Incremental Sales Tax" means the incremental sales and use taxes, which are imposed pursuant to K.S.A. 12-187 *et seq.*, comprised of the Incremental City Sales Tax and the Incremental County Sales Tax as described in Section 4.2(a)(i).

"Incremental City Sales Tax" means the incremental sales and use taxes, which are imposed pursuant to K.S.A. 12-187 *et seq.*, comprised of the UG's 1% share of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax) which annually exceed the Base Year Revenues received by the UG from the TIF District, as described in Section 4.2(a)(i).

"Incremental County Sales Tax" means the incremental sales and use taxes, which are imposed pursuant to K.S.A. 12-187 *et seq.*, comprised of UG's share of the current Wyandotte County 1% sales tax, which is currently 93.84% (the "**Incremental County Sales Tax**"), which annually exceed the Base Year Revenues received by the UG from the TIF District as described in Section 4.2(a)(i).

"Insurance Specifications" means the insurance requirements on Developer in connection with the Project as generally described in Section 6.10 and more fully set forth in **Exhibit H**.

"Material Change" means any substantial change to any agreement, plan or other document referred to in this Agreement, which change would require changes to Developer's permits or approval of the appropriate Government Authorities or is required by Applicable Laws and Requirements.

"Owner" means Kansas Speedway Corporation, the current owner of the Project Site.

"Parking Improvements" means any parking improvements required by Applicable Laws and Requirements, as described in Section 2.2(c).

"Pay-Go CID Financing" means a method of financing pursuant to which certain CID Proceeds are disbursed by the UG to Developer quarterly from the CID Fund on a pay-as-you-go basis upon Developer's completion of the Project to reimburse Developer for the CID Eligible Expenses, provided certain conditions are met, as described in Section 4.3(e).

"Pay-Go TIF Financing" means a method of financing pursuant to which certain TIF Eligible Expenses are paid and/or reimbursed without notes or bonds, and the costs are reimbursed as TIF Proceeds are deposited into the TIF Fund, as described in Section 4.2(b).

"Permitted Encumbrances" means any liens, restrictions, claims, easements, rights-of-way, encroachments, reservations, or other matters or encumbrances affecting the Project Site, which are acceptable to Developer in its sole discretion.

"Permitted Mortgage" means any mortgage placed on, or other security interest granted in, the Project Site or any part thereof in connection with any construction or permanent financing of the Project.

"Permitted Mortgagee" means the holder of the Permitted Mortgage.

"Permitted Use" means a prototypical Buc-ee's travel center and convenience store, as described in Sections 2.2 and 6.2(a).

"Person" shall mean any natural person, firm, partnership, association, corporation, limited liability company, trust, entity, public body or government or other entity.

"Plans and Specifications" means the plans and specifications for the Improvements, as described in Section 5.2.

"Prime Rate" means the rate of interest announced from time to time by Security Bank of Kansas City, or any successor to it. If such bank, or any successor to it, ceases to announce a prime rate, the UG shall designate a reasonably comparable financial institution for purposes of determining the Prime Rate.

"Private Funds" means Developer's private equity and debt used to pay the costs for the design, development and construction of the Project, as described in Section 4.1.

"Project" means the design, development, and construction of the Improvements on the Project Site, as described in Recital A and Section 2.2.

"Project Area" means the Project Area established by the TIF District Ordinance, as described in Recital D.

"Project Costs" means the costs of acquiring, designing, developing, constructing and completing the Project, as generally described in Section 4.1 and **Exhibit F**.

"Project Plan" means the Redevelopment Project Plan for the Project Area of the TIF District approved and adopted by the UG pursuant to the TIF Project Plan Ordinance, as described in Recital D.

"Project Site" means the real property on which Developer intends to design, develop and construct the Project, as described in Recital A, legally described on **Exhibit A-1** and generally depicted on **Exhibit A-2**.

"Public Financing" means the use of TIF Proceeds and CID Proceeds to finance a portion of the Project Costs, as described in Section 4.1.

"Public Financing Conditions" means the conditions precedent to the issuance and delivery to Developer of any Public Financing under the terms of the Agreement, as set forth in Section 3.1.

"Public Financing Proceeds" means the proceeds of the Public Financing, as described in Section 4.4(a).

"State" means the State of Kansas.

"Substantial Completion" means the stage in the progress of the construction of the Project when construction is sufficiently complete so that the Project can be occupied or utilized for its intended use (which shall be evidenced by the receipt of a temporary certificate of occupancy for the Improvements).

"Term" means the term of the Agreement, as described in Section 6.1.

"TIF" means tax increment financing.

"TIF Act" means K.S.A. 12-1770 *et seq.*, as amended.

"TIF Administrative Fee" means the 1% administrative fee for the TIF Fund, as described in Section 4.2(d).

"TIF Cap" means the limitation on TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses through Pay-Go TIF Financing, as described in Section 4.2(b)(ii).

"TIF Collection Period" means the period that commences on the date that the Project Plan is approved by the UG's Board of Commissioners up to and concluding upon that date which is the earlier of (a) the date that Developer has been reimbursed for all TIF Eligible Expenses by Pay-Go TIF Financing in an amount equal to the TIF Cap, or (b) 15 years from the date that the Project Plan was approved, as described in Section 4.2(b)(i).

"TIF District" means the TIF District that may be established by the UG pursuant to the TIF District Ordinance and the TIF Act, as described in Recital C.

"TIF District Ordinance" means the ordinance that may be passed by the UG pursuant to the TIF Act to create the TIF District, as described in Recital C and a copy of which is to be attached hereto as **Exhibit B**.

"TIF Eligible Expenses" means those certain Project Costs identified by Developer which may be reimbursed with TIF Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within the Project Area of the TIF District and eligible for payment or reimbursement pursuant to the TIF Act, as described in Section 4.2.

"TIF Fund" means the separate fund and account established by the UG for collection of the TIF Proceeds, as described in Section 4.2(a)(ii).

"TIF Proceeds" means the Incremental Sales Taxes, less the TIF Administrative Fee, as described in Section 4.2(a)(iii).

"TIF Project Plan Ordinance" means the ordinance that may be passed by the UG pursuant to the TIF Act to approve the Project Plan, as described in Recital D and a copy of which is to be attached hereto as **Exhibit C**.

"Total Project Budget" means the budget attached hereto as **Exhibit F**.

"UG" means the Unified Government of Wyandotte County/Kansas City, Kansas.

INDEX OF EXHIBITS

Exhibit A-1	The Project Site – Legal Description
Exhibit A-2	The Project Site – Map
Exhibit B	TIF District Ordinance
Exhibit C	TIF Project Plan Ordinance
Exhibit D	CID Ordinance
Exhibit E	Improvements - Depiction
Exhibit F	Total Project Budget
Exhibit G	Form of Certificate of Expenditures
Exhibit H	Insurance Specifications
Exhibit I	Previously Owned UG Property
Exhibit J	LBE/MBE/WBE Goals and Requirements

EXHIBIT A-1

PROJECT SITE – LEGAL DESCRIPTION

All that part of Lot 1, KANSAS SPEEDWAY CORPORATION, a subdivision in the City of Kansas City, Wyandotte County, Kansas, lying in the North 1/2 of the Southwest 1/4 of Section 11, Township 11, Range 23 and lying North of Interstate 70 Highway as now established, and being a portion of the unrecorded Plat of SUBD OF NORMAN FARM, except that part in 110th Street, and except that part in Village West Parkway as established in Document No. 2002R-21370 in Book 4469 at page 329, and except that part now platted as Kansas Entertainment, LLC-Lot 1, a subdivision in the City of Kansas City, Wyandotte County, Kansas.

PROJECT SITE – MAP

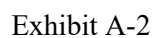


EXHIBIT B

TIF DISTRICT ORDINANCE

[To be attached following passage.]

Exhibit B

EXHIBIT C

TIF PROJECT PLAN ORDINANCE

[To be attached following passage.]

EXHIBIT D
CID ORDINANCE

[To be attached following passage.]

Exhibit D

IMPROVEMENTS - DEPICTION

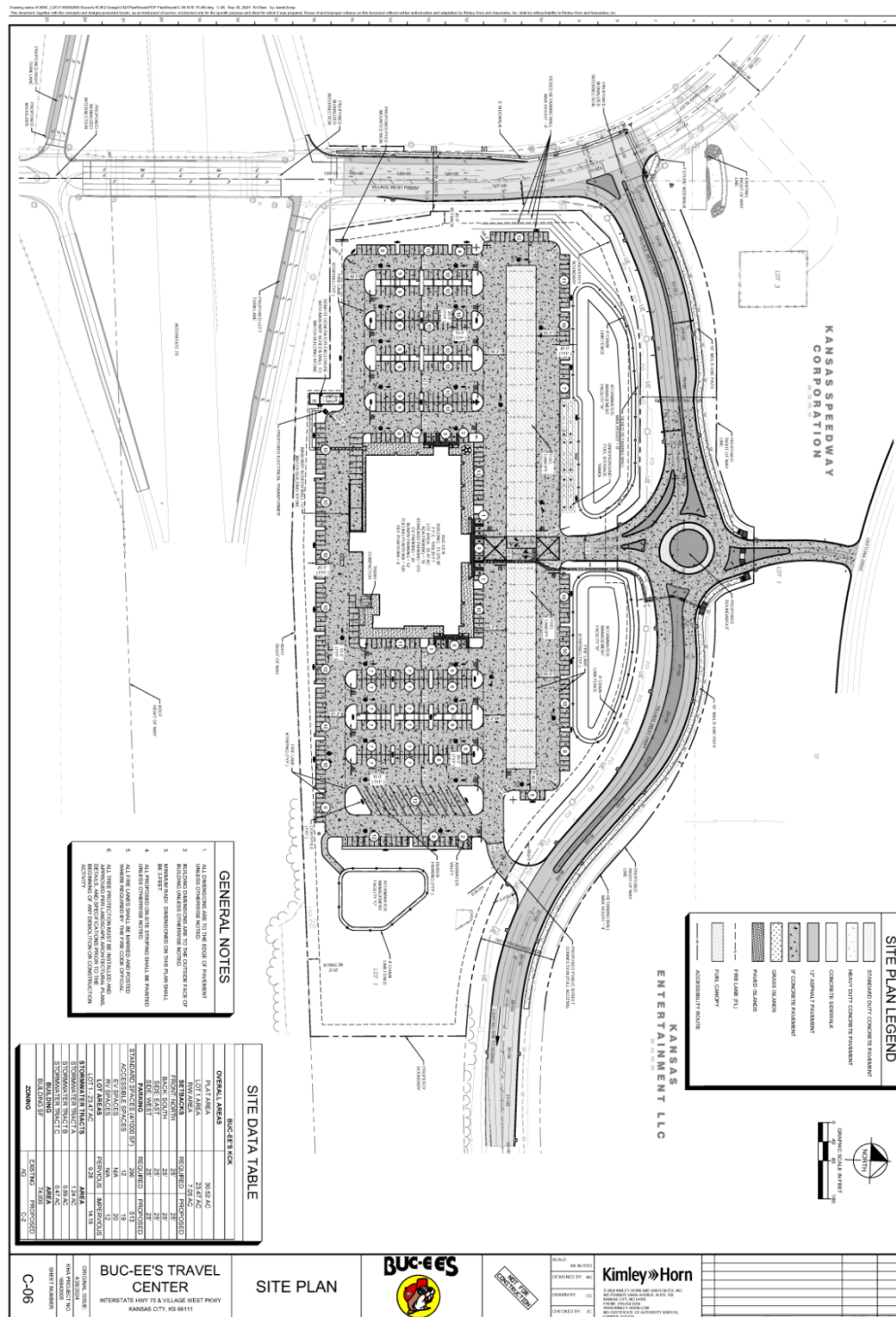


EXHIBIT F

TOTAL PROJECT BUDGET

**BUC-EE'S KCK
ESTIMATED PROJECT COSTS
PRELIM SUMMARY SHEET**

ITEM/DESCRIPTION	TOTAL BUDGET	TIF REIMBURSED	CID REIMBURSED	NON REIMBURSED
	100%	3.53%	10.60%	85.87%
Land Purchase	5,888,000	-	-	5,888,000
Closing Costs	58,880	-	-	58,880
Subtotal	5,946,880	-	-	5,946,880
Hard Costs - Site Development				
Village West Parkway (VWP) Relocation	6,393,799	1,598,450	4,795,349	-
VWP Waterline Relocation	700,500	175,125	525,375	-
VWP Electrical Relocation	4,145,880	1,036,470	3,109,410	-
Sanitary Sewer Extension	536,820	134,205	402,615	-
I-70 Interchange Improvements	1,611,510	402,878	1,208,633	-
Site Subtotal	13,388,509	3,347,127	10,041,382	-
Hard Costs - Building				
GC Contract	62,537,493	-	-	62,537,493
Buc-ee's Provided	7,317,556	-	-	7,317,556
Bldg Subtotal	69,855,048	-	-	69,855,048
Hard Costs Site and Building	83,243,558	3,347,127	10,041,382	69,855,048
Soft Costs				
Architecture and Engineering	1,500,000	-	-	1,500,000
Legal, Accounting, Insurance	253,000	-	-	253,000
Third Party Reports	140,000	-	-	140,000
Construction Loan Fees	285,000	-	-	285,000
Impact/Service Fees	760,000	-	-	760,000
Community Benefit Contribution	250,000	-	-	250,000
UG Administrative Fees	375,000	-	-	375,000
Project Contingency	2,000,000	-	-	2,000,000
Soft Costs Subtotal	5,563,000	-	-	5,563,000
TOTAL PROJECT COST	94,753,438	3,347,127	10,041,382	81,364,928
	100%	3.53%	10.60%	85.87%

Exhibit G-1

EXHIBIT G

FORM OF CERTIFICATE OF EXPENDITURES

CERTIFICATE OF EXPENDITURES

TO: Unified Government of Wyandotte County/Kansas City, Kansas

Attention: County Administrator

Re: Buc-ee's Family Travel Center

Terms not otherwise defined herein shall have the meaning ascribed to such terms in the Development Agreement (Buc-ee's Family Travel Center) dated as of _____, 2024 (the "Agreement") between the Unified Government and Developer.

In connection with the Agreement, the undersigned hereby states and certifies that, to the best of its actual knowledge:

1. Each item listed on *Schedule 1* hereto is a Project Cost and was incurred in connection with the construction of the Project.
2. These Project Costs have been paid by Developer, successors, assigns, tenants, or transferees and are reimbursable under the Agreement.
3. Each item listed on *Schedule 1* has not previously been paid or reimbursed from money derived from the TIF Fund, and no part thereof has been included in any other certificate previously filed with the Unified Government.
4. There has not been filed with or served upon Developer any notice of any lien, right of lien or attachment upon or claim affecting the right of any person, firm or corporation to receive payment of the amounts stated in this request, except to the extent any such lien is being contested in good faith.
5. All necessary permits and approvals required for the work for which this certificate relates were issued and were in full force and effect at the time such work was being performed.
6. All work for which payment or reimbursement is requested has been performed in a good and workmanlike manner and in accordance with the Agreement.
7. Developer is not in default or breach of any term or condition of the Agreement, and no event has occurred and no condition exists which constitutes a default under the Agreement.
8. All of Developer's representations set forth in the Agreement remain true and correct as of the date hereof.

Exhibit G-1

Dated this ____ day of _____, 202__.

CSMS MANAGEMENT, LLC, a Delaware limited liability company

By: _____

Name: _____

Title: _____

Approved for Payment this ____ day of _____, 20____:

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____

Name: _____

Title: _____

Exhibit G-2

SCHEDULE I
TO
CERTIFICATE OF EXPENDITURES

<u>Description of Project Costs</u>	<u>Cost</u>	<u>Payee</u>	<u>Designate as Redevelopment Project Costs</u>
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Total Costs:

Exhibit G – Schedule I

EXHIBIT H

INSURANCE SPECIFICATIONS

1. Worker's Compensation. Developer may self-insure, to the extent allowed by applicable law. Developer will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.
2. Comprehensive General Liability. Developer will purchase and maintain with limits of \$3,000,000, with no less than \$1,000,000 primary coverage and the balance may include excess coverage.
3. Automobile Liability. Developer will purchase and maintain with primary limits of \$1,000,000.
4. Excess Liability. Developer will purchase and maintain excess liability insurance in an amount not less than \$5,000,000.
5. Special Perils Form Property Insurance. Developer will purchase on a replacement cost basis. Deductibles shall be no more than \$ [REDACTED], and the policy shall include an "Agreed Amount" endorsement. Earthquake and flood insurance, as well as fired vessel, boiler and machinery, and underground collapse, may be required by the UG as additional perils, but only to the extent required by Developer's lender for the Project.

EXHIBIT I **PREVIOUSLY OWNED UG PROPERTY**

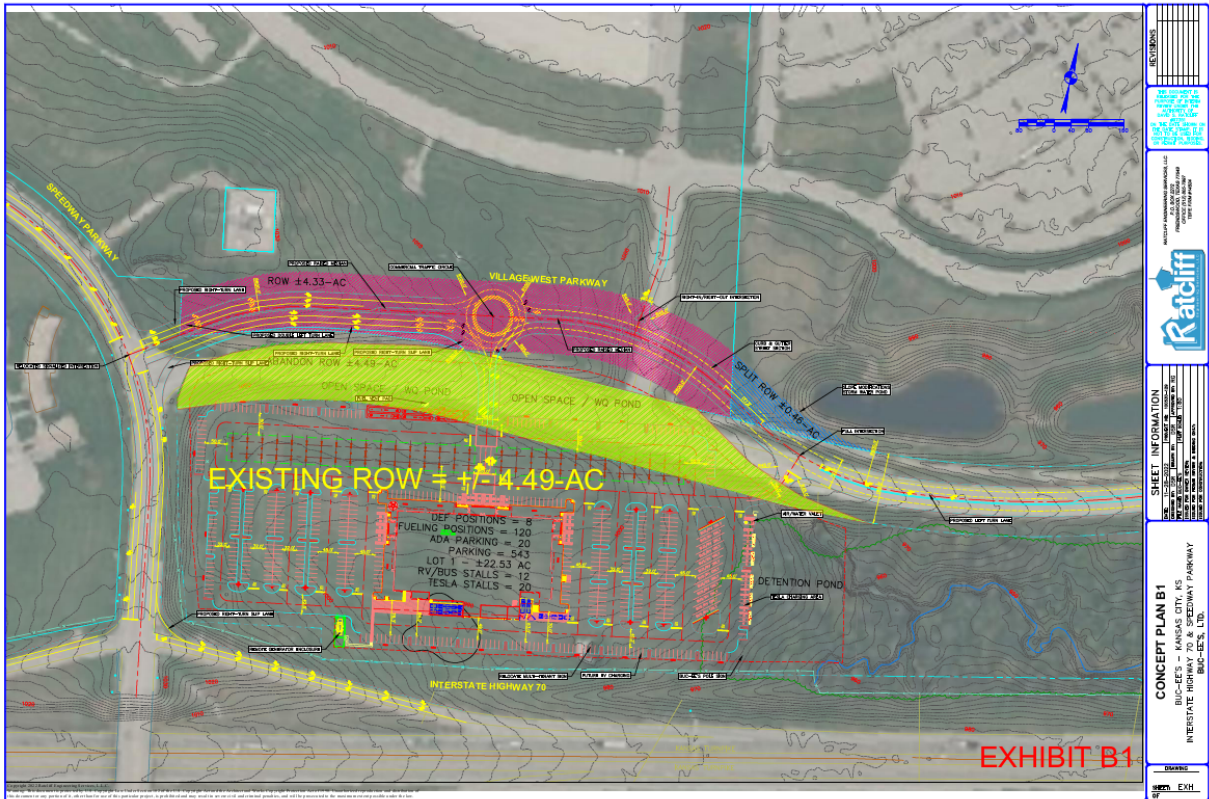


Exhibit I-1

EXHIBIT J

LBE/MBE/WBE GOALS AND REQUIREMENTS

This Exhibit sets forth the guidelines for the utilization of local business, minority, and women enterprises and local resident, minority, and women participation and equal employment opportunity referenced in **Section 7.2** of the Buc-ee's Travel Center Development Agreement (the "**Agreement**") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**") and CSMS MANAGEMENT, LLC, a Delaware limited liability company ("**Developer**"). The parties agree as follows:

I. SCOPE.

These procedures are applicable to the Construction of, and the Professional Services for (as such terms are defined below) the Project, including but not limited to all aspects of the construction of the Improvements and all related facilities, including labor, materials and supplies, and construction-related services, but not including: (i) Specialized Services; or (ii) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement (as defined in the Agreement), which shall specifically be excluded from both the numerator and the denominator in determining whether the Construction and Professional Services goals set forth herein have been met.

II. DEFINITIONS.

All capitalized terms used in this Exhibit shall have the meaning ascribed to them in the Agreement and made a part thereof, or as otherwise set forth herein.

A. "Best Efforts" has the meaning set forth in Section III.C.3.b. herein.

B. "Construction" means all aspects of the construction of the Improvements, all related facilities, and 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) services performed or associated with tenant improvements or any services requested by tenants of the Project, provided that this exception shall only apply to tenants who are third parties unaffiliated with Developer; (ii) Specialized Services; (iii) Professional Services; or (iv) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement.

C. "Contractor" means the Proposer selected by Developer for the design, development, or construction of the Project.

D. "Local Business Enterprise or LBE" means a business headquartered or which maintains a major branch 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. It is determined and assigned based on the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

E. "Local Resident" means an individual that, during his or her employment with the Project, maintains his or her place of domicile in Wyandotte County.

F. "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.

G. "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 but specifically excluding: (i) professional services that have historically been sourced and performed at the holding company level by Developer (such as legal and accounting services, for example); (ii) Specialized Services; (iii) Construction; and (iv) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement.

H. "Proposer" means a person who submits a proposal in response to a solicitation for proposals issued by Developer or one of its Contractors with respect to the design, development, or construction of the Project, or with respect to ongoing maintenance and operations of the Project.

I. "Specialized Services" means expertise, services, or products, the application of which are unique to the construction of the Project and which are only available through sole or limited source providers or national vendors. Specialized Services shall also include the services provided by the Contractors and designers who have been involved with and have previous experience on similar projects with Developer and which Developer has engaged or intends to engage to perform similar services for the Project.

K. "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. DESIGN, DEVELOPMENT, AND CONSTRUCTION OF THE PROJECT.

A. GOALS FOR LBE/MBE/WBE PARTICIPATION.

1. Project Design, Development, and Construction Goals.

Developer will use its Best Efforts to meet the following goals based upon the total cost of Construction of, and Professional Services for, the Project and all related facilities undertaken by Developer, but not including Specialized Services. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. In the event Developer obtains bids for any aspect of the Project for which a bid by a Proposer qualifying as an LBE, MBE, or WBE is not the lowest or best bid, Developer shall not be required to meet the LBE/MBE/WBE participation percentage goals for that aspect of the Project. 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 to act as quotas or set asides.

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

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, Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs. Developer shall strive to meet each individual goal listed.

2. Contract Specific Goals.

The parties agree that the goals are set forth for Construction of, and Professional Services for, the Project as a whole, excluding Specialized Services, and the UG will reasonably agree to different specific goals for specific contracts or portions of contracts to be awarded by Developer, when proposed by Developer, relating to the Construction of the Project, based upon the availability of qualified LBEs and certified MBEs and WBEs to perform the specific scopes of work delineated in Developer's Project Utilization Plan (as described herein).

3. Eligibility for Credit.

a. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification at the time of submittal of the subject bid or proposal and ultimately certified as MBEs or WBEs by the Kansas Department of Commerce, State of Missouri, Missouri Department of Transportation, City of Kansas City, Missouri, MidAmerica Minority Business Development Council, Women's Business Enterprise National Council, or any other public or private entity reasonably acceptable to the UG and Developer (each an "approved" business), may be counted towards the participation goals in Section III.A.1. above.

b. In the event that a contract has been awarded on the Project to an approved LBE/MBE/WBE business, and such LBE/MBE/WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall nonetheless receive credit towards the goal for that the entire portion of work performed or services provided up to the point such business becomes unapproved.

4. Construction Workforce.

a. Recruitment and Outreach. Developer will use its Best Efforts to employ and to ensure its Contractors employ Local Residents, minorities, and women in all aspects of the Construction of, and Professional Services for, the Project except for Specialized Services. These efforts shall include but not be limited to:

i. advertising in appropriate publications describing the work available, pay scales, and application procedures and maintaining a log or copies of these ads showing the date of publication and identifying the publication;

ii. working with local community organizations, minority and women's community organizations, and other appropriate organizations to seek qualified Local Residents, minorities, and women (a list of these organizations may be provided by the UG upon request); and

iii. working with the UG to promote diversity and inclusion in all aspects of Construction of, and Professional Services for the Project.

Documentation of these and any other steps taken shall be submitted to the UG prior to the beginning of the bidding process.

b. Employment Procedures. Subject always to Applicable Law and Requirements, Developer and its Contractors shall implement equal employment opportunity hiring and job action procedures as those terms are commonly understood.

B. DEVELOPMENT AND PROJECT UTILIZATION PLANS.

1. Submissions, Content, and Fulfillment of Project Utilization Plan.

a. At least 14 calendar days before the solicitation of the first proposal for the Construction of part of the Project, which is issued by Developer after the execution of the Agreement, Developer will submit a Project Utilization Plan to the UG for review and approval. The Project Utilization Plan shall be on the form attached to this Exhibit as Attachment A or on another form provided or approved by the UG (the "Project Utilization Plan"). This Project Utilization Plan shall set forth, to the best of Developer's knowledge: all categories of work that will be covered within solicitations that Developer or its Contractors intend to issue for all Construction and Professional Services providers necessary for the construction of the Project; an estimate of the dollar value of all work covered by these solicitations; an estimate of the dollar value of work within each identified work category; the dollar value of the work for each identified work category that is projected to be performed by LBEs, MBEs and WBEs; any known potential joint ventures with LBEs, MBEs, and WBEs within each identified work category; an overall schedule of all work projected to be performed related to the design, development, and construction of the Project, laid out sequentially over time; and the actions Developer intends to take, with respect to each of these solicitations, to make its Best Efforts to meet the goals set forth in Section III.A.1. of this Exhibit.

b. Developer, in the Project Utilization Plan, shall designate one person as the Project Manager to serve as the point of contact with the UG on all matters related to the Project Utilization Plan. Developer shall provide the Project Manager's name, physical office address, e-mail address, and phone number to the UG. The Project Manager shall be an individual with administrative authority with regard to enforcement of the stipulations located within this Exhibit.

c. The goals of Section III.A.1 may be met by the expenditure of dollars with approved LBE/MBE/WBE prime Contractors, material suppliers (either by Developer or a prime Contractor), subcontractors (either by Developer or a prime Contractor), or through joint ventures with approved LBEs, MBEs or WBEs.

i. Certified MBE and WBE prime Contractor Proposers may count their own participation toward a goal for which they qualify, and may divide their own participation between two goals, but their participation may not be double-counted. These prime Contractor Proposers shall receive credit towards the goals for the dollar value of the contract.

ii. Approved or certified LBE/MBE/WBE material suppliers, regular dealers, and manufacturers shall be credited towards the goals for the dollar value of the contract.

iii. A joint venture involving an approved LBE/MBE/WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount that the approved LBE/MBE/WBE is responsible for and at risk, except, however, if the LBE/MBE/WBE is the majority partner in the joint venture, the entire joint venture contract amount shall be counted, less any work subcontracted to the non-LBE/MBE/WBE joint venture partner. To receive credit, the approved LBE/MBE/WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

iv. 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 double-counted. A certified MBE or WBE may also be counted towards the LBE goal, if qualified as LBE. The amount of participation by these businesses may be divided between the MBE or the WBE goals. A qualified LBE that is certified as MBE and WBE shall be counted toward the LBE and the MBE or WBE goals, but shall not be counted toward both the MBE and WBE goals.

v. Only the participation of LBEs, MBEs, and WBEs that provide a commercially useful function required for the work of the specific solicitation shall be counted toward achievement of the goals. The LBE/MBE/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 solicitation. Brokering is not credited. Purchases from LBEs, MBEs, and WBEs that constitute indirect or general overhead costs to a projected Proposer's business may not be counted toward the goals. Costs directly incurred solely to perform the work with respect to a Project contract may be counted toward the goals.

2. Evaluation of Project Utilization Plans.

a. The UG will review Developer's Project Utilization Plan respecting each category of work identified by Developer. In conducting its review, the UG shall evaluate the extent to which the actions Developer proposes to take to meet the goals constitute Best Efforts, as set forth in Section III.C.3.b. below. In no event shall Developer or any of its Contractors be required to engage any LBE/MBE/WBE that is not the low bidder or is not qualified or capable of performing the work to acceptable standards in the reasonable discretion of Developer.

b. Changes to the Project Utilization Plan after its initial submission to the UG shall be reviewed and approved or rejected by the UG within 30 days following submission of the same by Developer, and such changes shall be deemed to be approved by the UG if not rejected within such 30-day period.

C. CONTRACT AWARD COMPLIANCE PROCEDURES.

1. Solicitation Documents.

The solicitation documents for each contract for which goals are established pursuant to the Project Utilization Plan shall contain a description of the requirements set forth in this Exhibit; the LBE/MBE/WBE goals; and the areas of projected subcontracting. Five (5) calendar days before the issuance of each solicitation, Developer shall submit the solicitation documents and the bid list to the UG. This submittal is mandatory for each bid subject to LBE/MBE/WBE goals.

2. Developer's Report of Solicitation Results.

Within thirty (30) working days after the date set for receipt of proposals by each solicitation issued for Developer for the construction of the Project, the Project Manager shall submit to the UG, on a form provided or approved by the UG, a Report of Solicitation Results (the "**Report**") fully describing all proposals received in response to the solicitation. The Report shall: (1) state the estimated total dollar value of the work covered by the solicitation; (2) state the names of all Proposers; (3) state the total dollar value of work covered by proposals submitted by approved LBEs, MBEs, and/or WBEs (for both Construction and Professional Services); (4) provide all relevant information concerning each joint venture Proposer; and (5) state the name of all subcontractors to Proposers (to the extent then available) that are approved LBEs, MBEs, and/or WBEs, and the dollar value of work covered by proposed subcontracts between Proposers and LBEs, MBEs and/or WBEs. The Report shall also indicate to which of the Proposers, including joint venture Proposers, Developer or any of its Contractors is intending to award contracts resulting from the solicitation. In addition, with respect to any LBE/MBE/WBE goal established in the Project Utilization Plan that it appears from the proposals received will not be met, Developer shall include in the Report a precise description of all Best Efforts it has undertaken or caused to be undertaken to meet the established goals. These submittals are mandatory for all solicitations subject to LBE/MBE/WBE goals.

3. UG Review of Developer's Report of Solicitation Results.

a. Within seven (7) calendar days of receiving a Report for review, the UG, based on its review of the Report, shall advise Developer whether it appears that, in light of Developer's indication of the Proposers to whom it intends to award contracts, Developer will meet the goals set forth in the Project Utilization Plan or if not, whether Developer has established Best Efforts to meet these goals, and shall state the reasons for this conclusion, referring to the specific Best Efforts criteria contained in Section III.C.3.b. below. As a part of its review, the UG may ascertain whether LBE/MBE/WBE subcontractors agree with the dollar value of the work and the scope of the work, as identified in the proposal.

b. For each Project Utilization Plan goal that is not achieved, Developer shall be deemed to have used "**Best Efforts**" to meet the Project Utilization Plan goals for construction and Professional Services set forth in Section III.A.1. of this Exhibit if Developer shall have taken or cause to have taken substantially all 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 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/WBE participation, where feasible;

vi. Developer is providing 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 histories;

viii. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers, or 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.

4. Signed Contracts.

Developer's Project Manager shall submit signed contracts with successful Proposers to the UG within 20 days after the same are fully executed.

D. SUBCONTRACTOR RELATIONS.

1. Documentation of Subcontracting Agreements.

All subcontracting services shall be evidenced by a written agreement stating, at a minimum, 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.

2. Documentation of Schedules.

a. For Construction contracts, the Contractor must keep a work schedule that includes when the LBE/MBE/WBE subcontractors will be utilized at the job site. This schedule shall be available to the UG at any time upon request.

b. For Professional Services contracts, Developer must keep a written schedule of when the LBE/MBE/WBE consultants will be working on the Project. This written schedule shall be provided to the UG at any time upon request.

3. Substitutions, Additions, or Deletions.

Where a substitution for a LBE/MBE/WBE subcontractor must occur after submission of proposals by the Project Manager to the UG, the Project Manager must submit the proposed change or substitution to the UG for review. The UG shall have no authority to approve or reject any change or substitution. The sole purpose of the review by the UG shall be to determine whether the LBE/MBE/WBE should be counted toward achievement of the goals of Section III.A.1.

IV. UG'S ASSISTANCE TO DEVELOPER.

The UG shall use its best efforts to provide assistance to Developer in fulfilling its obligations as set forth in this Exhibit. Developer assumes all responsibility for its Best Efforts in meeting the goals and complying with the procedures and processes set forth herein. The UG assumes no duty or responsibility to Developer with respect to Developer's fulfillment of the goals set forth in this Exhibit by reason of the

provision of assistance to Developer. Examples of assistance the UG may provide include but are not limited to:

- A. providing information and technical assistance regarding the Project to Developer and its agents, including Contractors, subcontractors, LBEs, MBEs, WBEs, officials, and other interested persons;
- B. developing and maintaining a registry of approved LBE/MBE/WBE businesses;
- C. assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D. updating Developer and its agents on current or proposed affirmative action legislation that may affect the Project;
- E. recommending contract specific goals, as appropriate;
- F. providing assistance in pre-award activities, such as provision of model or example Project Utilization Plans and work segmentation;
- G. reviewing Developer, Contractor, and subcontractor performance and LBE/MBE/WBE participation on the Project;
- H. providing advice relative to utilization and compliance matters;
- I. conducting compliance reviews and audits of LBE/MBE/WBE participation;
- J. evaluating requests for substitutions, additions, and deletions;
- K. assisting Developer and its agents in addressing issues related to the goals and procedures set forth in this Exhibit;
- L. reviewing payments to subcontractors, as documented by monthly reports submitted by Developer;
- M. reviewing complaints from LBEs, MBEs WBEs, Contractors, subcontractors, and any other interested persons regarding these goals and procedures;
- N. assisting in Developer's development of forms to document compliance with these procedures; and
- O. reviewing and approving utilization plans and contract award submittals.

V. DEVELOPER COMPLIANCE RECORDS AND REPORTS.

A. RECORDS.

Developer shall maintain those records as may reasonably be required to demonstrate compliance with (and/or its Best Efforts to comply with) the goals and procedures set forth in this Exhibit. These records shall be available to the UG upon reasonable notice.

B. DEVELOPMENT AND PROJECT UTILIZATION PLAN REPORTS.

Commencing in accordance with Section III B(1) herein until completion and opening of the Project, Developer shall update the Project Utilization Plan quarterly on the forms attached hereto as Attachments B and C or another form provided or approved by the UG and shall include information requested thereon. In addition, each quarterly report shall include the following 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 WBE and a brief description of the work to be performed by each. Developer also shall document the change orders to contracts awarded in each quarterly report.

C. REMEDIES.

1, If Developer should fail to provide a Report required by this Exhibit, and fail to cure such failure within 30 days after receipt of written notice from the UG specifying such failure, then such failure to cure shall constitute an event of default and the UG shall have those remedies set forth in Section 8.2 of the Agreement. In addition, the UG shall have the right to stop processing draw requests until Developer complies with reporting requirements.

2. If, after reviewing Developer's Reports, the UG believes that the participation goals contained in this Exhibit have not been met, and that the Best Efforts described herein have not been met, then the UG shall inform Developer of this determination in writing. If, within 30 days following its receipt of said written determination from the UG, Developer fails to demonstrate to the UG's reasonable satisfaction that either: (i) the goals contained in this Exhibit have been met; or (ii) the goals contained in this Exhibit may not have been met but the Best Efforts described herein have been met, then the UG shall have the right to reduce both the TIF Cap and CID Cap by an amount equal to 10% (applied separately to Construction and Professional Services) as the UG's sole and exclusive remedy for such failure. The UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

CSMS MANAGEMENT, LLC

By: _____
David Johnston
County Administrator
Date: _____, 2024

By: _____
Name: _____
Title: _____
Date: _____, 2024

Attachment A

Unified Government

Date: _____

Project Utilization Plan

Project Name: _____

Bid Package	Estimated Contract Value	Estimated LBE Value	Estimated LBE %	Estimated MBE Value	Estimated MBE %	Estimated WBE Value	Estimated WBE %	Total Combined Value	Total Combined %

Exhibit J – Attachment A

DIVERSITY TOTAL	0			0	#DIV/0!	0	#REF!		

Attachment B

LBE/MBE/WBE Utilization Report

LBE/MBE/WBE - UTILIZATION REPORT												Month, Year	
<u>CONSTRUCTION</u>													
APPLICABLE TRADES						Total by Classification		Goal	LBE	Actual			
								0.00%	0.00%	0.00%			
								0.00%	MBE	0.00%			
								0.00%	WBE	0.00%			
Discipline	Subcontractor/Supplier Name	Original Contract Value	Change In Contract Value	Total Contract (Excluding CCIP)	\$	%	\$	%	\$	%	Certifying Agency or Local Zip Code		
Bid Package #1													
Bid Package #2													
Bid Package #3													
Bid Package #4													
Bid Package #5													
Total Applicable Contract Volume Awarded To Date					\$	%	\$	%	\$	%			
							TOTAL - LBE		TOTAL - MBE		TOTAL - WBE		

Attachment C

LBE/MBE/WBE COMPLIANCE

SUMMARY REPORT

EXPENDITURES FOR REPORTING PERIOD

GOODS SUPPLIES and OTHER SERVICES	Total	Class	Percent	Comments
Total \$ Awarded				
Total \$ Expended				
Total \$ MBE		% MBE		
Total \$ WBE		%WBE		
Total \$ M/WBE		%M/WBE		

MINORITY AND WOMEN EMPLOYEES

List the name, address, trade, classification, date hired, sex and ethnic origin for each minority/women employed by your company.

Name & Address	Trade	Classification	Date Hired	Sex	Ethnic Origin

--	--	--	--	--	--

10/16/24 EXECUTIVE SUMMARY
DEVELOPMENT AGREEMENT (BUC-EE'S FAMILY TRAVEL CENTER)

1. **Parties.** The UG and CSMS Management, LLC, a Delaware limited liability company ("Developer").
2. **The Project Site.** The Project Site is generally located on approximately 20 acres of real property generally located at 601 Village West Parkway in Kansas City, Kansas in Kansas City, Kansas. Developer does not yet own the Project Site but has the right to acquire it from the current owner (Kansas Speedway) pursuant to a Purchase and Sale Agreement executed on June 7, 2023.
3. **The Project.** The Project is to be designed, developed and constructed as a new Buc-ee's Family Travel Center comprised of approximately 74,000 square-foot building, approximately 120 gas pumps, approximately twelve (12) electric charging stations and other related amenities.
4. **Timing.** Developer has until March 1, 2025 to clear conditions, and then is required to commencement construction within 60 days after that March 1, 2025 deadline. Developer agrees to complete the Project within 24 months of commencing construction.
5. **Incentive Financing Provided.** Developer has requested public financing to reimburse \$13,388,509 of infrastructure costs. The Agreement would provide these reimbursements through \$3,347,127 of TIF financing and \$10,041,382 of CID financing. Both TIF and CID proceeds would be made available to Developer on a pay-as-you-go basis, without bonds. The public financing would also be limited in the following ways:
 - (a) the maximum amount of TIF reimbursements to Developer is capped at \$3,347,127 (the "TIF Cap"), and would be paid from 50% of the incremental city sales tax collected from the Project and 25% of the UG's share of the incremental county sales tax collected from the Project. The TIF collection period ends on the earlier of the date that Developer has been reimbursed for all TIF eligible expenses in an amount equal to the TIF Cap or 15 years from the date that the UG approves the TIF project plan; and
 - (b) the maximum amount of CID reimbursements to Developer is capped at \$10,041,382 (the "CID Cap"), provided however, that 6% interest (per annum) on Developer's unreimbursed infrastructure costs will be payable in addition to (and on top of) the CID Cap. The CID will be based on a 1% add-on sales tax at the Project and the CID collection period will end on the earlier of the date that Developer has been reimbursed for all of the \$13,388,509 of infrastructure costs or 20 years from the date that CID collection is started.
 - (c) all public financing reimbursements are subject to a 50/50 limitation between private funds and the available public financing to ensure that at all times, the UG will not have paid more TIF proceeds and/or CID proceeds to Developer than the amount of project costs paid by private funds. Further, if the combination of CID and TIF financing provided to Developer ever exceeds 20% of the total costs of the Project, the TIF Cap will be reduced to ensure that the UG's incentives never exceed 20% of the total Project costs.
6. **Industrial Revenue Bonds.** Developer has requested IRB financing in order to obtain an exemption on sales taxes for construction materials, equipment and furnishings for the Project. However, the parties hereby understand and agree that IRB financing shall not be used for abatement of ad valorem taxes for the Project or the Project Site. Developer agrees to pay all costs and expenses related to the issuance of the IRBs, including without limitation the UG's IRB issuance fees.

7. **Term/Use and Operation.** The term of the Agreement would run until the later of the 15-year TIF collection period or the 20-year CID collection period, if the public financing has not yet reached the TIF Cap and/or CID Cap. During the term, Developer has agreed to the UG's standard use and operation requirements in Article 6, including restrictions on uses (6.2(e)), compliance with law (6.5), payment of taxes (6.6), insurance (6.10), and indemnification (6.12). This Agreement is somewhat unusual in a couple of key provisions: (i) the UG agrees to be subordinate to Developer's construction lender in Section 6.8, and (ii) in Section 6.11 Developer's lender has a right not to use insurance proceeds to rebuild the Project; but Developer covenants to rebuild even if the lender does not allow the insurance proceeds to be used for that purpose.

8. **MBE/WBE/LBE.** Developer has agreed to the following participation goals for construction of the Project:

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

If, upon completion of Project, Developer shall have failed to use best efforts to meet the LBE/MBE/WBE goals, then the UG will have the right to reduce both the TIF Cap and CID Cap by 10% for each of Construction and Professional Services.

9. **Assignment/Transfer.** In general, Section 6.13 provides that Developer cannot sell, mortgage or transfer the Project Site or the Project without UG approval, which approval would be at the UG's sole discretion.

10. **Default.** The default provisions are generally consistent with other development agreements, provided however that Developer negotiated to buy its way out of the remedy to specific performance for certain obligations if Developer pays, returns and reimburses the UG an amount equal to all public financing received by Developer, and Developer foregoes any further public financing under this Agreement. The obligations in question relate to the obligation to stay open and operate a Buc-ee's store as required in Section 6.2 and the obligation to rebuild after a fire, casualty or condemnation in Section 6.11.



Report to

MEETING DATE	PRESENTER	DEPARTMENT
NOV 04 2024	Angel Ferrara, Director Vincent Billaci Justin Ukena aferrara@wycokck.org x8354	Parks & Recreation
AGENDA ITEM #		
RESOLUTION: KANSAS FOREST SERVICE GRANT PROGRAM		
BACKGROUND		
• The Kansas Forest Service offers grant awards to municipal governments to improve community forests with a maximum award of \$100,000. • Project areas are required to be identified as overburdened and underserved by the Climate and Economic Justice Screening Tool. • Funds can be used for pruning, removal, planting, procuring plant material, and increasing the resiliency of the community forests. • The Department has identified locations in Kensington, Klammer, Jersey Creek, Leo Alvey, Clopper, and Huron Parks for new tree plantings. Oak Grove Cemetery was identified for tree removal of damaged trees. Results of the Wyandotte County Public Health Department's 2023 Heat Mapping Campaign were considered to identify said locations. • Deadline to apply is November 8th with an award date of January 13, 2025.		
RECOMMENDATION		
Approve • Create and approve a motion to allow staff to continue pursuing the Kansas Forest Service grant program application process which, if awarded, could provide funding in the amount of up to \$100,000, which would support new tree plantings in parks located within underserved areas.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
• Since this is a no-match grant, there will be no budget implications. If awarded, funds will need to be utilized within 2 years.		
IT/POLICY CONSIDERATIONS		
N/A		

PROCUREMENT CONSIDERATIONS

N/A

LEGAL CONSIDERATIONS

ATTACHMENTS

Reso Approving KS Forest Service Grant, Commission Agenda Item Report - 2024 Kansas Forest Service No-match Grant

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

 10/23/2024

Approved



RESOLUTION NO. _____

A RESOLUTION authorizing the Parks and Recreation Department through the Unified Government of Wyandotte County/Kansas City, Kansas to apply for a grant via the Kansas Forest Service grant program

WHEREAS, the Kansas Forest Service administers grants to improve community forests through its grant program; and

WHEREAS, the Parks and Recreation department would like to apply for a grant through this program for funding to plant trees in Kensington, Klammer, Jersey Creek, Leo Alvey, Clopper and Huron Parks and for removal of damaged trees in Oak Grove Cemetery; and

WHEREAS, the value of the grant award is a maximum of \$100,000 with no corresponding match required and therefore no budget implications.

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

Section 1. The Parks and Recreation Department through the Unified Government of Wyandotte County/Kansas City, Kansas is authorized to apply for and accept, if awarded, the Kansas Forest Service grant.

Section 2. The County Administrator and/or his designee is hereby authorized, on behalf of the Unified Government, to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2024.**

**Tyrone A. Garner
Mayor/Chief Executive Officer**

Unified Government Clerk

Commission Agenda Item Report

Title: 2024 Kansas Forest Service No-match Grant

Proposed Agenda Date: November 4, 2024 Economic Development & Finance and Neighborhood & Community Development Standing Committee Meeting

Presented by: Angel Ferrara, Director of Parks & Recreation Department, Vincent Billaci, Manager of Parks – Parks & Recreation Department, and Justin Ukena, Beautification Supervisor – Parks & Recreation Department

BACKGROUND:

- The Kansas Forest Service offers grant awards to municipal governments to improve community forests with a maximum award of \$100,000.
- Project areas are required to be identified as overburdened and underserved by the Climate and Economic Justice Screening Tool.
- Funds can be used for pruning, removal, planting, procuring plant material, and increasing the resiliency of the community forests.
- The Department has identified locations in Kensington, Klamm, Jersey Creek, Leo Alvey, Clopper, and Huron Parks for new tree plantings. Oak Grove Cemetery was identified for tree removal of damaged trees. Results of the Wyandotte County Public Health Department's 2023 Heat Mapping Campaign were considered to identify said locations.
- Deadline to apply is November 8th with an award date of January 13, 2025.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- Since this is a no match grant, there will be no budget implications. If awarded, funds will need to be utilized within 2 years.

POLICY CONSIDERATIONS:

- N/A

PROCUREMENT CONSIDERATIONS:

- N/A

LEGAL CONSIDERATIONS:

- N/A

RECOMMENDED ACTION:

- Create and approve a motion to allow staff to continue pursuing the Kansas Forest Service grant program application process which, if awarded, could provide funding in the amount of up to \$100,000, which would support new tree plantings in parks located within underserved areas.

COUNTY ADMINISTRATION COMMENTS:

-

MAYOR AGENDA DIRECTION:

-

KANSAS FOREST SERVICE COMMUNITY FORESTS GRANT

Parks & Recreation Department



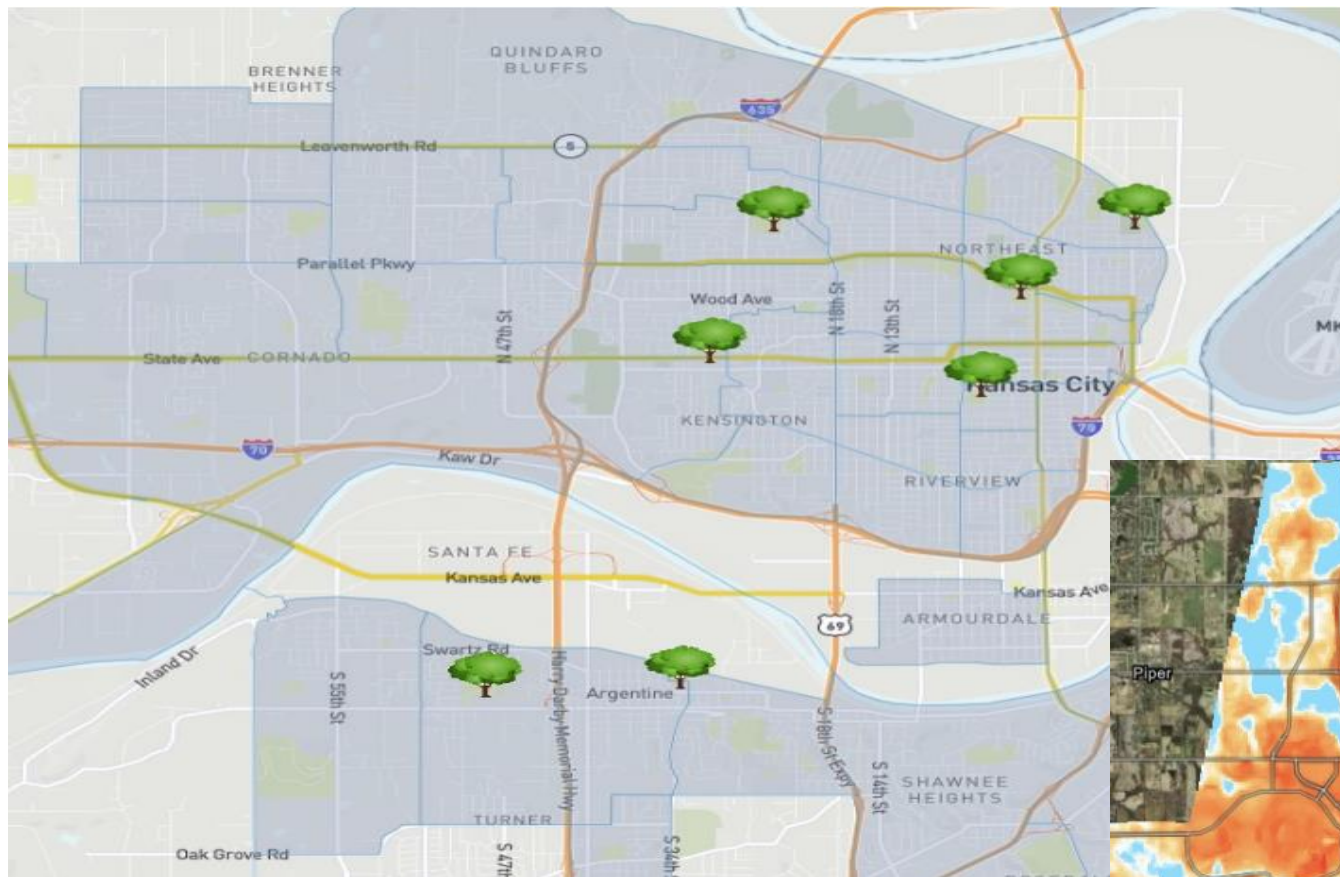
**PARKS &
RECREATION**

Community Forests Grant

- Revitalize the state's community forests through strategic partnerships with local government, non-governmental and community-based organizations
- Make the environment and population healthier, as well as mitigate the effects of heat islands and climate change
- Use is required to be in areas identified as overburdened and underserved according to the Economic and Climate Justice Screening Tool
- **No match** grant opportunity
 - No budgetary implications
 - If awarded, funds will need to be utilized in 2 years
- Maximum award of \$100,000
- November 8th application deadline
 - Early 2025 grant notification

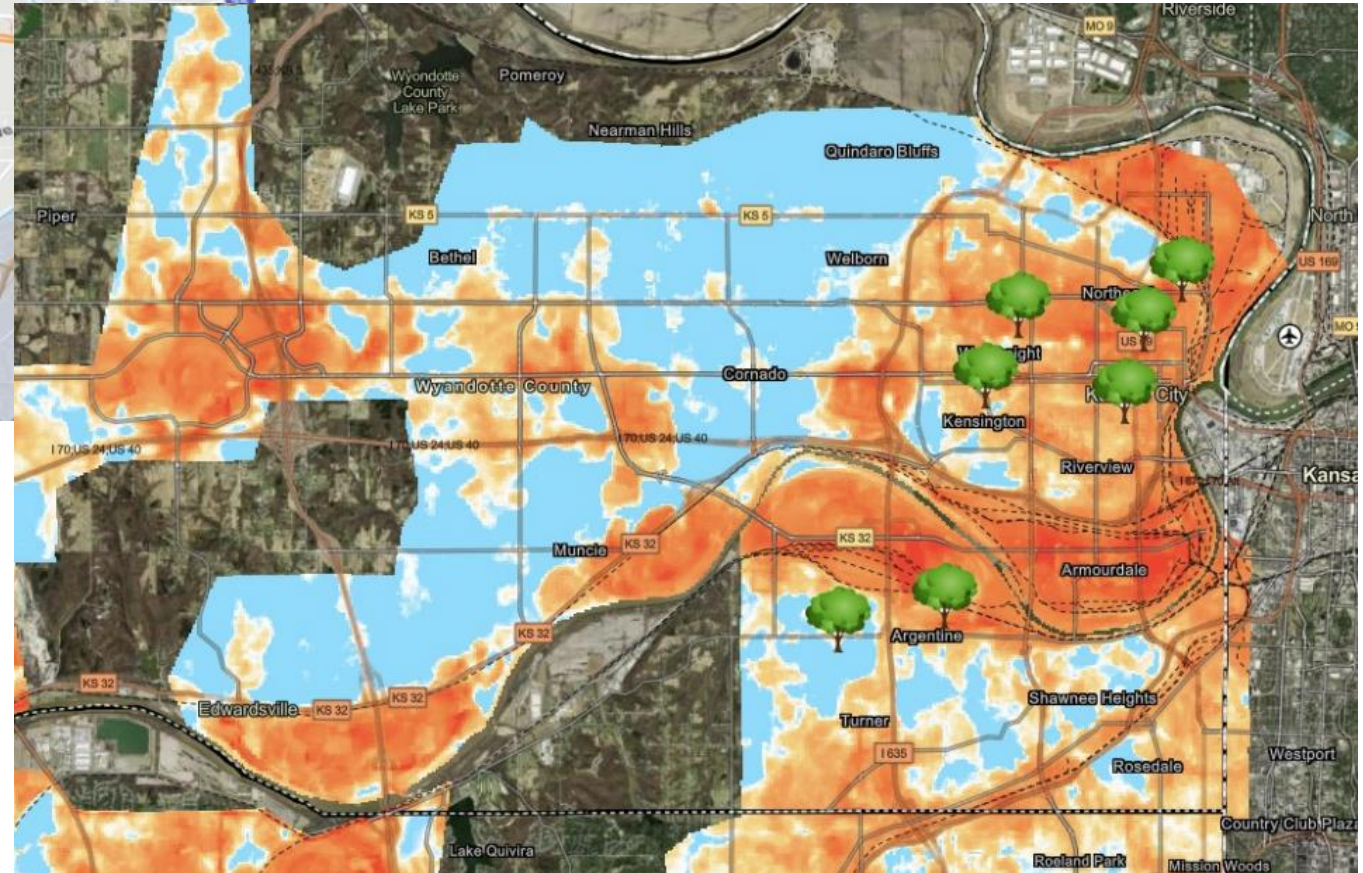
Areas Identified in Kansas City, KS

- New tree plantings at:
 - Kensington Park
 - Klammm Park
 - Jersey Creek Park
 - Clopper Field
 - Huron Park
 - Leo Alvey Park
- Tree pruning and damaged tree removal
 - Oak Grove Cemetery
 - Grant requires 2:1 new planting to removal ratio
- Wyandotte County Public Health Department's 2023 Heat Mapping Campaign was also used to identify locations



Wyandotte County Public Health Department's Heat Mapping

Economic and Climate Justice Screening Tool



Authorization Resolution

- Section 1:
 - The Parks and Recreation Department through the Unified Government of Wyandotte County/Kansas City, Kansas is authorized to apply for and accept, if awarded, the Kansas Forest Service grant
- Section 2:
 - The County Administrator and/or his designee is hereby authorized, on behalf of the Unified Government, to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant

RESOLUTION NO. _____

A RESOLUTION authorizing the Parks and Recreation Department through the Unified Government of Wyandotte County/Kansas City, Kansas to apply for a grant via the Kansas Forest Service grant program

WHEREAS the Kansas Forest Service administers grants to improve community forests through its grant program; and

WHEREAS the Parks and Recreation department would like to apply for a grant through this program for funding to plant trees in Kensington, Klammer, Jersey Creek, Leo Alvey, Clopper and Huron Parks and for removal of damaged trees in Oak Grove Cemetery; and

WHEREAS the value of the grant award is a maximum of \$100,000 with no corresponding match required and therefore no budget implications.

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

Section 1. The Parks and Recreation Department through the Unified Government of Wyandotte County/Kansas City, Kansas is authorized to apply for and accept, if awarded, the Kansas Forest Service grant.

Section 2. The County Administrator and/or his designee is hereby authorized, on behalf of the Unified Government, to take the steps necessary to fulfill the conditions of the grant and execute documents in furtherance of the grant.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2024.

Tyrone A. Garner
Mayor/Chief Executive Officer

Unified Government Clerk



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
		Economic Development
AGENDA ITEM #13.1.		
PRESENTATION: MIDTOWN STATION - INDIAN SPRINGS		
BACKGROUND		
Presentation by Eastside Innovation of the proposed project for the development of the former Indian Springs site as selected through the RFP process. <i>For information only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Midtown Station - Indian Springs RFP Developer - Nov 2024		

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

MIDTOWN STATION

A REDEVELOPMENT PLAN FOR THE FORMER INDIAN SPRINGS MALL SITE

November 4, 2024

**EAST SIDE
INNOVATION**

OUR TEAM

Developers

Eastside
Innovation ●◻

Arnold
Development
Group

MYNT ●

Outside the Box
Developers

Crossroads Real
Estate Group

Designers

Stantec

Continental
Consulting ●◻
Engineers

WSKF
Architects ●◻

DRAW ●

EHDD ●

Legal & Finance

Rouse Frets
White Goss
Gentile Rhodes

Vukas Capital
Advisors

Elise Capital

Riverstone
Platform Partners

● Pre-Qualified
◻ KCK Office

REPRESENTING OUR TEAM



Erik Murray
Lead Developer



Jonathan Arnold
Co-Developer



Aaron March
Legal + Incentives



JaEvon Marshall
Management



Robert Hymes
Energy Developer



Phil Gibbs, Jr
Civil Engineer



John Freshnock
Architect

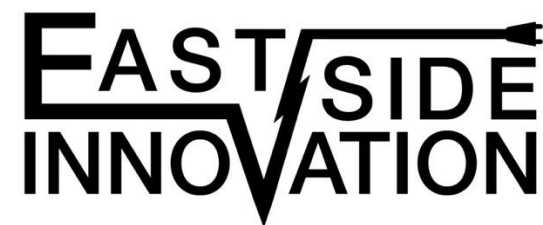


Josh Cheek
Landscape Arch.

LOCAL LEAD DEVELOPER



Erik Murray
Eastside Innovation
Kansas LLC



Kansas City, Kansas Native

Sumner Academy Class of 2000 Graduate

- Completed over \$1Bn in Commercial Real Estate transactions during 20 year career
- Certified Commercial Investment Member (CCIM)
- Developed at The Ridge Business Park in KCK & Riverside Horizons
- Currently manage over \$200M in assets for a local, high-net worth, family office.
- On a mission to leverage clean energy as a catalyst for socioeconomic prosperity in Eastside communities.

AWARD WINNING CO-DEVELOPER



Jonathan Arnold
Arnold
Development Group



Kansas City based expert in sustainable development
Award-winning Second+Delaware Passive House

- Visionary behind over \$6Bn in regional real estate developments
- Mission aligned on triple-bottom-line development.
- Pioneering Passive House development across the US.
- Kansas City based since 2002.
- On a mission to develop walkable, sustainable, vibrant communities.

EASTSIDE'S “WHY”

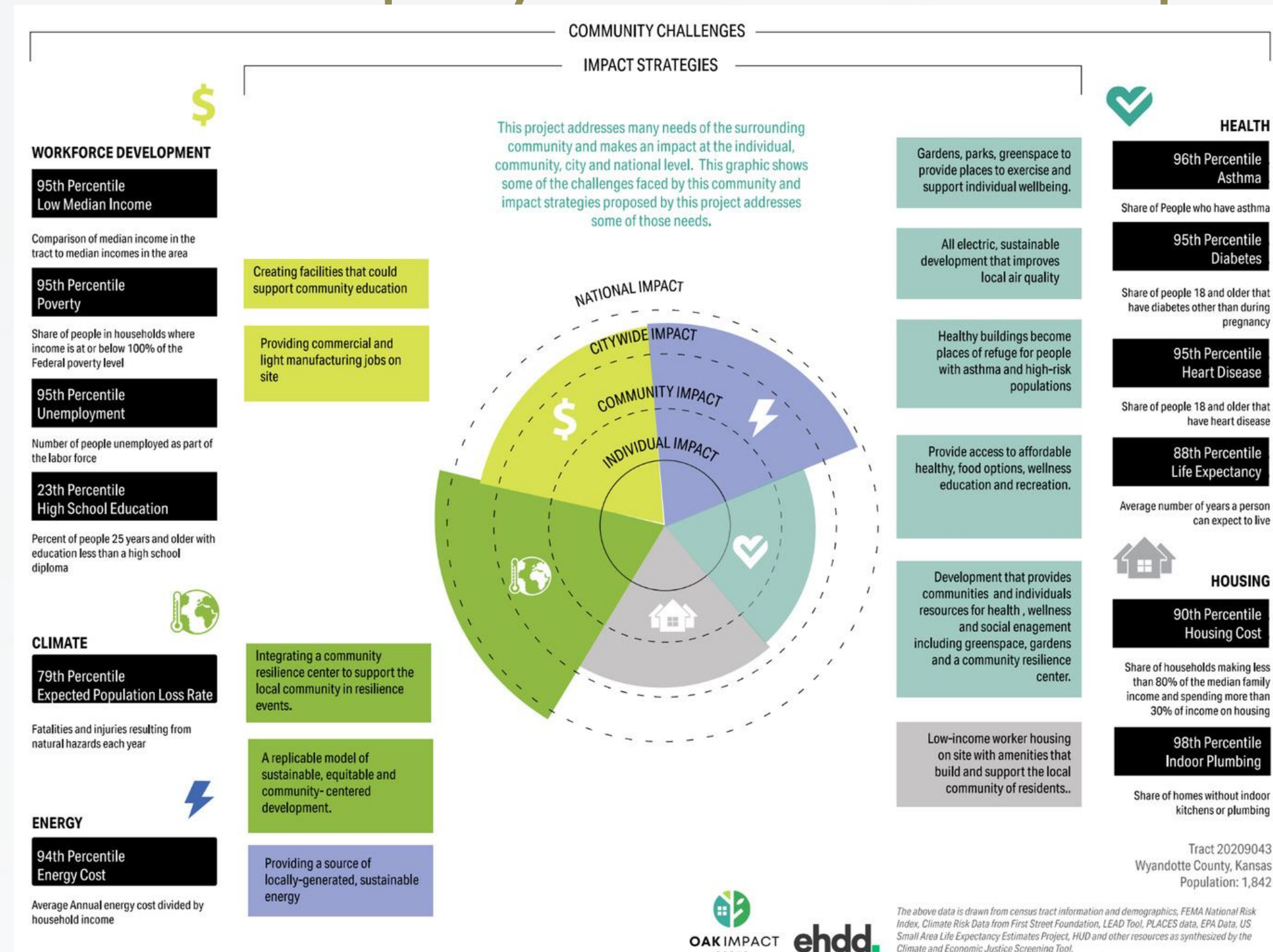
We are “Triple Bottom Line” developers at our core.

People. Place. Planet.
Prosperity.

[-Eastside Disparity by Stephen DeBerry](#)

Industrialization and Pollution Created “Eastside Disparity”

Clean Energy and Sustainability as a Catalyst for “Eastside Prosperity”





Existing Site

Proposed Site Plan



-  Low Rise Residential
-  Service Retail
-  Food and Beverage
-  Fitness
-  Grocery Store
-  Daycare
-  Innovation Center
-  Convention Center Hotel
-  Upper Level Residential



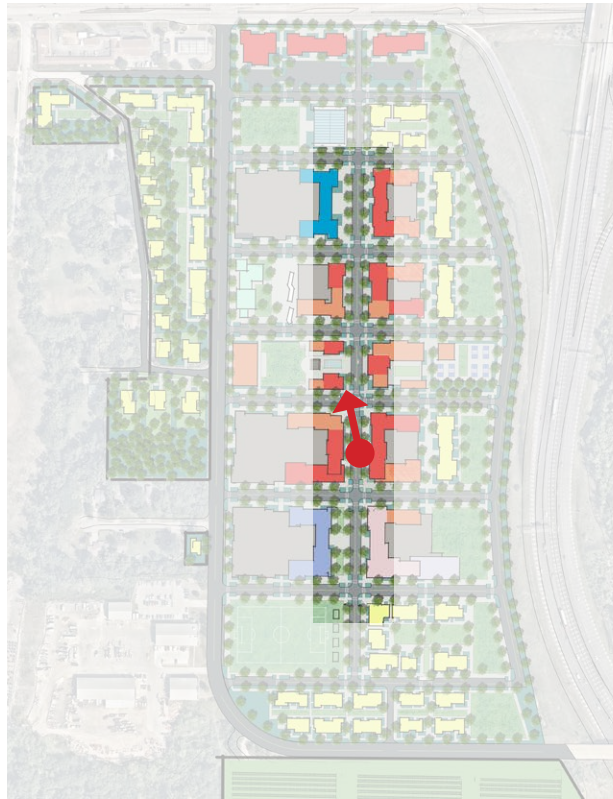
Program

Apartments	1,475	units
Service Retail and F&B	280,910	sf
Parking Structured	2,900	spaces
Parking Street	250	spaces
Single Family	63	homes
Townhomes	150	units
Innovation	31,842	sf
Meeting Rooms	31,842	sf
Hotel	168	rooms
Grocery Store	18,085	sf
Greenhouse	15,934	sf

Central Green



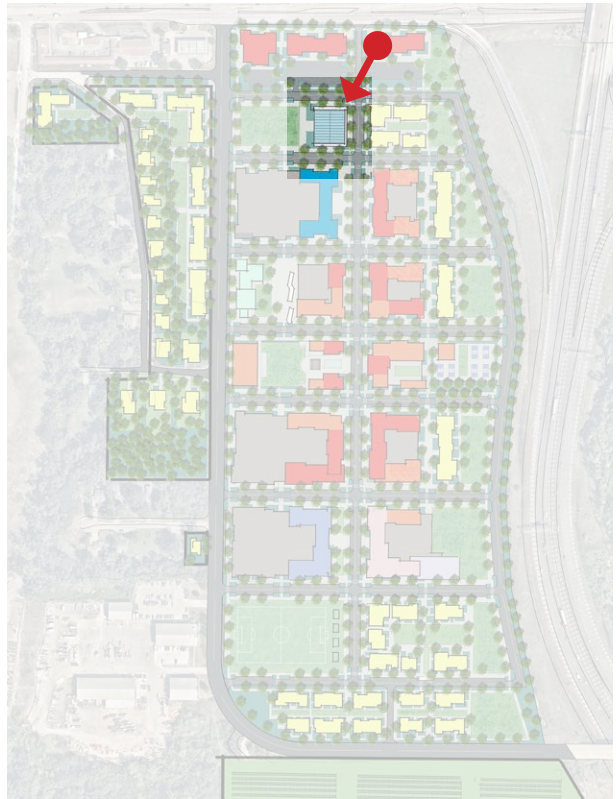
Center Street



Greenspace



Green House



Hotel and Convention Center





COMMUNITY PARTNERS



EASTSIDE INNOVATION COMMUNITY VALUES

Community Mission



- At Eastside innovation, the community stands as a key cornerstone
- Actively involve the community every step of the way
 - transparency
 - trust
 - collaboration.

- Prioritizing community input and enrichment while addressing the housing affordability crisis
- Renaming the Indian Springs site to Midtown Station reflects our commitment to
 - community growth
 - History acknowledgment
 - respecting the evolving identity and aspirations.

Community Vision



THANK YOU!

**EAST/SIDE
INNOVATION**

x



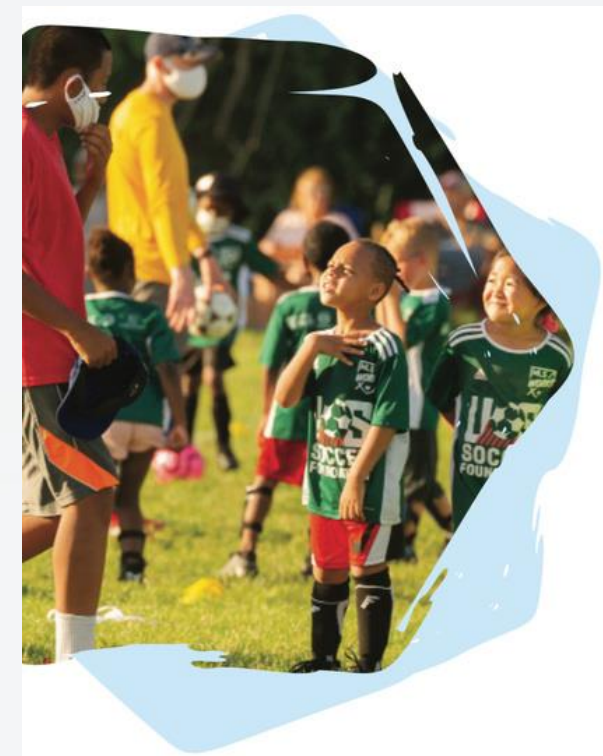
Midtown Station delivers for our community by developing a new, equitable, transit-oriented mixed-use development, utilizing clean energy and community empowerment to drive socioeconomic prosperity across housing, employment, and health!



WORLD CUP 2026



- **Historic Global Event** – three countries (USA, Canada, Mexico) share host for first time.
- **\$5Bn+ in estimated economic impact** to the 16 host cities, including Kansas City. **Vital to ensure Eastern Wyandotte County has access and benefit!**
- Unique opportunity to partner with US Soccer Foundation to **create equitable opportunities** and facilities for KCK urban core youth.
- **Build 2 new mini-pitches!** 10 year warranty for low ops cost.
- **Soccer For Success and Safe Places to Play Youth** programming for 6 – 14 yr olds.





Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Chelsee Chism, Director cchism@wycokck.org X8046	Legal
AGENDA ITEM #13.2.		
ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE VILLAGE WEST III (NORTHPOINT) DEVELOPMENT		
BACKGROUND		
Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$45.7 million for the purposes of acquiring, constructing, and equipping a 330-unit apartment complex located south of Parallel Parkway and 114th Street, and providing for a 10-year payment in lieu of tax (PILOT). <i>Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-8-20 and approved assigning the rights to NP Village West III in resolution R-61-22.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance - NP Village West III (UG) (2), REDLINE - Ordinance, R-8-20, R-61-22		

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

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP VILLAGE WEST III, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,700,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL MULTIFAMILY FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF NP VILLAGE WEST III, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (NP Village West III, LLC Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$45,700,000, for the purpose of acquiring, purchasing, constructing, installing, furnishing and equipping commercial multifamily facilities for NP Village West III, LLC, a Delaware limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”) to be approximately located at 11403 Parallel Parkway in Kansas City, Kansas (Building 1), 11405 Parallel Parkway in Kansas City, Kansas (Building 2), 11407 Parallel Parkway in Kansas City, Kansas (Building 3), and 11409 Parallel Parkway in Kansas City, Kansas (Building 4); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$45,700,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such material changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO’s absence, the acting Mayor/CEO) and the County Administrator of the Issuer, as applicable, are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

[Balance of page intentionally left blank]

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November __, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP VILLAGE WEST III, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,700,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL MULTIFAMILY FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF NP VILLAGE WEST III, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount stated therein for the purpose of acquiring, constructing, furnishing, and equipping commercial multifamily facilities for NP Village West III, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP VILLAGE WEST III, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,700,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL MULTIFAMILY FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF NP VILLAGE WEST III, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (NP Village West III, LLC Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$45,700,000, for the purpose of acquiring, purchasing, constructing, installing, furnishing and equipping commercial multifamily facilities for NP Village West III, LLC, a Delaware limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); to be approximately located at 11403 Parallel Parkway in Kansas City, Kansas (Building 1), 11405 Parallel Parkway in Kansas City, Kansas (Building 2), 11407 Parallel Parkway in Kansas City, Kansas (Building 3), and 11409 Parallel Parkway in Kansas City, Kansas (Building 4); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$45,700,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such material changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO’s absence, the acting Mayor/CEO) and the County Administrator of the Issuer, as applicable, are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

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PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November __, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP VILLAGE WEST III, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,700,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL MULTIFAMILY FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF NP VILLAGE WEST III, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount stated therein for the purpose of acquiring, constructing, furnishing, and equipping commercial multifamily facilities for NP Village West III, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF APPROXIMATELY \$45,700,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF VILLAGE WEST APARTMENTS III, LLC, AND ITS SUCCESSORS AND ASSIGNS (VILLAGE WEST APARTMENTS PHASE III)

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 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, Village West Apartments III, LLC, a Kansas limited liability company (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, constructing, improving and equipping certain commercial facilities as more fully described in the Application to be approximately located south of Parallel Parkway and N. 114th Street consisting of an approximately 330-unit apartment complex, including associated infrastructure, a clubhouse, and other amenities (collectively, the "Project") through the issuance of its revenue bonds in one or more series in the amount of approximately \$45,700,000, and to lease the Project to the Company or its successors and assigns 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 revenue bonds under the Act in a principal amount of approximately \$45,700,000, 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, the Development Agreement (as defined herein) has been presented for consideration in connection with the Project.

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 the issuance of the Unified Government's revenue bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

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, improve and equip the Project out of the proceeds of revenue bonds of the Unified Government in a principal amount of approximately \$45,700,000 to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified

Government expresses its intent to (i) issue its revenue 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 determined by ordinance of the Unified Government; (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 said bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of said 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; and (iii) the Company's compliance with the Unified Government's policies relating to the issuance of 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 5. Sale of the Bonds. The sale of the bonds shall be the responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. 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 other ad valorem taxes that cannot be abated under Kansas law) for all real property 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-based tax agreement to be agreed upon and executed by the Unified Government and the Company. 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. The payments in lieu of tax are subject to adjustment in accordance with the performance-based tax abatement agreement to be agreed upon and executed by the Unified Government and the Company for the Project.

Section 6. 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 the Lease Agreement 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 and in favor of the owners of the bonds, as provided in 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 7. Required Disclosure. Any disclosure document prepared in connection with the offering of the bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED

GOVERNMENT" AND "LITIGATION -- THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 8. 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 9. Termination of Resolution. This Resolution shall terminate on January 1, 2021, unless the Bonds have been issued for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 10. 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, 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 11. Development Agreement. The Unified Government hereby approves the Development Agreement for Village West Apartments III dated as of the date stated therein between the Unified Government and the Company (the "Development Agreement") in substantially the form presented to and reviewed by the governing body of the Unified Government (a copy of which document, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof. The Mayor/CEO and the Clerk are hereby authorized to execute and deliver the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 12. 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 13. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS ON FEBRUARY 27, 2020.**

By: 
Mayor/CEO

(Seal)

Attest:

By: 
Deputy Unified Government Clerk

Resolution of Intent
Village West Apartments III, LLC

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax ("PILOTs") shall be determined on a per-apartment-unit basis as further set forth in that certain Development Agreement for Village West Apartments III between the Unified Government and Village West Apartments III, LLC (the "Development Agreement").

Below is an approximate PILOT schedule based on 330 apartment units. This PILOT schedule may be adjusted as set forth in the Development Agreement.

Value/Unit	# Units	Projected Value	2019 Mill Rate	PILOT	Per Door Taxes
\$53,719.19	330	\$17,727,331.48	169.965992	\$346,500.00	\$1,050.00

Year*	With L/M/W		Without L/M/W	
	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$1,050.00	\$346,500.00	\$1,050.00	\$346,500.00
2	\$1,060.50	\$349,965.00	\$1,071.00	\$353,430.00
3	\$1,092.32	\$360,463.95	\$1,119.20	\$369,334.35
4	\$1,125.08	\$371,277.87	\$1,169.56	\$385,954.40
5	\$1,158.84	\$382,416.20	\$1,222.19	\$403,322.34
6	\$1,193.60	\$393,888.69	\$1,277.19	\$421,471.85
7	\$1,229.41	\$405,705.35	\$1,334.66	\$440,438.08
8	\$1,266.29	\$417,876.51	\$1,394.72	\$460,257.80
9	\$1,304.28	\$430,412.81	\$1,457.48	\$480,969.40
10	\$1,343.41	\$443,325.19	\$1,523.07	\$502,613.02
Total:		\$3,901,831.58	\$4,164,291.23	

* "Year" refers to the first full calendar year following the issuance of the bonds.

RESOLUTION NO. R- 61 -22

RESOLUTION ASSIGNING AND AMENDING CERTAIN PROVISIONS OF RESOLUTION NO. R-8-20 PREVIOUSLY ADOPTED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, WHICH DETERMINED THE INTENT TO ISSUE INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF APPROXIMATELY \$45,700,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING COMMERCIAL FACILITIES (VILLAGE WEST APARTMENTS PHASE III)

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 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, Village West Apartments III, LLC, a Kansas limited liability company (the "Assignor"), previously 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, constructing, improving and equipping certain commercial facilities as more fully described in the Application to be approximately located south of Parallel Parkway and N. 114th Street consisting of an approximately 330-unit apartment complex, including associated infrastructure, a clubhouse, and other amenities (collectively, the "Project") through the issuance of its revenue bonds in one or more series in the amount of approximately \$45,700,000 (the "Bonds"), and to lease the Project to the Assignor or its successors and assigns in accordance with the Act; and

WHEREAS, the governing body of the Unified Government previously adopted Resolution No. R-8-20 (the "Resolution of Intent") determining the Unified Government's intent to issue the Bonds; and

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

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

Section 1. Assignment. The governing body of the Unified Government hereby finds and determines that all rights and benefits of the Resolution of Intent are hereby assigned from the Assignor to NP Village West III, LLC, a Delaware limited liability company (the "Assignee").

Section 2. Amendments.

(a) Exhibit A of the Resolution of the Resolution of Intent is hereby deleted in its entirety and amended as set forth in **Exhibit A** hereto.

(b) Section 9 of the Resolution of Intent is hereby deleted in its entirety and amended as follows:

Section 9. Termination of the Resolution. This Resolution shall terminate on January 1, 2025, unless the Bonds have been issued for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 3. Effectiveness of Resolution of Intent. Except as assigned or amended herein, all other provisions of the Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 4. 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 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

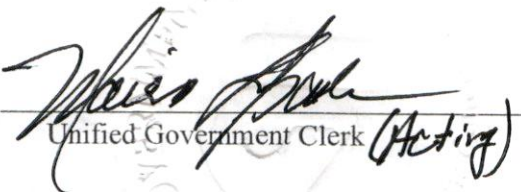
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ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON SEPTEMBER 29, 2022.

By: 
Mayor/CEO

(Seal)

Attest:

By: 
Unified Government Clerk (Acting)

Approved as to form:

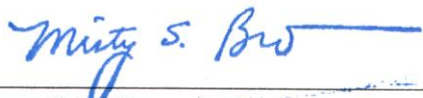
By: 
Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax ("PILOTs") shall be determined on a per-apartment-unit basis as further set forth in that certain Development Agreement for Village West Apartments III originally between the Unified Government and Village West Apartments III, LLC (as amended and/or assigned, the "Development Agreement").

Below is an approximate PILOT schedule based on 330 apartment units. This PILOT schedule may be adjusted as set forth in the Development Agreement.

Value/Unit	# Units	Projected Value	2021 Mill Rate	Per Door Taxes
\$53,719.19	330	\$17,727,331.48	170.061285	\$1,150.00

Year	With L/M/W		Without L/M/W	
	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$1,150.00	\$379,500.00	\$1,150.00	\$379,500.00
2	\$1,160.50	\$382,965.00	\$1,172.11	\$386,796.30
3	\$1,192.32	\$393,463.95	\$1,222.13	\$403,302.90
4	\$1,225.08	\$404,277.87	\$1,274.08	\$420,446.40
5	\$1,258.84	\$415,416.20	\$1,321.78	\$436,187.40
6	\$1,293.60	\$426,888.69	\$1,377.68	\$454,634.40
7	\$1,329.41	\$438,705.35	\$1,435.76	\$473,800.80
8	\$1,366.29	\$450,876.51	\$1,496.09	\$493,709.70
9	\$1,404.28	\$463,412.81	\$1,551.73	\$512,070.90
10	\$1,443.41	\$476,325.19	\$1,616.62	\$533,484.60
Total:		\$4,231,831.57		\$4,493,933.40

* "Year" refers to the first full calendar year following the issuance of the Bonds.



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Chelsee Chism, Director cchism@wycokck.org X8046	Economic Development
AGENDA ITEM #13.3.		
ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE CARNATION PARTNERS LLC DEVELOPMENT		
BACKGROUND		
Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$11.5 million for the purposes of acquiring, constructing, and equipping a 56,700 square foot manufacturing facility at 4500 Dover Street in Kansas City, Kansas, and providing for a 10-year payment in lieu of tax (PILOT). <i>Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-71-23.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
carnation partners LLC, R-71-23		

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

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (CARNATION PARTNERS LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$11,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A MANUFACTURING FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY, AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Carnation Partners LLC Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$11,500,000, for the purpose of acquiring, purchasing, constructing, installing and equipping an approximately 56,700 square foot manufacturing facility, and all related improvements for the benefit of Carnation Partners LLC, a Kansas limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment, all that will be generally located at 4500 Dover Street in the City of Kansas City, Kansas (the “Project”); and

WHEREAS, the Issuer and the Company previously entered into that certain Performance Agreement dated as of November 30, 2023 (the “Performance Agreement”), setting forth certain terms of the Bonds and related property tax abatement for the Project; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$11,500,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance

with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

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PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November __, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (CARNATION PARTNERS LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$11,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A MANUFACTURING FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY, AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$11,500,000, for the purpose of acquiring, purchasing, constructing, installing and equipping a manufacturing facility for Carnation Partners LLC, a Kansas limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

RESOLUTION NO. R-71-23

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 \$11,500,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MANUFACTURING FACILITY FOR THE BENEFIT OF CARNATION PARTNERS LLC AND ITS SUCCESSORS AND ASSIGNS

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

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

WHEREAS, Carnation Partners LLC, a Kansas limited liability company (together with permitted successors and assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, purchasing, constructing, installing and equipping an approximately 56,700 square foot manufacturing facility located generally at 4500 Dover Street 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 \$11,500,000 (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 \$11,500,000, 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 4500 Dover Street 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 \$11,500,000, 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.

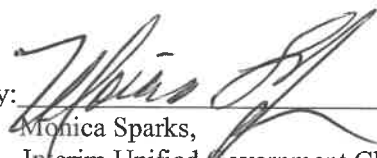
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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON NOVEMBER 30, 2023.**

(SEAL)

ATTEST:

By: _____
Tyrone Garner, Mayor/CEO

By: _____
Monica 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 56,700, 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 1 PILOT	\$71,802.37
Facility Square Footage	56,700
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$71,802.37	\$71,802.37
2	73,238.42	74,674.46
3	74,703.19	77,661.44
4	76,197.25	80,767.90
5	77,721.19	83,998.62
6	79,275.62	87,358.56
7	80,861.13	90,852.90
8	82,478.35	94,487.02
9	84,127.92	98,266.50
10	85,810.48	102,197.16

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.

(Published in *The Wyandotte Echo* on November 2, 2023)

**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, November 30, 2023**, 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 \$11,500,000 (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 56,700 square foot manufacturing facility located generally at 4500 Dover Street 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 Carnation Partners LLC, a Kansas limited liability company, 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: November 2, 2023.

Monica Sparks
Interim Unified Government Clerk
701 N. 7th Street
Kansas City, Kansas 66101
(913) 573-8039

PERFORMANCE AGREEMENT

Dated as of November 30, 2023

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

CARNATION PARTNERS LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of November 30, 2023 (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 **CARNATION PARTNERS LLC**, a Kansas limited liability company, or assigns (the “**Company**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$11,500,000 (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 \$11,500,000.

“Company” means Carnation Partners LLC, a Kansas limited liability company, and its successors and assigns.

“Event of Default” means any Event of Default as described in **Section 5.1** hereof.

“Exempt Period” means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

“Exempt Property” means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

“Force Majeure” means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

“Future Facility Additions” means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **“Future Facility Additions”** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

“Issuer” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Property” means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

“Project” means acquiring, purchasing, constructing, installing and equipping an approximately 56,700 square foot manufacturing 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 4500 Dover Street 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 July 1, 2024, and substantially complete construction of the Project on or before December 31, 2025. "Commence construction" shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. "Substantially complete," for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a manufacturing facility, as evidenced by receipt by the Company of a temporary certificates of occupancy for the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2025.

Section 3.3. Development of Project. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project, shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer's Planning Commission, and this Agreement shall not be construed to waive such Planning Commission's discretion in approving or disapproving the same. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as an approximately 56,700 square foot industrial and manufacturing 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 (based upon the Company's actual knowledge of the full-time employees employed by the subtenants occupying 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.

(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@bpu.com

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:

Vince Ismert
Carnation Partners LLC
3100 Brinkerhoff Road
Kansas City, Kansas 66115
Telephone: (913) 222-1500
Email: vince.ismert@striemco.com

with a copy to:

Curt Petersen
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, Missouri 64112
Telephone: (913) 234-7458
Email: cpetersen@polsinelli.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

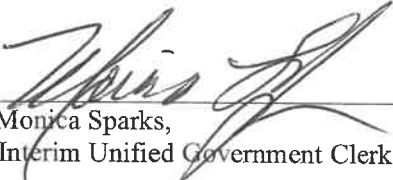
(SEAL)

By: _____


Tyrone Garner, Mayor/CEO

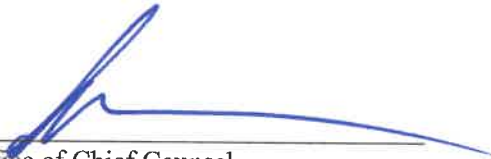
ATTEST:

By: _____


Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____


Office of Chief Counsel

CARNATION PARTNERS LLC
a Kansas limited liability company

By: _____

Name: _____

Title: _____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

TRACT 1:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE NORTH 87 DEGREES 38'36" EAST 331.30 FEET (330.00 FEET BY DEED), ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE EAST LINE OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3580 AT PAGE 125; THENCE NORTH 2 DEGREES 10 MINUTES 47 SECONDS WEST 638.00 FEET, ALONG SAID EAST LINE TO THE "TRUE POINT OF BEGINNING"; THENCE SOUTH 87 DEGREES 38'36" WEST 132.63 FEET, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE WEST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3580 AT PAGE 125; THENCE NORTH 2 DEGREES 11'24" WEST 682.27 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE NORTH 87 DEGREES 22'49" EAST 132.76 FEET (132.00 FEET BY DEED), ALONG SAID NORTH LINE, TO A POINT ON THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3580 AT PAGE 125; THENCE SOUTH 2 DEGREES 10'47" EAST 682.88 FEET, ALONG SAID EAST LINE, TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

AND

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SAID SECTION 30; THENCE NORTH 87 DEGREES 38'36" EAST 198.78 FEET (198.00 FEET BY DEED), ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE EAST LINE OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4188 AT PAGE 688; THENCE NORTH 2 DEGREES 11'24" WEST 638.00 FEET ALONG SAID EAST LINE, TO THE "TRUE POINT OF BEGINNING"; THENCE SOUTH 87 DEGREES 38'36" WEST 130.63 FEET PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE WEST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4188 AT PAGE 688; THENCE NORTH 2 DEGREES 11'59" WEST 681.67 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE

SOUTHWEST 1/4 OF SAID SECTION 30; THENCE NORTH 87 DEGREES 22'49" EAST 130.75 FEET (130.00 FEET BY DEED) ALONG SAID NORTH LINE, TO A POINT ON THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4188 AT PAGE 688; THENCE SOUTH 2 DEGREES 11'24" EAST 682.27 FEET, ALONG SAID EAST LINE, TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

AND

A TRACT OF LAND IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(NOTE: THE BEARING SYSTEM IN THE FOLLOWING DESCRIPTION IS BASED ON GRID NORTH, KANSAS STATE PLANE COORDINATE SYSTEM NAD 83)

COMMENCING AT A POINT 32.00 FEET WEST AND 20.00 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, SAID POINT BEING ON THE RIGHT-OF-WAY LINE OF GIBBS ROAD, AS NOW ESTABLISHED; THENCE NORTH 02 DEGREES 12 MINUTES 19 SECONDS WEST 220.00 FEET; THENCE SOUTH 87 DEGREES 38 MINUTES 36 SECONDS WEST 233.13 FEET TO A POINT ON THE WEST LINE OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3060 AT PAGE 607; THENCE NORTH 02 DEGREES 13 MINUTES 41 SECONDS WEST 398.00 FEET, ALONG SAID WEST LINE, TO THE "TRUE POINT OF BEGINNING"; THENCE NORTH 02 DEGREES 13 MINUTES 41 SECONDS WEST 681.52 FEET, ALONG SAID WEST LINE, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 40 MINUTES 39 SECONDS EAST 265.56 FEET, ALONG SAID NORTH LINE, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 22 MINUTES 49 SECONDS EAST 68.39 FEET, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, TO THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3060 AT PAGE 607; THENCE SOUTH 02 DEGREES 11 MINUTES 59 SECONDS EAST 681.67 FEET ALONG SAID EAST LINE; THENCE SOUTH 87 DEGREES 38 MINUTES 36 SECONDS WEST 333.61 FEET TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

AND

A TRACT OF LAND IN PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE

CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(NOTE: THE BEARING SYSTEM IN THE FOLLOWING DESCRIPTION IS BASED ON GRID NORTH, KANSAS STATE PLANE COORDINATE SYSTEM NAD 83.)

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 38 MINUTES 36 SECONDS EAST 662.78 FEET, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30, TO THE SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 5, "DOMVILLE SUBDIVISION", A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 02 DEGREES 17 MINUTES 09 SECONDS WEST 638.00 FEET, ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID EAST LINE AND THE EAST LINE OF LOT 4, "DOMVILLE SUBDIVISION", A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BERRY ROAD, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE "TRUE POINT OF BEGINNING"; THENCE NORTH 02 DEGREES 19 MINUTES 24 SECONDS WEST 350.00 FEET, ALONG THE EAST LINE OF LOTS 16 AND 17, "DICKSLIGH ADDITION", A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOVER STREET, AS NOW ESTABLISHED; THENCE NORTH 02 DEGREES 20 MINUTES 17 SECONDS WEST 331.76 FEET TO THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4028 AT PAGE 603, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 40 MINUTES 39 SECONDS EAST 399.24 FEET, ALONG SAID NORTH LINE, TO THE NORTHEAST CORNER OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4028 AT PAGE 603; THENCE SOUTH 02 DEGREES 13 MINUTES 41 SECONDS EAST 681.52 FEET, ALONG THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4028 AT PAGE 603; THENCE SOUTH 87 DEGREES 38 MINUTES 36 SECONDS WEST 398.02 FEET, ALONG A LINE PARALLEL WITH SAID SOUTH LINE, TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

Tax Parcel No. 915250

TRACT 2:

PARCEL 1:

THE EAST 2 ACRES OF THE WEST 3 ACRES OF THE SOUTH 5 ACRES OF THE WEST 11 ACRES OF THE EAST 15 ACRES OF THE WEST 25 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN LESS THAT PART TAKEN OR USED FOR HIGHWAY PURPOSES, ALL IN WYANDOTTE COUNTY, KANSAS.

PARCEL II:

THE NORTH 6 ACRES OF THE EAST 11 ACRES OF THE WEST 21 ACRES OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25, KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND BEGINNING AT A POINT ON THE NORTH LINE OF, AND 693 FEET WEST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST, WYANDOTTE COUNTY, KANSAS; THENCE WEST ON SAID NORTH LINE A DISTANCE OF 203.01 FEET; THENCE SOUTH 12 DEGREES 24 MINUTES 35 SECONDS EAST A DISTANCE OF 304.96 FEET; THENCE SOUTH 1 DEGREES 30 MINUTES 49 SECONDS WEST A DISTANCE OF 428.53 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 44 SECONDS EAST A DISTANCE OF 145.2 FEET, MORE OR LESS; THENCE NORTH 00 DEGREES 16 MINUTES 58 SECONDS EAST A DISTANCE OF 726.57 FEET TO THE POINT OF BEGINNING:

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH RANGE 25 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE, 489.99 FEET EAST OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION; THENCE SOUTHEASTERLY, 305.0 FEET ALONG THE WESTERLY RIGHT OF WAY LINE OF THE PROPOSED HIGHWAY, THENCE NORTHWESTERLY TO A POINT ON SAID NORTH LINE, 50.0 FEET WEST OF THE PLACE OF BEGINNING, THENCE EAST, 50.00 FEET ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING, LESS ANY OTHER PART, IF ANY, TAKEN OR USED FOR HIGHWAY OR ROAD PURPOSES.

PARCEL III:

THE WEST 1 ACRE OF THE SOUTH 5 ACRES OF THE WEST 11 ACRES OF THE EAST 15 ACRES OF THE WEST 25 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, EXCEPT THAT PART THEREOF IN ROAD.

Tax Parcel No. 915229

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.

Year 1 PILOT	\$71,802.37
Facility Square Footage	56,700
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$71,802.37	\$71,802.37
2	73,238.42	74,674.46
3	74,703.19	77,661.44
4	76,197.25	80,767.90
5	77,721.19	83,998.62
6	79,275.62	87,358.56
7	80,861.13	90,852.90
8	82,478.35	94,487.02
9	84,127.92	98,266.50
10	85,810.48	102,197.16

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 Carnation Partners LLC (the “**Developer**”), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 56,700 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 November 30, 2023 (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 manufacturing 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: _____
County Administrator

Date: _____

CARNATION PARTNERS LLC

By: _____

Name: _____

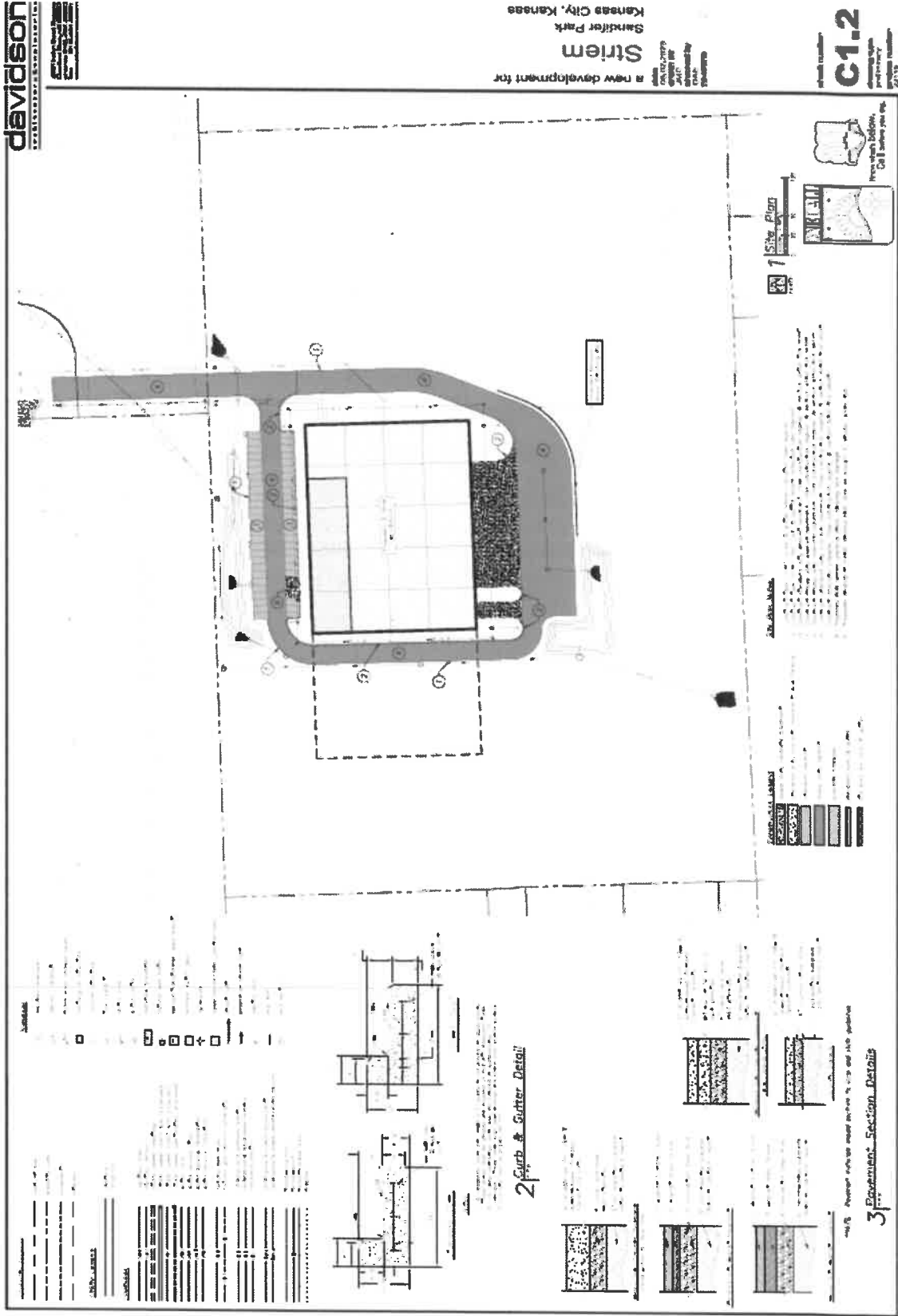
Title: _____

Date: _____

EXHIBIT 1
Legal Description – Link

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E



A Tax Abatement Cost-Benefit Analysis of Carnation Partners, LLC (or assigns)(With L/M/W) for the Unified Government of Kansas City/Wyandotte County

Completed by
Municipal Consulting, LLC
10/27/2023

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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	2.84	18%
Wyandotte County	2.57	16%
Turner USD 202	3.15	22%
KC Community College	2.02	10%
USD 202 Rec Comm	2.03	6.87%
State of Kansas	7.30	63%

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 55% property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is 117% the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment which includes the existing property tax is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

Steve Robb

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY	
PROJECT NAME:	Carnation Partners, LLC (or assigns)(With L/M/W)
DATE:	10/27/2023
GOVERNMENTAL ENTITIES INVOLVED:	
CITY:	City of Kansas City
COUNTY:	Wyandotte County
SCHOOL DISTRICT:	Turner USD 202
SPECIAL TAXING DISTRICT #1	KC Community College
SPECIAL TAXING DISTRICT #2	USD 202 Rec Comm
STATE:	State of Kansas
INFLATION RATE:	2.00%
DISCOUNT RATE	7.25%

The project involves purchase of about 15 acres and construction of a 56,700 sq. ft. facility to manufacture oil separators, solid interceptors, chemical waste tanks and other accessories for commercial establishments. The project is expected to create 34 new jobs with an average salary above the county average salary. The project is to be located at 4412-4414 Gibbs Road in Kansas City, Kansas. The applicant is requesting 55% property tax abatement for 10 years with a graduated payment in lieu of taxes.

Carnation Partners, LLC

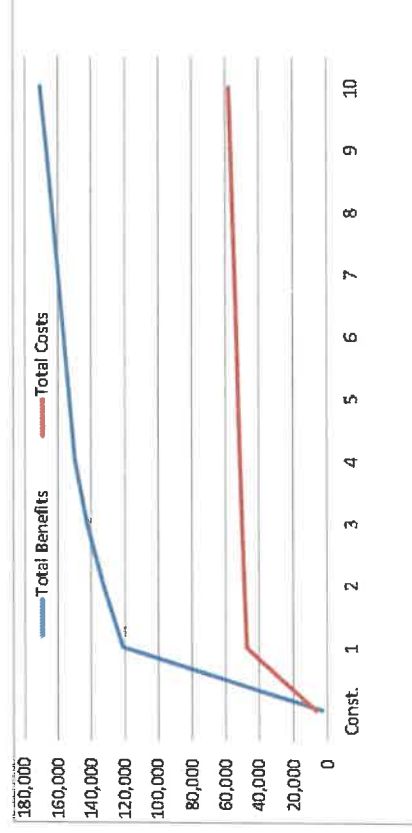
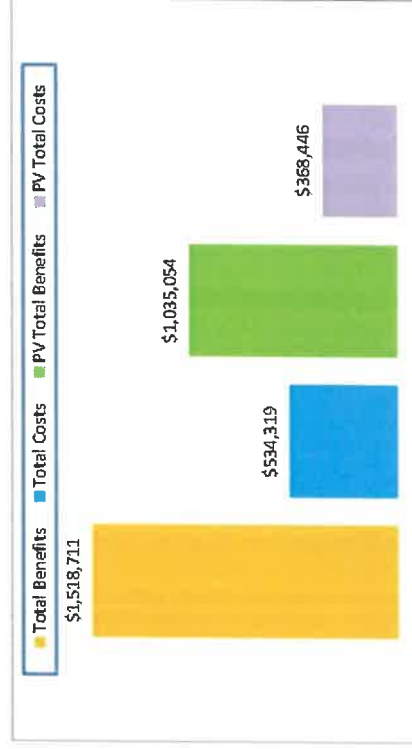
Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Turner USD 202	KC Community College	USD 202 Rec Comm	State
Mill Levy	38.476593	37.328383	54.349367	27.375176	6.980480	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$56.40	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
Other Revenues/Res.	\$60.17	\$59.24	n/a	\$104.11	\$6.61	\$2,462.21
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,674.93	\$65.00	\$2.00	\$942.66
Other Revenues/Worker	\$55.97	\$55.10	n/a	\$96.83	\$6.15	\$2,086.08
Marginal Cost/New Worker	\$93.04	\$35.03	n/a	\$60.45	\$1.86	\$798.66
State Funding/Pupil	n/a	n/a	\$12,236.61	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$4,512.71	n/a	n/a	\$6,197
Visitor Daily Spending	\$50.00	\$50.00	\$75.00			
Average Hotel Room Rate	\$125	\$125	Total Mill Levy:		166.009999	n/a
Retail Pull Factor	0.94	0.96	n/a			
Percent of County Share	90.50%	100.00%	n/a			
Ann. Local Per Capita Sales Tax	\$294	\$184	n/a			
Ann. State Per Capita Sales Tax	\$1,051	\$1,075	\$1,779			
Annual Per Capita Retail Sales	\$16,176	\$16,535	\$27,367			
Average Household Size	2.68	2.67	2.49			
Avg. Wage-All Occupations	\$58,250	\$58,250	\$52,850			

Carnation Partners, LLC (C)															
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15	
Firm Data Inputs:															
Investment in Land				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total	
Investment in Building	\$2,000,000			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000,000	
Investment in M & E	\$8,500,000														
Contingencies & Soft Costs	\$500,000														
Total Project Investment	\$11,500,000			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
City Incentive of Sales Tax Exemption	\$6,484			County Sales Tax Exemption		\$3,990	State Sales Tax Exemption		\$234,244	Total Sales Tax Exemption:					\$244,718
				Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total	
Sales				\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$12,000,000	
Purchases				\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$600,000	
Net Enterprise Rev - Firm	\$0			\$2,475	\$2,549	\$3,000	\$2,704	\$2,785	\$2,869	\$2,955	\$3,044	\$3,135	\$3,229	\$28,744	
Net Enterprise Rev - Employees	\$0			\$169	\$279	\$359	\$419	\$432	\$445	\$458	\$472	\$486	\$500	\$4,018	
PILOT - City	\$0			\$16,642	\$16,975	\$17,314	\$17,660	\$18,014	\$18,374	\$18,741	\$19,116	\$19,499	\$19,889	\$182,223	
PILOT - County	\$0			\$16,145	\$16,468	\$16,797	\$17,133	\$17,476	\$17,826	\$18,182	\$18,546	\$18,917	\$19,295	\$176,786	
PILOT - State	\$0			\$649	\$662	\$675	\$688	\$702	\$716	\$731	\$745	\$760	\$775	\$7,104	
PILOT - School	\$0			\$23,507	\$23,977	\$24,457	\$24,946	\$25,445	\$25,954	\$26,473	\$27,002	\$27,542	\$28,093	\$257,396	
PILOT - Comm. Coll.	\$0			\$11,840	\$12,077	\$12,319	\$12,565	\$12,816	\$13,073	\$13,334	\$13,601	\$13,873	\$14,150	\$129,648	
PILOT - Ret Comm	\$0			\$3,019	\$3,080	\$3,141	\$3,204	\$3,268	\$3,333	\$3,400	\$3,468	\$3,537	\$3,608	\$33,059	
New Employees				15.0	9.0	6.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	34	
New to the City	20%			3.0	1.8	1.2	0.8	0.0	0.0	0.0	0.0	0.0	0.0	7	
New to the County	40%			6.0	3.6	2.4	1.6	0.0	0.0	0.0	0.0	0.0	0.0	14	
New to the State				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
New students in K-12				1.5	0.9	0.6	0.4	0.0	0.0	0.0	0.0	0.0	0.0	3	
New employee average salary				\$68,000	\$70,040	\$72,141	\$74,305	\$76,535	\$78,831	\$81,196	\$83,631	\$86,140	\$88,725	N/A	
Tax Abatement-Land				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A	
Tax Abatement Bldg.				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A	
Visitors	0			150	150	150	150	150	150	150	150	150	150	1,500	
2.00%															
City County State															
Percentage of sales taxable in the				0%	0%	0%									
Percentage of purchases taxable in the				100%	100%	100%									
Assumed Inflation Rate															

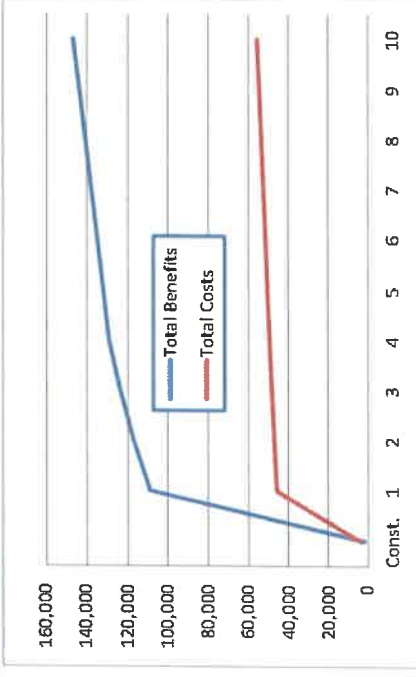
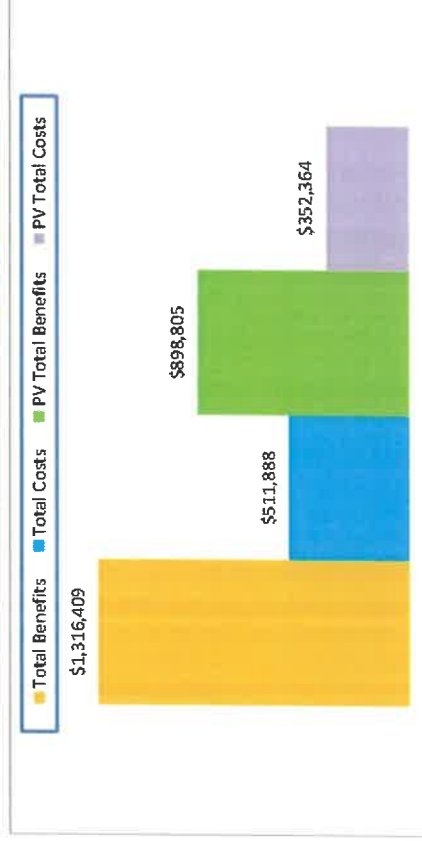
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME: Carnation Partners, LLC								
DATE: 10/27/2023								
Entity				Net Present Value of Net Benefits	NPV of Incentives & Taxes Abated	Ratio of Benefits to NPV of Incentives and Taxes Abated	Actual Benefit to Actual Cost Ratio	Avg. Annual Rate of Return
City of Kansas City								
Wyandotte County								
Turner USD 202								
KC Community College								
USD 202 Rec Comm								
State of Kansas								

SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Carnation Partners, LLC (or assigns) (With L/M/W)
DATE: 10/27/2023

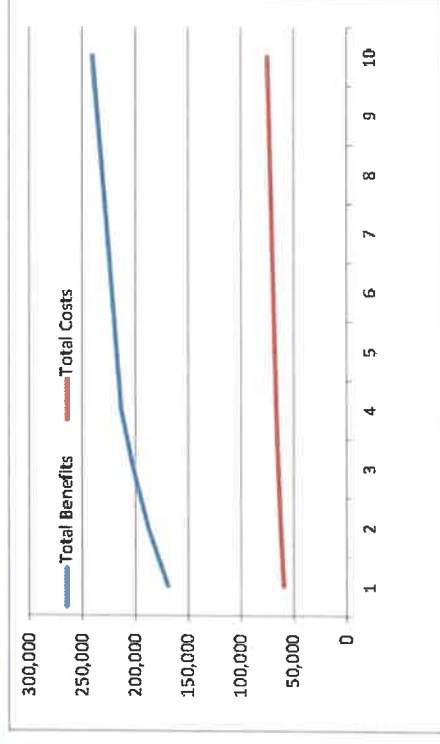
Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes & Abated
Const.	2,813	0	0	0	0	2,813	2,813	0	6,484	0	6,484	6,484	-3,671	-3,671	-3,671	6,484
1	16,119	84,649	3,324	16,642	481	121,214	113,000	799		46,557	47,356	44,154	73,858	70,187	68,866	43,409
2	25,251	86,341	3,528	16,975	784	132,880	115,522	1,304		47,488	48,792	42,418	84,088	154,275	73,104	41,285
3	31,934	88,068	4,080	17,314	1,000	142,397	115,427	1,662		48,438	50,103	40,611	92,297	246,572	74,816	39,264
4	36,948	89,830	3,866	17,660	1,156	149,461	112,963	1,922		49,406	51,328	38,794	98,133	344,705	74,169	37,342
5	38,016	91,626	3,982	18,014	1,179	152,818	107,634	1,960		50,394	53,353	36,895	100,463	445,167	70,798	35,514
6	39,116	93,459	4,102	18,374	1,203	156,253	102,670	1,999		51,402	53,402	35,089	102,851	548,019	67,581	33,775
7	40,248	95,328	4,225	18,741	1,227	159,769	97,894	2,039		52,430	54,470	33,371	105,299	653,318	64,512	32,122
8	41,414	97,235	4,351	19,116	1,251	163,367	93,323	2,080		53,479	55,559	31,738	107,808	761,126	61,585	30,550
9	42,614	99,179	4,351	19,499	1,276	166,920	88,906	2,122		54,549	56,678	30,184	110,250	871,375	58,722	29,054
10	43,851	101,163	4,617	19,889	1,302	170,821	84,834	2,164		55,640	57,804	28,707	113,017	984,392	56,127	27,632
Total	\$358,324	\$926,878	\$46,427	\$182,223	\$10,860	\$1,518,711	\$1,035,054	\$18,052	\$6,484	\$509,783	\$504,330	\$164,446	\$984,392	\$984,392	\$666,608	\$356,430



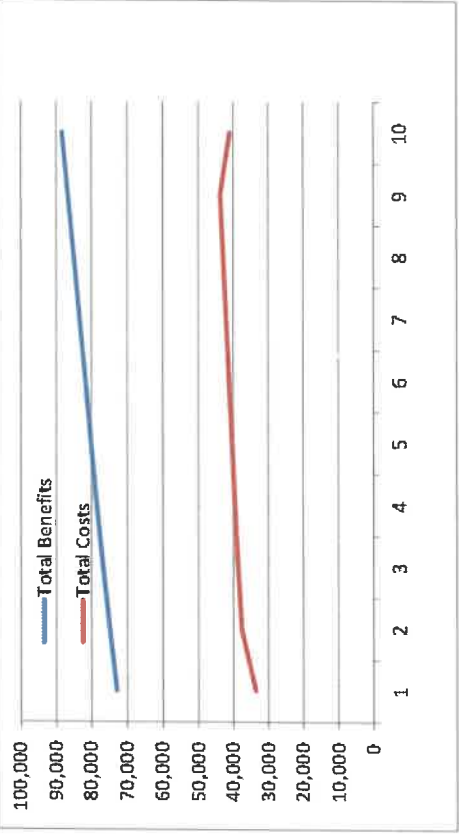
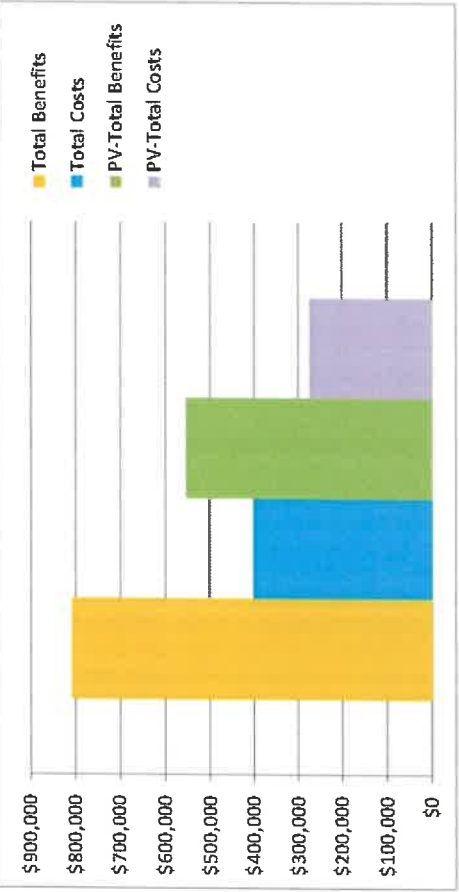
SUMMARY OF COSTS AND BENEFITS FOR:										Wyandotte County					Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:				
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)										DISCOUNT RATE: 7.25%					Ratio of Present Value of Total Benefits to Present Value of Total Costs:				
DATE: 10/27/2023										(Typical desired ratio would be 1.3 to 1)					Average ROI				
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.	1,836	0	0	0	1,836	1,836	0	3,990	0	3,990	3,990	-2,154	-2,154	-2,154	3,990				
1	9,621	82,122	16,145	928	108,817	101,461	590	0	45,167	45,767	42,664	63,060	60,906	58,797	42,114				
2	15,338	83,765	16,468	1,514	117,085	101,790	963	0	46,071	47,034	40,889	70,052	130,957	60,901	40,053				
3	19,519	85,440	16,797	1,931	123,687	100,761	1,227	0	46,992	48,219	39,087	75,467	206,425	61,174	38,092				
4	22,653	87,149	17,133	2,232	129,167	97,675	1,419	0	47,932	49,351	37,300	79,816	286,240	60,325	36,227				
5	23,312	88,892	17,476	2,276	131,957	97,992	1,447	0	48,891	50,338	35,474	81,619	367,859	57,518	34,454				
6	23,991	90,670	17,826	2,322	134,809	88,580	1,476	0	49,868	51,345	33,737	83,464	451,323	54,842	32,767				
7	24,691	92,483	18,182	2,368	137,724	84,378	1,506	0	50,866	52,371	32,086	85,353	536,676	52,292	31,163				
8	25,411	94,333	18,546	2,416	140,705	80,377	1,536	0	51,883	53,410	30,515	87,286	623,963	49,862	29,638				
9	26,153	96,220	18,917	2,464	143,753	76,567	1,567	0	52,921	54,887	29,021	89,266	713,228	47,546	28,187				
10	26,917	98,144	19,295	2,513	146,870	72,939	1,598	0	53,979	55,577	27,601	91,293	804,521	45,338	26,807				
Total	\$219,442	\$899,218	\$176,786	\$20,963	\$1,316,409	\$898,805	\$13,328	\$3,990	\$494,570	\$511,888	\$352,364	\$804,521	\$804,521	\$546,441	\$343,493				



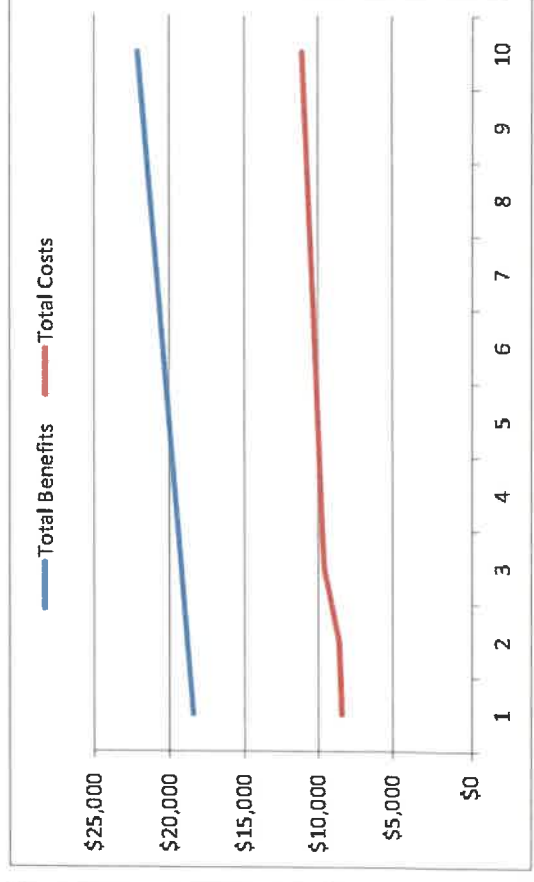
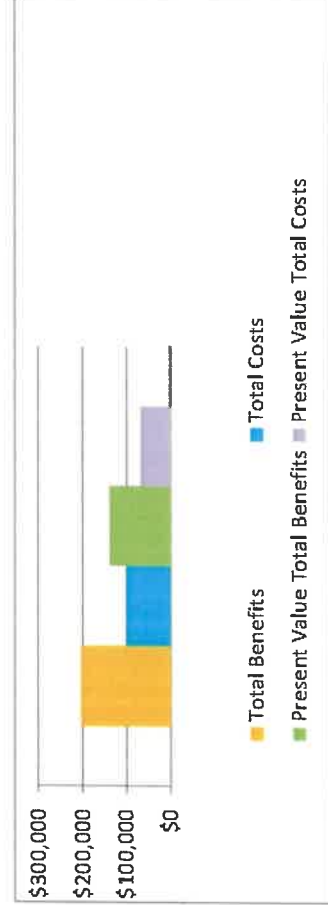
SUMMARY OF COSTS AND BENEFITS FOR:										Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:				
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)										Ratio of Present Value of Total Benefits to Present Value of Total Costs				
DATE: 10/27/2023										(Typical desired ratio would be 1.3 to 1)				
DISCOUNT RATE: 7.25%										Average ROI				
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 Benefits	Net Present Value of Taxes Abated
1	103,546	23,507	16,023	25,626	168,702	157,798	2,512	56,950	59,463	55,443	109,240	109,240	101,855	53,100
2	105,617	23,977	16,343	41,822	187,760	163,233	4,100	58,089	62,189	54,066	125,570	234,810	109,167	50,501
3	107,729	24,457	16,670	53,324	202,180	163,887	5,228	59,251	64,479	52,267	137,701	372,510	111,621	48,029
4	109,884	24,946	17,004	61,642	213,475	161,246	6,043	60,436	66,479	50,246	146,996	519,506	111,100	45,678
5	112,081	25,445	17,344	62,875	217,745	153,448	6,164	61,645	67,809	47,786	149,936	669,442	105,662	43,442
6	114,323	25,954	17,690	64,132	222,099	145,936	6,287	62,878	69,165	45,447	152,934	822,376	100,490	41,315
7	116,609	26,473	18,044	65,415	226,541	138,793	6,413	64,135	70,548	43,222	155,993	978,369	95,571	39,293
8	118,942	27,002	18,405	66,723	231,072	131,999	6,541	65,418	71,959	41,106	159,113	1,137,482	90,892	37,370
9	121,320	27,542	18,773	68,058	235,694	125,537	6,672	66,726	73,399	39,094	162,295	1,299,778	86,443	35,540
10	123,747	28,093	19,149	69,419	240,408	119,392	6,806	68,061	74,867	37,180	165,541	1,465,319	82,212	33,801
Total	\$1,133,798	\$257,396	\$175,445	\$579,037	\$2,145,676	\$1,460,969	\$55,768	\$623,589	\$689,353	\$465,857	\$1,465,319	\$1,465,319	\$995,012	\$428,069



SUMMARY OF COSTS AND BENEFITS FOR:										Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:				
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)										Ratio of Present Value of Total Benefits to Present Value of Total Costs:				
DATE: 10/27/2023										(Typical desired ratio would be 1.3 to 1)				
DISCOUNT RATE: 7.25%										Average ROI				
KC Community College														
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	60,225	11,840	832	72,897	67,969	519	33,124	33,643	31,369	39,254	39,254	36,601	30,885	2.02
2	61,430	12,077	1,357	74,864	65,085	847	36,858	37,705	32,780	37,159	76,413	32,305	32,043	2.02
3	62,658	12,319	1,730	76,707	62,179	1,080	37,595	38,675	31,350	38,032	114,445	30,829	30,475	10.16%
4	63,912	12,565	2,000	78,477	59,313	1,249	38,347	39,596	29,927	38,881	153,326	29,387	28,983	
5	65,190	12,816	2,040	80,046	56,410	1,274	39,114	40,388	28,462	39,659	192,985	27,948	27,564	
6	66,494	13,073	2,081	81,647	53,649	1,299	39,896	41,195	27,069	40,452	233,437	26,580	26,215	
7	67,824	13,334	2,123	83,280	51,022	1,325	40,694	42,019	25,743	41,261	274,698	25,279	24,932	
8	69,180	13,601	2,165	84,946	48,525	1,352	41,508	42,860	24,483	42,086	316,784	24,041	23,711	
9	70,564	13,873	2,208	86,645	46,149	1,379	42,338	43,717	23,285	42,928	359,712	22,865	22,551	
10	71,975	14,150	2,253	88,378	43,890	1,406	39,586	43,992	20,358	47,385	407,097	23,533	19,659	
Total	\$659,451	\$129,648	\$18,789	\$807,887	\$554,192	\$11,730	\$389,061	\$800,790	\$274,825	\$407,097	\$407,097	\$279,367	\$267,018	



SUMMARY OF COSTS AND BENEFITS FOR:							USD 202 Rec Comm		Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:					2.03
PROJECT:		Carnation Partners, LLC (or assigns)(With L/M/W)			Ratio of Present Value of Total Benefits to Present Value of Total Costs:					2.04				
DATE:		10/27/2023			DISCOUNT RATE:		7.25%		Average ROI			6.87%		
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	\$15,357	\$3,019	\$53	\$18,429	\$17,183	\$16	\$8,446	\$8,462	\$7,890	\$9,967	\$9,967	\$9,293	\$7,875	
2	\$15,664	\$3,080	\$86	\$18,830	\$16,370	\$26	\$8,615	\$8,641	\$7,513	\$10,189	\$20,155	\$8,858	\$7,490	
3	\$15,977	\$3,141	\$110	\$19,229	\$15,587	\$33	\$9,586	\$9,620	\$7,798	\$9,609	\$29,764	\$7,789	\$7,771	
4	\$16,297	\$3,204	\$127	\$19,628	\$14,835	\$38	\$9,778	\$9,817	\$7,419	\$9,811	\$39,576	\$7,416	\$7,390	
5	\$16,623	\$3,268	\$130	\$20,021	\$14,109	\$39	\$9,974	\$10,013	\$7,056	\$10,008	\$49,583	\$7,053	\$7,029	
6	\$16,955	\$3,333	\$132	\$20,421	\$13,418	\$40	\$10,173	\$10,213	\$6,711	\$10,208	\$59,791	\$6,707	\$6,685	
7	\$17,295	\$3,400	\$135	\$20,829	\$12,761	\$41	\$10,377	\$10,417	\$6,382	\$10,412	\$70,203	\$6,379	\$6,357	
8	\$17,640	\$3,468	\$138	\$21,246	\$12,137	\$42	\$10,584	\$10,626	\$6,070	\$10,620	\$80,824	\$6,067	\$6,046	
9	\$17,993	\$3,537	\$140	\$21,671	\$11,543	\$42	\$10,796	\$10,838	\$5,773	\$10,833	\$91,656	\$5,770	\$5,750	
10	\$18,353	\$3,608	\$143	\$22,104	\$10,978	\$43	\$11,012	\$11,055	\$5,490	\$11,049	\$102,706	\$5,487	\$5,469	
Total	\$168,155	\$33,059	\$1,193	\$202,408	\$138,920	\$360	\$99,342	\$99,703	\$68,102	\$102,706	\$102,706	\$70,818	\$67,862	



SUMMARY OF COSTS AND BENEFITS FOR:

State of Kansas

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

7.30

5.04

63.01%

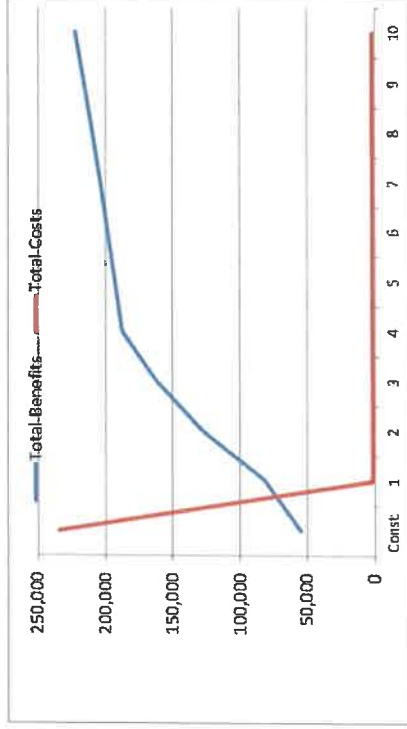
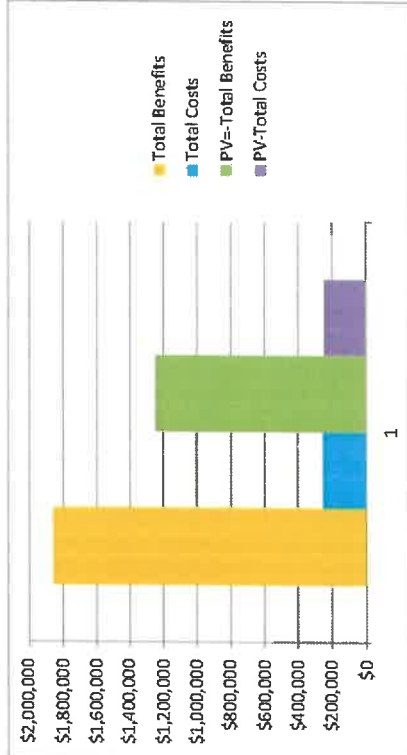
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)

DISCOUNT RATE: 7.25%

(Typical desired ratio would be 1.3 to 1)

Average ROI

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.	11,934	\$0	42,500	0	0	54,434	54,434	0	\$0	\$0	\$234,244	234,244	234,244	-179,810	-179,810	-179,810	234,244
1	55,570	\$3,300	21,420	649	0	80,939	75,467	0	0	\$1,815	0	1,815	1,692	79,124	-100,886	73,775	1,692
2	88,210	\$3,366	35,300	662	0	127,538	110,878	0	0	\$1,851	0	1,851	1,609	125,687	25,001	109,269	1,609
3	112,084	\$3,433	45,449	675	0	161,641	131,026	0	0	\$1,888	0	1,888	1,531	159,752	184,753	129,496	1,531
4	129,980	\$3,502	53,054	688	0	187,225	141,506	0	0	\$1,926	0	1,926	1,456	185,299	370,052	140,050	1,456
5	133,750	\$3,572	54,646	702	0	192,670	135,778	0	0	\$1,965	0	1,965	1,384	190,706	560,758	134,393	1,384
6	137,631	\$3,643	56,285	716	0	198,276	130,283	0	0	\$2,004	0	2,004	1,317	196,272	757,030	128,966	1,317
7	141,628	\$3,716	57,974	731	0	204,049	125,012	0	0	\$2,044	0	2,044	1,252	202,005	959,035	123,760	1,252
8	145,743	\$3,791	59,713	745	0	209,992	119,957	0	0	\$2,085	0	2,085	1,191	207,907	1,166,942	118,766	1,191
9	149,983	\$3,866	61,504	760	0	216,114	115,108	0	0	\$2,127	0	2,127	1,133	213,987	1,380,929	113,976	1,133
10	154,352	\$3,944	63,350	775	0	222,420	110,450	0	0	\$2,169	0	2,169	1,077	220,251	1,601,180	109,382	1,077
Total	\$1,280,866	\$36,134	\$551,194	\$7,104	\$0	\$3,855,298	\$1,249,908	\$0	\$0	\$19,874	\$234,244	\$364,112	\$247,886	\$1,601,180	\$1,601,180	\$1,002,022	\$247,886



* 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.

Carnation Partners, LLC (or assigns)(With L/M/W)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	15	34
Construction jobs created	8	0
Number of New Residents in the Community	8	18
Number of Additional Students in the Local School District	2	3
Increase in Local Personal Incomes	\$1,020,000	\$24,223,532
Increase in Local Retail Sales	\$1,417,631	\$31,786,416
Increase in the Community's Property Tax Base	\$8,500,000	\$8,500,000
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$103,186
	County	\$100,107
	School	\$145,753
	Comm. Coll.	\$73,414
	Rec Comm	\$19,476
	State	\$4,023
	Total	\$445,959

Carnation Partners, LLC (or assigns)(With 0

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS			INDIRECT COSTS		TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS				
City of Kansas City	358,324	182,223	926,878			40,427	1,507,852	10,860	1,518,711	509,783	0	18,052	527,835	990,876		
Wyandotte County	219,442	176,786	899,218				1,295,445	20,963	1,316,409	494,570	0	13,328	507,898	808,511		
Turner USD 202		257,396	1,309,243	579,037			2,145,676		2,145,676	623,589	56,768	0	680,357	1,465,319		
KC Community College		129,648	659,451				789,099	18,789	807,887	389,061	0	11,730	400,790	407,097		
USD 202 Rec Comm		33,059	168,155				201,215	1,193	202,408	99,342	19,874	360	99,703	102,706		
State of Kansas	1,260,866	7,104	36,134	0	551,194		1,855,298	0	1,855,298	19,874	0	0	19,874	1,835,424		
TOTALS	\$1,838,632	\$786,216	\$3,999,079	\$579,037	\$551,194	\$40,427	\$7,794,584	\$51,805	\$7,846,389	\$2,136,218	\$56,768	\$43,470	\$2,236,456	\$5,609,933		

A Tax Abatement Cost-Benefit Analysis of Carnation Partners, LLC (or assigns)(Without L/M/W) for the Unified Government of Kansas City/Wyandotte County

Completed by
Municipal Consulting, LLC
10/27/2023

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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	2.88	19%
Wyandotte County	2.60	16%
Turner USD 202	3.19	22%
KC Community College	2.05	10%
USD 202 Rec Comm	2.06	7.08%
State of Kansas	7.30	63%

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 55% property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is 117% the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment which includes the existing property tax is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

Steve Robb

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY	
PROJECT NAME:	Carnation Partners, LLC (or assigns)(Without L/M/W)
DATE:	10/27/2023
GOVERNMENTAL ENTITIES INVOLVED:	
CITY:	City of Kansas City
COUNTY:	Wyandotte County
SCHOOL DISTRICT:	Turner USD 202
SPECIAL TAXING DISTRICT #1	KC Community College
SPECIAL TAXING DISTRICT #2	USD 202 Rec Comm
STATE:	State of Kansas
INFLATION RATE:	2.00%
DISCOUNT RATE	7.25%

The project involves purchase of about 15 acres and construction of a 56,700 sq. ft. facility to manufacture oil separators, solid interceptors, chemical waste tanks and other accessories for commercial establishments. The project is expected to create 34 new jobs with an average salary above the county average salary. The project is to be located at 4412-4414 Gibbs Road in Kansas City, Kansas. The applicant is requesting 55% property tax abatement for 10 years with a graduated payment in lieu of taxes.

Carnation Partners, LLC

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Turner USD 202	KC Community College	USD 202 Rec Comm	State
Mill Levy	38.476593	37.328383	54.349367	27.375176	6.980480	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$56.40	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
Other Revenues/Res.	\$60.17	\$59.24	n/a	\$104.11	\$6.61	\$2,462.21
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,674.93	\$65.00	\$2.00	\$942.66
Other Revenues/Worker	\$55.97	\$55.10	n/a	\$96.83	\$6.15	\$2,086.08
Marginal Cost/New Worker	\$93.04	\$35.03	n/a	\$60.45	\$1.86	\$798.66
State Funding/Pupil	n/a	n/a	\$12,236.61	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$4,512.71	n/a	n/a	\$6,197
Visitor Daily Spending	\$50.00	\$50.00	\$75.00			
Average Hotel Room Rate	\$125	\$125	Total Mill Levy:		166.009999	n/a
Retail Pull Factor	0.94	0.96	n/a			
Percent of County Share	90.50%	100.00%	n/a			
Ann. Local Per Capita Sales Tax	\$294	\$184	n/a			
Ann. State Per Capita Sales Tax	\$1,051	\$1,075	\$1,779			
Annual Per Capita Retail Sales	\$16,176	\$16,535	\$27,367			
Average Household Size	2.68	2.67	2.49			
Avg. Wage-All Occupations	\$58,250	\$58,250	\$52,850			

Carnation Partners, LLC (C)

0

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:														
Investment in Land	\$2,000,000			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Building	\$8,500,000			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000,000
Investment in M & E	\$500,000													
Contingencies & Soft Costs	\$500,000													
Total Project Investment	\$11,500,000			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption	\$6,484			County Sales Tax Exemption				State Sales Tax Exemption				Total Sales Tax Exemption:		
				Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$12,000,000
Purchases		0.00%		\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$600,000
Net Enterprise Rev - Firm		2.00%		\$2,475	\$2,549	\$3,000	\$2,704	\$2,785	\$2,869	\$2,955	\$3,044	\$3,135	\$3,229	\$28,744
Net Enterprise Rev - Employees		2.00%		\$0	\$369	\$279	\$359	\$432	\$445	\$458	\$472	\$486	\$500	\$4,018
PILOT - City				\$0	\$16,642	\$17,308	\$18,720	\$19,469	\$20,247	\$21,057	\$21,900	\$22,775	\$23,687	\$199,804
PILOT - County				\$0	\$16,145	\$16,791	\$18,161	\$18,888	\$19,643	\$20,429	\$21,246	\$22,096	\$22,980	\$193,841
PILOT - State				\$0	\$649	\$675	\$702	\$730	\$759	\$789	\$821	\$854	\$888	\$7,789
PILOT - School				\$0	\$23,507	\$24,417	\$25,425	\$26,442	\$27,500	\$28,600	\$29,744	\$30,934	\$32,171	\$282,229
PILOT - Comm. Coll.				\$0	\$11,840	\$12,314	\$13,319	\$13,851	\$14,405	\$14,982	\$15,581	\$16,204	\$16,852	\$142,155
PILOT - Rec Comm				\$0	\$3,019	\$3,140	\$3,266	\$3,396	\$3,532	\$3,673	\$3,820	\$3,973	\$4,132	\$36,249
TOTAL PILOT				\$0	\$71,802	\$74,674	\$80,768	\$83,999	\$87,359	\$90,853	\$94,487	\$98,267	\$102,197	\$862,067
New Employees				15.0	9.0	6.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	34
New to the City	20%			3.0	1.8	1.2	0.8	0.0	0.0	0.0	0.0	0.0	0.0	7
New to the County	40%			6.0	3.6	2.4	1.6	0.0	0.0	0.0	0.0	0.0	0.0	14
New to the State				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
New students in K-12				1.5	0.9	0.6	0.4	0.0	0.0	0.0	0.0	0.0	0.0	3
New employee average salary				\$68,000	\$70,040	\$72,141	\$74,305	\$76,535	\$78,831	\$81,196	\$83,631	\$86,140	\$88,725	N/A
Tax Abatement-Land				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Tax Abatement-Bldg.				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Visitors		0.0%	0	150	150	150	150	150	150	150	150	150	150	1500

Percentage of sales taxable in the

Percentage of purchases taxable in the

Assumed Inflation Rate

	City	County	State
0%	0%	0%	0%
100%	100%	100%	100%

2.00%

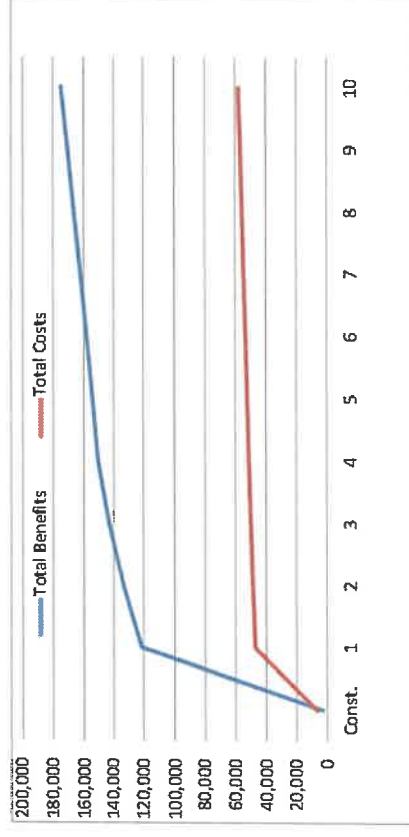
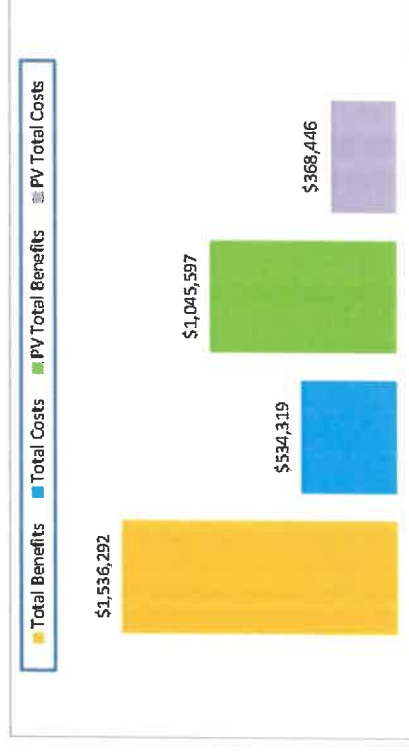
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:								
DATE:								
Carnation Partners, Inc.								
10/27/2023								
Ratio of NPV of Net								
Entity								
City of Kansas City								
Wyandotte County								
Turner USD 202								
KC Community College								
USD 202 Rec Comm								
State of Kansas								
Total Benefits								
\$1,536,292								
\$1,333,464								
\$2,170,508								
\$820,395								
\$205,598								
\$1,855,983								
Total Costs & Incentives								
\$534,319								
\$511,888								
\$680,357								
\$400,790								
\$99,703								
\$254,117								
Net Benefits								
\$1,001,973								
\$821,577								
\$1,490,151								
\$419,605								
\$105,895								
\$1,601,866								
Net Present Value of Net Benefits								
\$677,151								
\$556,669								
\$1,009,904								
\$286,867								
\$72,731								
\$1,002,433								
NPV of Incentives & Taxes Abated								
\$356,430								
\$343,493								
\$428,069								
\$267,018								
\$67,862								
\$247,886								
Benefits to NPV of Incentives and Taxes Abated								
1.90								
1.62								
2.36								
1.07								
1.07								
4.04								
Actual Benefit to Actual Cost Ratio								
2.88								
2.60								
3.19								
2.05								
2.06								
7.30								
Avg. Annual Rate of Return								
19%								
16%								
22%								
10%								
7%								
63%								

10/27/2023

SUMMARY OF COSTS AND BENEFITS FOR:																
PROJECT: Carrington Partners, LLC (or assigns) (Without I/M/W)																
DATE: 10/27/2023																
City of Kansas City					DISCOUNT RATE: 7.25%			Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.88								
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.84																
Average ROI 18.75%																
(Typical desired ratio would be 1.3 to 1)																
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.	2,813	0	0	0	0	2,813	2,813	0	6,484	0	6,484	6,484	-3,671	-3,671	-3,671	6,484
1	16,119	84,649	3,324	16,642	481	121,214	113,000	799		46,557	47,356	44,154	73,858	70,187	68,866	43,409
2	25,251	86,341	3,528	17,308	784	133,212	115,811	1,304		47,488	48,792	47,418	84,421	154,608	73,393	41,285
3	31,934	88,068	4,080	18,000	1,000	143,083	115,983	1,662		48,438	50,100	40,611	92,983	247,591	75,372	39,264
4	36,948	89,830	3,866	18,720	1,156	150,520	113,764	1,922		49,406	51,328	38,794	99,192	346,782	74,970	37,342
5	38,016	91,626	3,982	19,469	1,179	154,273	108,718	1,960		50,394	52,356	36,895	101,918	448,700	71,823	35,514
6	39,116	93,459	4,102	20,247	1,203	158,126	103,901	1,999		51,402	53,403	35,089	104,725	553,425	68,812	33,775
7	40,248	95,328	4,225	21,057	1,227	162,085	99,303	2,039		52,430	54,473	33,371	107,615	661,040	65,931	32,122
8	41,414	97,235	4,351	21,900	1,251	166,150	94,912	2,080		53,479	55,569	31,738	110,591	771,631	63,175	30,550
9	42,614	99,179	4,351	22,775	1,276	170,197	90,052	2,122		54,549	56,679	30,184	113,527	885,158	60,467	29,054
10	43,851	101,163	4,617	23,687	1,302	174,619	86,770	2,164		55,640	57,803	28,707	116,815	1,001,973	58,013	27,632
Total	\$358,324	\$926,878	\$48,427	\$199,884	\$18,868	\$1,536,292	\$1,045,597	\$18,052	\$6,484	\$508,781	\$368,446	\$368,446	\$1,001,973	\$1,001,973	\$677,151	\$356,436

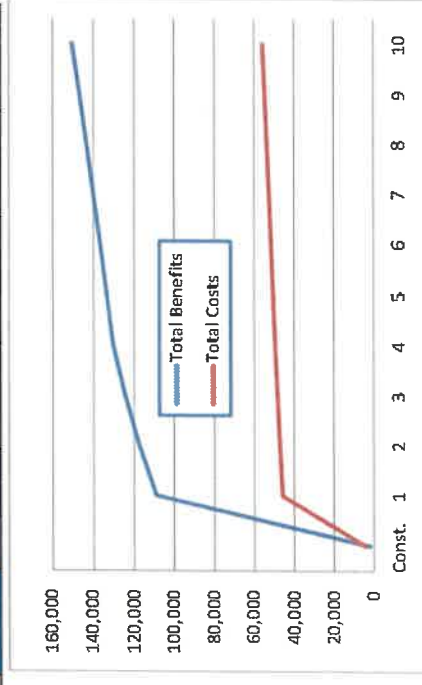
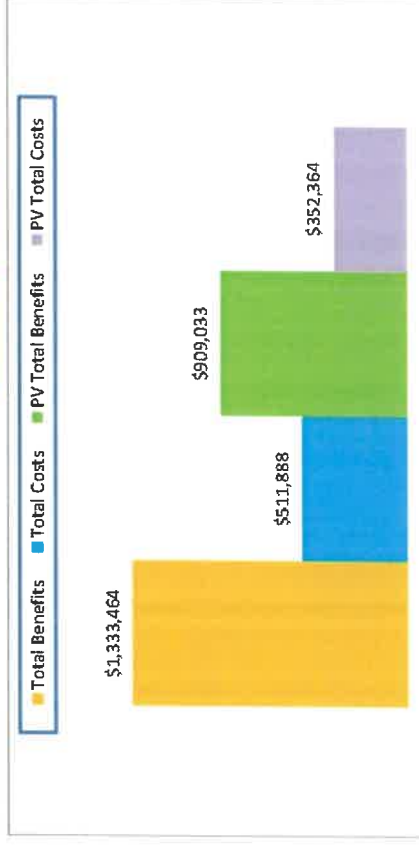
Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.88
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.84
(Typical desired ratio would be 1.3 to 1)

Average ROI: 18.75%



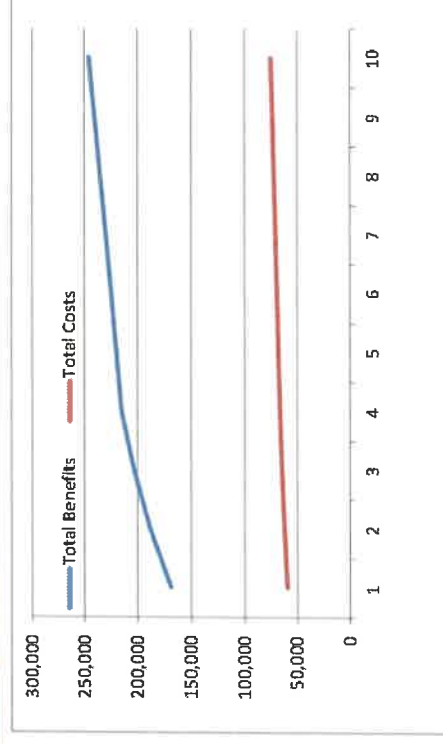
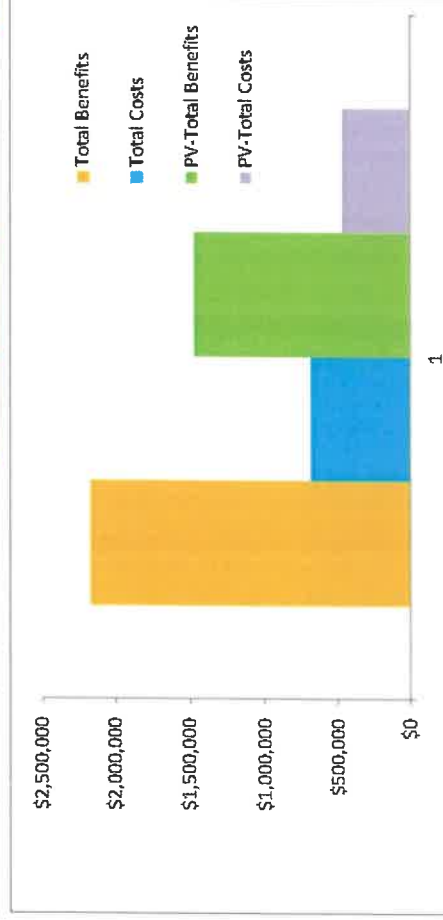
10/27/2023

SUMMARY OF COSTS AND BENEFITS FOR:									
PROJECT: Camation Partners, LLC (or assigns) (Without L/M/W)									
DATE: 10/27/2023									
Wyandotte County									
DISCOUNT RATE: 7.25%									
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
Const.	1,836	0	0	0	1,836	1,836	0	3,990	0
1	9,621	82,122	16,145	928	108,817	101,461	590	0	45,167
2	15,338	83,765	16,791	1,514	117,408	102,071	963	0	46,071
3	19,519	85,440	17,463	1,931	124,352	100,800	1,227	0	46,992
4	22,653	87,149	18,161	2,232	130,194	93,402	1,419	0	47,932
5	23,312	88,892	18,888	2,276	133,368	91,987	1,447	0	48,891
6	23,991	90,670	19,643	2,322	136,626	89,774	1,476	0	49,868
7	24,691	92,483	20,429	2,368	139,971	85,755	1,506	0	50,866
8	25,411	94,333	21,246	2,416	143,405	81,970	1,536	0	51,883
9	26,153	96,220	22,096	2,464	146,932	78,260	1,567	0	52,921
10	26,917	98,144	22,980	2,513	150,554	74,769	1,598	0	53,979
Total	\$219,442	\$899,218	\$193,841	\$20,963	\$1,333,464	\$909,033	\$13,328	\$3,990	\$494,570
						\$352,364			
						\$511,888			
						\$909,033			
						\$1,333,464			

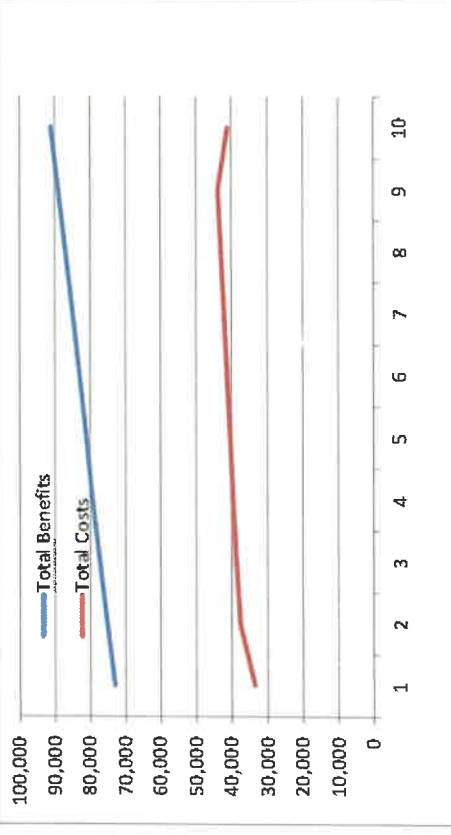
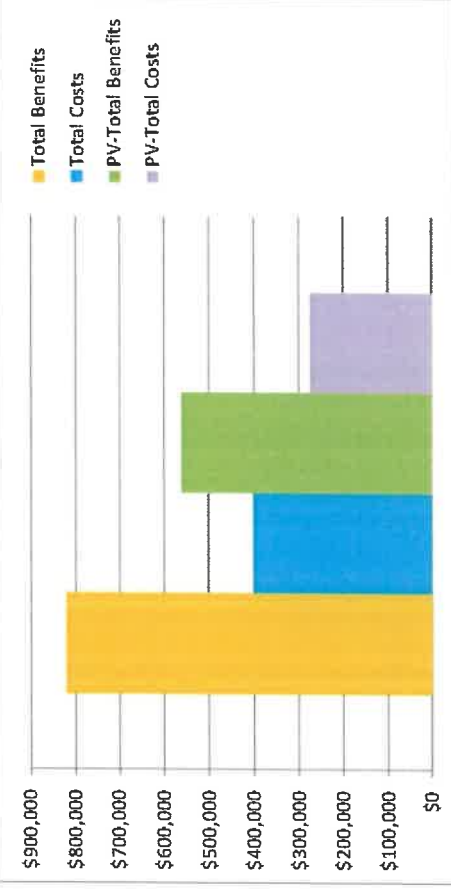


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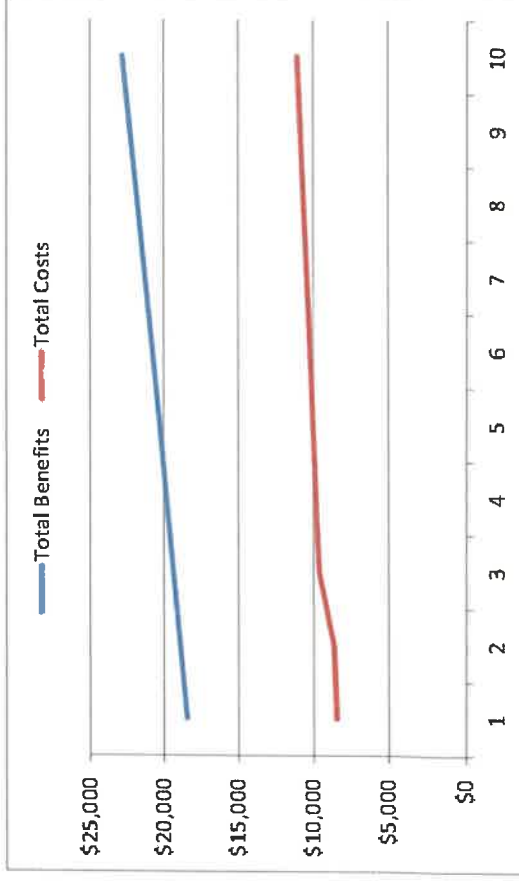
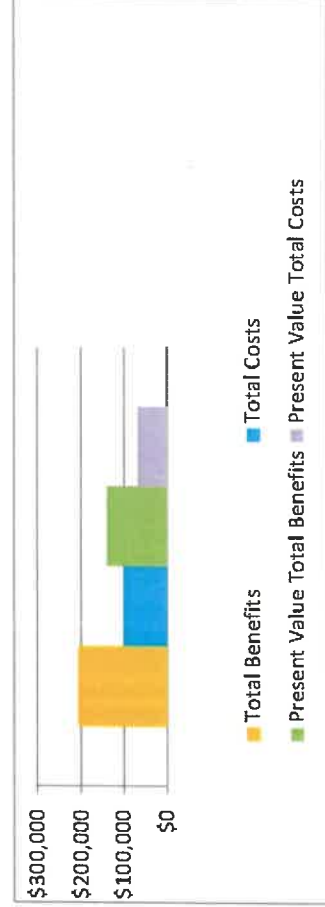
SUMMARY OF COSTS AND BENEFITS FOR:										Turner USD 202				Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:			
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)										DISCOUNT RATE:				Ratio of Present Value of Total Benefits to Present Value of Total Costs:			
DATE: 10/27/2023										7.25%				(Typical desired ratio would be 1.3 to 1)			
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	Average ROI		
1	103,546	23,507	16,023	25,626	168,702	157,298	2,512	56,950	59,463	55,443	109,240	109,240	101,855	53,100	3.19		
2	105,617	24,447	16,343	41,822	188,230	163,642	4,100	58,089	62,189	54,066	126,040	235,280	109,576	50,501	3.17		
3	107,729	25,425	16,670	53,324	203,148	164,672	5,228	59,251	64,479	52,267	138,669	373,949	112,406	48,029	21.90%		
4	109,884	26,442	17,004	61,642	214,971	162,477	6,043	60,436	66,479	50,246	148,492	522,441	112,231	45,678			
5	112,081	27,500	17,344	62,875	219,800	154,896	6,164	61,645	67,809	47,786	151,991	674,432	107,110	43,442			
6	114,323	28,600	17,650	64,132	224,746	147,675	6,287	62,878	69,165	45,447	155,581	830,013	102,228	41,315			
7	116,609	29,744	18,044	65,415	229,813	140,797	6,413	64,135	70,548	43,222	159,264	989,277	97,575	39,293			
8	118,942	30,934	18,405	66,723	235,004	134,244	6,541	65,418	71,959	41,106	163,044	1,152,321	93,138	37,370			
9	121,320	32,171	18,773	68,058	240,323	128,003	6,672	66,726	73,399	39,094	166,924	1,319,245	88,908	35,540			
10	123,747	33,458	19,149	69,419	245,772	122,056	6,806	68,061	74,867	37,180	170,906	1,490,151	84,876	33,801			
Total	\$1,133,798	\$282,229	\$175,445	\$579,037	\$2,170,508	\$1,475,760	\$56,768	\$623,589	\$2,800,357	\$465,857	\$1,490,151	\$1,490,151	\$1,009,904	\$428,069			



SUMMARY OF COSTS AND BENEFITS FOR:									
PROJECT: Camation Partners, LLC (or assigns)(Without L/M/W)									
DATE: 10/27/2023									
KC Community College									
DISCOUNT RATE: 7.25%									
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
1	60,225	11,840	832	72,897	67,969	519	33,124	33,643	31,369
2	61,430	12,314	1,357	75,101	65,291	847	36,858	37,695	32,780
3	62,658	12,806	1,730	77,195	63,575	1,080	37,595	38,675	31,350
4	63,912	13,319	2,000	79,231	59,883	1,249	38,347	39,596	29,927
5	65,190	13,851	2,040	81,082	57,139	1,274	39,114	40,388	28,462
6	66,494	14,405	2,081	82,980	54,524	1,299	39,896	41,196	27,069
7	67,824	14,982	2,123	84,928	52,032	1,325	40,694	42,019	25,743
8	69,180	15,581	2,165	86,926	49,656	1,352	41,508	42,860	24,483
9	70,564	16,204	2,208	88,976	47,391	1,379	42,338	43,717	23,285
10	71,975	16,852	2,253	91,080	45,232	1,406	39,586	40,992	20,358
Total	\$659,451	\$142,155	\$18,789	\$820,395	\$581,693	\$11,730	\$389,061	\$600,790	\$274,825
								Net Present Value of Total Benefits	Net Present Value of Total Costs
								\$36,601	\$274,825
								Cumulative Net Benefits or Costs	Net Present Value of Taxes Abated
								\$39,254	\$30,885
								\$76,650	\$32,043
								\$115,170	\$30,475
								\$154,805	\$28,983
								\$195,498	\$27,564
								\$237,283	\$26,215
								\$280,192	\$24,932
								\$324,258	\$23,711
								\$369,518	\$22,551
								\$419,605	\$19,659
								\$419,605	\$286,867
								Average ROI	10.47%
								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:	
								Ratio of Present Value of Total Benefits to Present Value of Total Costs:	
								(Typical desired ratio would be 1.3 to 1)	

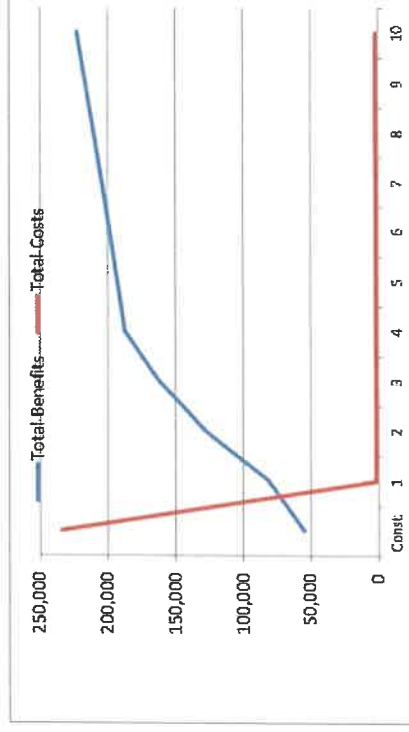
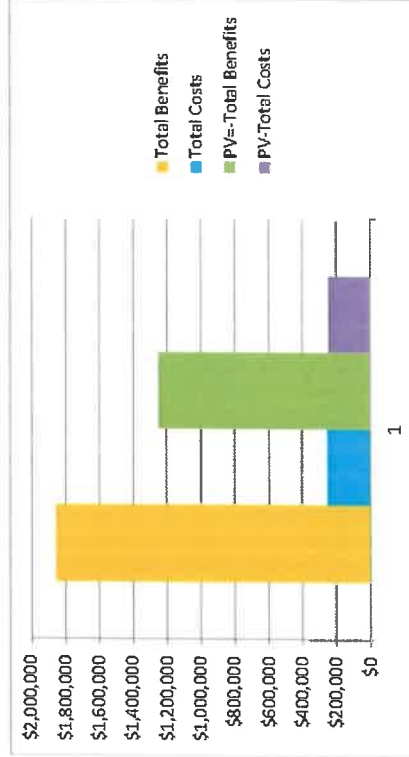


SUMMARY OF COSTS AND BENEFITS FOR:										Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:					2.06
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)										Ratio of Present Value of Total Benefits to Present Value of Total Costs:					2.07
DATE: 10/27/2023										(Typical desired ratio would be 1.3 to 1)					7.08%
DISCOUNT RATE: 7.25%										Average ROI					
	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	\$15,357	\$3,019	\$53	\$18,429	\$17,183	\$16	\$8,446	\$8,462	\$7,890	\$9,967	\$9,967	\$9,293	\$7,875		
2	\$15,664	\$3,140	\$86	\$18,890	\$16,423	\$26	\$8,615	\$8,641	\$7,513	\$10,249	\$20,216	\$8,910	\$7,490		
3	\$15,977	\$3,266	\$110	\$19,353	\$15,688	\$33	\$9,586	\$9,620	\$7,798	\$9,733	\$29,949	\$7,890	\$7,771		
4	\$16,297	\$3,396	\$127	\$19,820	\$14,980	\$38	\$9,778	\$9,817	\$7,419	\$10,004	\$39,953	\$7,561	\$7,390		
5	\$16,623	\$3,532	\$130	\$20,285	\$14,295	\$39	\$9,974	\$10,013	\$7,056	\$10,272	\$50,224	\$7,239	\$7,029		
6	\$16,955	\$3,673	\$132	\$20,761	\$13,642	\$40	\$10,173	\$10,213	\$6,711	\$10,548	\$60,772	\$6,931	\$6,685		
7	\$17,295	\$3,820	\$135	\$21,250	\$13,019	\$41	\$10,377	\$10,417	\$6,382	\$10,832	\$71,604	\$6,636	\$6,357		
8	\$17,640	\$3,973	\$138	\$21,751	\$12,425	\$42	\$10,584	\$10,626	\$6,070	\$11,125	\$82,729	\$6,355	\$6,046		
9	\$17,993	\$4,132	\$140	\$22,265	\$11,859	\$42	\$10,796	\$10,838	\$5,773	\$11,427	\$94,157	\$6,086	\$5,750		
10	\$18,353	\$4,297	\$143	\$22,793	\$11,320	\$43	\$11,012	\$11,055	\$5,490	\$11,738	\$105,895	\$5,830	\$5,469		
Total	\$168,155	\$36,249	\$1,193	\$205,598	\$140,833	\$360	\$99,342	\$99,703	\$68,102	\$105,895	\$105,895	\$72,731	\$67,862		



10/27/2023

SUMMARY OF COSTS AND BENEFITS FOR:										State of Kansas				Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:			
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)										DISCOUNT RATE: 7.25%				Ratio of Present Value of Total Benefits to Present Value of Total Costs:			
DATE: 10/27/2023										(Typical desired ratio would be 1.3 to 1)				Average ROI 63.04%			
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.	11,934	\$0	42,500	0	0	54,434	54,434	0	\$0	\$0	\$234,244	234,244	234,244	-179,810	-179,810	-179,810	234,244
1	55,570	\$3,300	21,420	649	0	80,939	75,467	0	0	\$1,815	0	1,815	1,692	79,124	-100,686	73,775	1,692
2	88,210	\$3,366	35,300	675	0	127,551	110,859	0	0	\$1,851	0	1,851	1,609	125,700	25,014	109,280	1,609
3	112,084	\$3,433	45,449	702	0	161,667	131,048	0	0	\$1,888	0	1,888	1,531	159,779	184,793	129,517	1,531
4	129,980	\$3,502	53,054	730	0	187,266	141,537	0	0	\$1,926	0	1,926	1,456	185,340	370,133	140,081	1,456
5	133,750	\$3,572	54,646	759	0	192,727	135,818	0	0	\$1,965	0	1,965	1,384	190,762	560,895	134,433	1,384
6	137,631	\$3,643	56,285	789	0	198,349	130,331	0	0	\$2,004	0	2,004	1,317	196,345	757,240	129,014	1,317
7	141,628	\$3,716	57,974	821	0	204,139	125,068	0	0	\$2,044	0	2,044	1,252	202,095	959,336	123,816	1,252
8	145,743	\$3,791	59,713	854	0	210,100	120,019	0	0	\$2,085	0	2,085	1,191	208,015	1,167,351	118,828	1,191
9	149,983	\$3,866	61,504	888	0	216,242	115,176	0	0	\$2,127	0	2,127	1,133	214,115	1,381,466	114,044	1,133
10	154,352	\$3,944	63,350	923	0	222,568	110,533	0	0	\$2,169	0	2,169	1,077	220,399	1,601,866	109,455	1,077
Total	\$1,260,866	\$36,134	\$551,194	\$7,789	\$0	\$1,855,983	\$1,250,319	\$0	\$0	\$19,874	\$234,244	\$1,514,117	\$1,47,888	\$1,601,866	\$1,601,866	\$1,002,433	\$247,886



* 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.

Carnation Partners, LLC (or assigns)(Without L/M/W)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	15	34
Construction jobs created	8	0
Number of New Residents in the Community	8	18
Number of Additional Students in the Local School District	2	3
Increase in Local Personal Incomes	\$1,020,000	\$24,223,532
Increase in Local Retail Sales	\$1,417,631	\$31,786,416
Increase in the Community's Property Tax Base	\$8,500,000	\$8,500,000
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$103,186
	County	\$100,107
	School	\$145,753
	Comm. Coll.	\$73,414
	Rec Comm	\$19,476
	State	\$4,023
	Total	\$445,959

10/27/2023

Carnation Partners, LLC (or assigns)/(Wit)

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Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS			INDIRECT COSTS		TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS				
City of Kansas City	358,324	199,804	926,878			40,427	1,525,432	10,860	1,536,292	509,783	0	18,052	527,835	1,008,456		
Wyandotte County	219,442	193,841	899,218				1,312,501	20,963	1,333,464	494,570	0	13,328	507,898	825,567		
Turner USD 202		282,229	1,309,243	579,037			2,170,508		2,170,508	623,589	56,768	0	680,357	1,490,151		
KC Community College		142,155	659,451				801,607	18,789	820,395	389,061	0	11,730	400,790	419,605		
USD 202 Rec Comm		36,249	168,155				204,404	1,193	205,598	99,342	0	360	99,703	105,895		
State of Kansas	1,260,866	7,789	36,134	0	551,194		1,855,983	0	1,855,983	19,874	0	0	19,874	1,836,110		
TOTALS	\$1,838,632	\$862,067	\$3,999,079	\$579,037	\$551,194	\$40,427	\$7,870,435	\$51,805	\$7,922,240	\$2,136,218	\$56,768	\$43,470	\$2,286,456	\$5,685,784		

212841



Report to

PUBLIC HEARING AGENDA ITEM NO. 1
 APPROVED BY
 UNIFIED BOARD OF COMMISSIONERS

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Jeffrey Conway, Assistant Counsel	Economic Development
AGENDA ITEM #		
RESOLUTION: ISSUANCE OF INDUSTRIAL REVENUE BONDS AND TO ADOPT PERFORMANCE AGREEMENT (CARNATION PARTNERS, LLC)		
BACKGROUND		
RESOLUTION—Adopt a resolution of intent to issue industrial revenue bonds in the amount not to exceed \$11,500.000 to finance costs of acquiring, constructing, improving and equipping a manufacturing facility for the benefit of Carnation Partners LLC, and to adopt a performance agreement, submitted by Jeff Conway, Assistant Counsel.		
RECOMMENDATION		
Approve		
To adopt the resolution and performance agreement.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
not to exceed \$11,500.00 to finance cost of acquiring construction		
IT/POLICY CONSIDERATIONS		
none		
PROCUREMENT CONSIDERATIONS		
none		
LEGAL CONSIDERATIONS		
Jeff Conway has reviewed and is working on this item.		
ATTACHMENTS		
Resolution of Intent - Carnation Partners (UG), Notice of Public Hearing - Carnation Partners (UG), Performance Agreement - Carnation Partners (UG), CBA_Carnation_10272023_withLMW_signed, CBA_Carnation_10272023_withoutLMW_signed		

Approved by Mayor and Administrator to add to agenda.

David Johnston, County Administrator

Dated:

11/1/2023

11/3/2023



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Chelsee Chism, Director cchism@wycokck.org X8046	Economic Development
AGENDA ITEM #13.4.		
ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR KC THE YARDS 2, LLC PROJECT		
BACKGROUND		
Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$51,803,111 for the purposes of acquiring, constructing, and equipping a 224-unit multifamily facility at 200 James Street in Kansas City, Kansas. <i>Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-73-22.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
kc the yard 2 LLC, R-73-22		

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

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (KC THE YARDS 2, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$51,803,111, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF KC THE YARDS 2, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has previously and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (KC The Yards 2, LLC Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$51,803,111, for the purpose of acquiring, purchasing, constructing, installing, furnishing, and equipping a commercial project primarily consisting of an approximately 224-unit multifamily facility and parking facilities for KC The Yards 2, LLC, an Indiana limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$51,803,111 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Indenture;
- (b) Base Lease Agreement;
- (c) Lease Agreement; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer and the Company, as Purchaser.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) and the County Administrator of the Issuer, as applicable, are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary

or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

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PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica L. Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November 14, 2024)

SUMMARY OF ORDINANCE NO. O-___-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (KC THE YARDS 2, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$51,803,111, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF KC THE YARDS 2, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).

The Bonds approved by the Ordinance are being issued in the maximum principal amount stated therein for the purpose of acquiring, constructing, furnishing, and equipping a commercial facility for KC The Yards 2, LLC, an Indiana limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

RESOLUTION NO. R-73-22

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 \$51,803,111 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL PROJECT FOR THE BENEFIT OF KC THE YARDS 2, LLC, AND ITS SUCCESSORS AND ASSIGNS (SALES EXEMPTION ONLY)

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, KC The Yards 2, LLC, an Indiana limited liability company (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, constructing and equipping a commercial project primarily consisting of an approximately 224-unit multifamily facility and parking facilities located at 200 S. James Street, Kansas City, Kansas 66118, 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 amount of not to exceed \$51,803,111 (the "Bonds"), and to lease the Project to the Company, or its successors and assigns, 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 \$51,803,111, 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.

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 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 200 S. James Street, Kansas City, Kansas 66118, 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 \$51,803,111, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of 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 determined by ordinance of the Unified Government; (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 4. 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; (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 5. 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 acceptable to the Unified Government.

Section 6. 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 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 7. 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 8. 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 9. Termination of Resolution. This Resolution shall terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

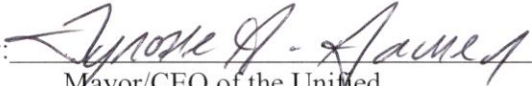
Section 10. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 11. 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 12. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON NOVEMBER 17, 2022.

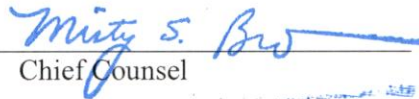
By: 
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: 
Unified Government Deputy Clerk

Approved as to Form:

By: 
Chief Counsel



Staff Request for Commission Action

Tracking No. 212081

Full Commission Meeting Date:**Committee:** Economic Development & Finance

Date of Standing Committee Action: 11/7/22

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/14/2022	Patrick Waters	x5079	patrickwaters@wycokck.org	Economic Development

Item Description:

A 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 \$51,803,111 to finance the costs of acquiring, constructing, improving and equipping a commercial project for the benefit of KC THE YARDS 2, LLC, and its successors and assigns (sales exemption only), submitted by Patrick Waters, Deputy Chief Counsel, and Stephanie Bell, Economic Development Management Analyst.

*On November 7, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Action Requested:

To adopt the resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Yards II (UG)



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Chelsee Chism, Director cchism@wycokck.org X8046	Economic Development
AGENDA ITEM #13.5.		
ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE MARGARITAVILLE AND HOMEFIELD OUTDOOR PROJECT		
BACKGROUND		
Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$135 million for the benefit of HFMGV KCK OWNER, LLC, for the purposes of acquiring, constructing, and equipping a 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue in Kansas City, Kansas. <i>Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-42-23.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance - Homefield Margaritaville (UG) (2), REDLINE - Ordinance, R-42-23 IRBs for MGRV and HF Outdoor		

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

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE AND HOMEFIELD OUTDOOR PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A THEMED HOTEL AND AN OUTDOOR MULTI-USE RECREATIONAL VENUE (AND POTENTIALLY ASSOCIATED INDOOR AREA(S)), INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF HFMGV KCK OWNER, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Margaritaville and Homefield Outdoor Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$135,000,000, for the purpose of acquiring, constructing, improving and equipping an approximately 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue (and potentially associated indoor area(s)), and all related improvements for the benefit of HFMGV KCK OWNER, LLC, a Delaware limited liability company or permitted assigns (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized. The Issuer hereby approves the assignment to the Company of HFMGV KCK, LLC's interest in Resolution No. R-42-23.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$135,000,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) and the County Administrator of the Issuer, as applicable, are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

[Balance of page intentionally left blank]

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November 14, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE AND HOMEFIELD OUTDOOR PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A THEMED HOTEL AND AN OUTDOOR MULTI-USE RECREATIONAL VENUE (AND POTENTIALLY ASSOCIATED INDOOR AREA(S), INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF HFMGV KCK OWNER, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$135,000,000, for the purpose of acquiring, constructing, furnishing, and equipping a themed hotel and an outdoor multi-use recreational venue for HFMGV KCK OWNER, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE AND HOMEFIELD OUTDOOR PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A THEMED HOTEL AND AN OUTDOOR MULTI-USE RECREATIONAL VENUE, (AND POTENTIALLY ASSOCIATED INDOOR AREA(S)), INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF HFMGV KCK OWNER, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Margaritaville and Homefield Outdoor Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$135,000,000, for the purpose of acquiring, constructing, improving and equipping an approximately 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue; (and potentially associated indoor area(s)), and all related improvements for the benefit of HFMGV KCK OWNER, LLC, a Delaware limited liability company or permitted assigns (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized. The Issuer hereby approves the assignment to the Company of HFMGV KCK, LLC's interest in Resolution No. R-42-23.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$135,000,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) and the County Administrator of the Issuer, as applicable, are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

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PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November 14, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE AND HOMEFIELD OUTDOOR PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A THEMED HOTEL AND AN OUTDOOR MULTI-USE RECREATIONAL VENUE, (AND POTENTIALLY ASSOCIATED INDOOR AREA(S)), INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF HFMGV KCK OWNER, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$135,000,000, for the purpose of acquiring, constructing, furnishing, and equipping a themed hotel and an outdoor multi-use recreational venue for HFMGV KCK OWNER, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

RESOLUTION NO. R-42-23

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)

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 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, HFMGV KCK, LLC, a Kansas limited liability company (together with successors or 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, constructing, improving and equipping an approximately 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue and all related improvements, more fully described in the Application and referred to as the “Themed Hotel” and “Homefield Outdoor,” respectively, in the Development Agreement (defined herein), located approximately to the northwest of State Avenue and N. 94th Street in Kansas City, Kansas (collectively, the “Project”) through the issuance of its revenue bonds in the principal amount not to exceed \$135,000,000 (collectively, the “Bonds”), and to lease the Project to the Company or its successors and assigns 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 Bonds in the principal amount not to exceed \$135,000,000, 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 or its successors and assigns.

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 the issuance of the Unified Government’s revenue bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

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, improve and equip the Project out of the proceeds of the Bonds in the principal amount of not to exceed \$135,000,000 to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government hereby expresses its intent to (i) issue its Bonds in one or more series 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 determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of each 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 each series of Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of each series of Bonds and the execution and delivery of any documents related to each series of Bonds are subject to (i) obtaining any necessary governmental approvals, including passage and publication of an ordinance authorizing each series of Bonds; (ii) agreement by the Unified Government, the Company and the purchaser of each series of 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 policies relating to the issuance of revenue bonds and ad valorem tax abatement; and (iv) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of each series of Bonds shall be the responsibility of the Company; provided, however, arrangements for the sale of each series of Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. Each series of 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 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 and in favor of the owners of each series of Bonds, as provided in the respective Indenture. Each series of 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 respective Indenture. The issuance of each series of 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 7. Ad Valorem Tax Abatement. Subject to the conditions in **Section 4** and the Development Agreement, in consideration of the Company's decision to acquire, construct 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) for all property (including real property and building improvements) financed with the proceeds of each series of Bonds.

In consideration of the City's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax for the Project as set forth below, subject to adjustment in accordance with the Development Agreement:

⁽¹⁾ Year	⁽²⁾ PILOT
1	\$801,500
2	809,515
3	817,610
4	825,786
5	834,044
6	842,385
7	850,808
8	859,316
9	867,910
10	876,589

⁽¹⁾ PILOTs will commence the calendar year after the Bonds are issued to finance the Project and will continue for up to 10 years thereafter, subject to the terms of the Development Agreement.

⁽²⁾ Excludes the school district capital outlay mills, as provided by Kansas law.

The Project financed with the proceeds of the Bonds shall be entitled to a maximum 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year such Bonds are issued by the Unified Government.

Section 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of any series of Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION -- THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 9. Termination. This Resolution shall terminate upon the earlier of (a) five years after the 2022 Effective Date as defined in the Development Agreement (which is also the last date on which Bonds may be issued pursuant to this Resolution), or (b) any date when the Company's (or its affiliate's) rights hereunder are earlier terminated pursuant to that certain Assignment, Assumption and Second Amended and Restated Development Agreement, as may be amended and supplemented, between the Unified Government and HFS KCK, LLC, a Kansas limited liability company (the "Development Agreement").

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 a series of 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. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the request of the Company, assign all or a

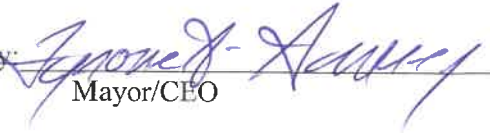
portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 12. 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 each series of 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 13. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 29TH DAY OF JUNE, 2023.

By: 
Mayor/CEO

[SEAL]

ATTEST:

By: 
Unified Government Clerk

Approved as to Form:

By: 
Office of Chief Counsel, *Acting*



PUBLIC HEARING AGENDA ITEM NO. 1

Staff Request for Commission Action

Tracking No. 212434

APPROVED BY
UNIFIED BOARD OF COMMISSIONERS

JUN 29 2023

Full Commission Meeting Date: 5/25/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/8/23

(If none, please explain): 5/8/23

Publication Required: No

<u>Date:</u> 06/29/2023	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> 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.				
<u>Action Requested:</u> Adopt the resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution of Intent - Margaritaville + HFO (UG)				



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Chelsee Chism, Director cchism@wycokck.org X8046	Economic Development
AGENDA ITEM #13.6.		
ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE LEGENDS 267 PROJECT		
BACKGROUND		
Adopting an ordinance authorizing the UG to issue taxable IRBs in a principal amount not to exceed \$65.5 million for the purposes of acquiring, constructing, and equipping a commercial multifamily facility at Village West Parkway and Parallel Parkway in Kansas City, Kansas, and providing for a 10-year payment in lieu of tax (PILOT). <i>Previously, the Board of Commissioners approved the resolution of intent in Resolution No. R-21-21 and Resolution No. R-10-22.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
legends 267 llc, R-21-21, R-10-22		

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

ORDINANCE NO. O-__-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (LEGENDS 267, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$65,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Legends 267, LLC Project), Series 2024 (the “Bonds”), in a principal amount not to exceed \$65,500,000, for the purpose of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Legends 267, LLC, a Missouri limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$65,500,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) the Indenture;
- (b) the Base Lease Agreement;
- (c) the Lease Agreement;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) and the County Administrator of the Issuer are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary

or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and 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 documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

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PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on November 7, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November __, 2024)

SUMMARY OF ORDINANCE NO. O-__-24

On November 7, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (LEGENDS 267, LLC PROJECT), SERIES 2024, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$65,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$65,500,000, for the purpose of acquiring, constructing, furnishing, and equipping a commercial multifamily complex for Legends 267, LLC, a Missouri limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 7, 2024.

Office of Chief Counsel

RESOLUTION NO. R 21-21

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 \$54,820,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY FOR THE BENEFIT OF LEGENDS 267, LLC, AND ITS SUCCESSORS AND ASSIGNS

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

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

WHEREAS, Legends 267, LLC, a Missouri limited liability company (including any permitted successors or 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, constructing and equipping a commercial multifamily facility consisting of no fewer than 265 total units located generally adjacent to the Legends Shopping Center on the south side of Parallel Parkway, east of 110th Street, 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 amount of not to exceed \$54,820,000 (the "Bonds"), and to lease the Project to the Company, or its successors and assigns, 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 \$54,820,000, 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, including the proposed property tax abatement, the Unified Government and the Company have previously entered into that certain Amended and Restated Development Agreement for Legends Apartments and Garage, dated as of February 3, 2021 (as may be amended and supplemented, the "Development Agreement").

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 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 generally adjacent to the Legends Shopping Center on the south side of Parallel Parkway, east of 110th Street, 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 \$54,820,000, 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 are set forth in the Development 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. Provision for the Bonds. Subject to the conditions of 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 determined by ordinance of the Unified Government; (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 5. 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 6. 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 acceptable to the Unified Government.

Section 7. 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 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 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION - THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

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 automatically terminate (i) on December 31, 2024, unless the Bonds have been issued for the Project, or (ii) as otherwise set forth in the Development Agreement. The Unified Government, upon the written request of the Company, may extend this time period.

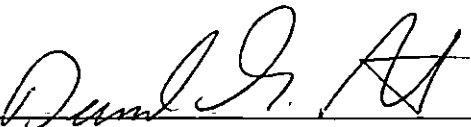
Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will 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.

[Remainder of page intentionally blank.]

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON MARCH 11, 2021.

By: 
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: 
Unified Government Clerk

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax ("PILOTs") shall be determined on a per-apartment-unit basis as further set forth in the Development Agreement. Below is an approximate PILOT schedule based on 267 apartment units, which may be adjusted as set forth in the Development Agreement.

Local, Minority, and Women Business Enterprise (L/M/WBE) goals are set forth in the Development Agreement.

PILOT payments do not include the school district's capital outlay levy that cannot be abated under Kansas law.

"Year" refers to calendar years after the Bonds are issued, with Year 1 being the first calendar year following issuance of the Bonds.

Value/unit	# of units	Projected Value	2020 mill rate	PILOT	PILOT per door
\$65,000.00	267	\$19,500,000.00	170.061285	\$351,876.63	\$1,317.89

**Includes \$9,142
fixed land value*

Annual Increase	1%
Annual Increase if Failure on L/M/WBE	2%

Year	Annual PILOT	Annual PILOT if L/M/WBE Failure
1	\$351,877	\$351,877
2	\$355,395	\$358,914
3	\$358,949	\$366,092
4	\$362,539	\$373,414
5	\$366,164	\$380,883
6	\$369,826	\$388,500
7	\$373,524	\$396,270
8	\$377,259	\$404,196
9	\$381,032	\$412,280
10	\$384,842	\$420,525
	\$3,681,408	\$3,852,951



Staff Request for Commission Action

Tracking No. 21680

Full Commission Meeting Date: 3/11/21 for public hearing**Committee:** Economic Development & Finance

Date of Standing Committee Action: 3/1/21

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 3/5/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed \$54,820,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Legends 267, LLC				
<u>Action Requested:</u> Move to FC 3/11 for public hearing and approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Legends 267 Application-for-IRB (911183xA006D), CBA_Legends_267_(with_LMW)_Revised_02172021, Resolution of Intent (Legends 267)				

RESOLUTION NO. R 10-22

RESOLUTION AMENDING RESOLUTION 21-21 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 COMMERCIAL MULTIFAMILY FACILITY FOR THE BENEFIT OF LEGENDS 267, LLC, AND ITS SUCCESSORS AND ASSIGNS

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

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

WHEREAS, the Unified Government adopted Resolution No. 21-21 on March 11, 2021 (the “Original Resolution of Intent”) determining the intent of the governing body to issue its industrial revenue bonds (the “Bonds”) in the aggregate amount not to exceed \$54,820,000, to finance the costs of acquiring, constructing, reconstructing, improving and equipping a commercial multifamily facility consisting of no fewer than 265 total units located generally adjacent to the Legends Shopping Center on the south side of Parallel Parkway and east of 110th Street (the “Project”) for the benefit of Legends 267, LLC, a Missouri limited liability company (the “Company”); and

WHEREAS, the governing body, at the request of the Company, desires to amend the Original Resolution of Intent to increase the aggregate amount of the Bonds.

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

Section 1. Findings. The governing body of the Unified Government hereby finds that all procedural items prescribed by the Act with regard to this Resolution have been undertaken, including the public hearing held on this date (and publication and provision of notice thereof) and preparation of a cost-benefit analysis.

Section 2. Intent to Increase the Authorized Amount of 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 \$65,500,000, to be issued pursuant to the Act. All references to the authorized amount of Bonds in the Original Resolution of Intent are hereby amended to refer to \$65,500,000.

Section 3. Effectiveness of Resolution of Intent. Except as amended herein, all other provisions of the Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 4. 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 5. 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 FEBRUARY 10, 2021.**



[SEAL]

ATTEST:

By: _____

Unified Government Clerk

By:
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Lisa Rangel, Professional Assistant Diana Segui, Professional Asst lrangel@wycokck.org, dsegui@wycokck.org x5141, x5095	Commissioners' Office
AGENDA ITEM #14.1.		
RESOLUTION/TRAVEL REQUEST: COMMISSIONERS BYNUM AND BURROUGHS		
BACKGROUND		
A resolution authorizing travel for Commissioners Bynum and Burroughs to Washington, D.C., to meet with the Kansas Congressional Delegation.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution authorizing travel		

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

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING TRAVEL FOR COMMISSIONERS TO
TRAVEL TO WASHINGTON, D.C. TO MEET WITH THE KANSAS
CONGRESSIONAL DELEGATION**

WHEREAS, pursuant to Article VIII of Appendix C of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, commissioners are authorized to travel for official functions and to receive reimbursement for such travel and for other authorized expenses;

WHEREAS, representatives and officials of the Unified Government usually meet on an annual basis with the Kansas Congressional Delegation, and the meeting this year will be during the period of December 2-6.

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

Section 1. That Commissioners Bynum and Burroughs are hereby authorized to travel with the Mayor/CEO and the County Administrator to Washington, D.C. during the period December 2-6, 2024, to meet with the Kansas Congressional delegation.

Section 2. The Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such 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 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 7th DAY OF
NOVEMBER 2024.**

[Balance of this page left intentionally blank. Signature page to follow.]

Approved:

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #15.1.		
LAND BANK OPTIONS		
BACKGROUND		
The following option application(s) were presented at the 09/30/2024 meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html 8 Single Family Homes + Nehemiah Project 2 Multi-Family Units 1 Commercial		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
FC Memo Land Bank Options 10.30.24		

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



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: October 23, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 09/30/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 8 Homes + Nehemiah Project

7. Junior Miguel Paz Morales – 1 home
 - i. 3431 Barnett Ave – 059421
8. Pillar KC LLC – 1 home
 - i. 1517 N 55th St – 918005
9. Fran Sutton, FMJ Properties – 1 home
 - i. 3501 Lust Dr – 079409
10. Juan Gilt / Patricia Carreon – 2 homes
 - i. 17 S 13th ST – 103245
 - ii. 1241 Ridge Ave – 067000
11. Jared Storhaug – 1 home
 - i. 841 N 84th St – 009406
12. Mohamed Huubse – 1 home
 - i. 1852 S Early St – 155050
13. Jorge Gutierrez – 1 home
 - i. 1122 Lafayette Ave – 157002

15. Nehemiah Project - ???
 - i. 3090 N 18TH ST - 162402
 - ii. 3084 N 18TH ST - 162403
 - iii. 3056 N 18TH ST - 162407
 - iv. 3054 N 18TH ST - 162408
 - v. 3042 N 18TH ST - 162410
 - vi. 3058 N 18TH ST - 162506
 - vii. 2936 N 18TH ST - 162600
 - viii. 3061 N 20TH ST - 162416

- ix. 3063 N 20TH ST - 162417
- x. 3069 N 20TH ST - 162418
- xi. 3075 N 20TH ST – 162419
- xii. 3035 N 20th St – 162604
- xiii. 3019 N 20th St - 162602
- xiv. 2836 HIAWATHA ST - 158759
- xv. 1818 YECKER AVE - 115779
- xvi. 1828 YECKER AVE - 158753
- xvii. 1826 YECKER AVE - 158754
- xviii. 1816 YECKER AVE - 158756
- xix. 1810 YECKER AVE - 158757
- xx. 1806 YECKER AVE - 158758
- xxi. 1800 YECKER AVE - 158760
- xxii. 1811 YECKER AVE - 158764
- xxiii. 1821 YECKER AVE - 158766
- xxiv. 1823 YECKER AVE - 158767
- xxv. 1825 YECKER AVE - 158769
- xxvi. 1829 YECKER AVE - 158770
- xxvii. 1831 YECKER AVE - 158771

B. Multi Family – 2 units

- 1. Don White – 2 Units
 - i. 1007 N 33rd St – 194334

C. Commercial

- 1. RA Engineering Corp
 - i. 5320 State Ave - 406501



Report to Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #15.2.		
LAND BANK PROPERTY TRANSFERS		
BACKGROUND		
The following property transfer application(s) were presented at the 09/30/24 standing committee meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html 1 UG transfer into the Land Bank		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
FC Memo Land Bank Property Transfers 10.30.24		

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



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: October 23, 2024
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 09/30/24 standing committee meeting:

Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. Nehemiah Project
 - i. 1815 Yecker Ave – 158765
 1. Transfer of an UG owned property into the Land Bank for the Nehemiah Project.

