NEW ITEM

PROCLAMATION: LARRY DREW DAY (150248)

Synopsis: Proclaim August 27, 2015, as Larry Drew Day.

IX. MAYOR’S AGENDA

CLERICAL CORRECTION

ITEM NO. 1 – RESOLUTION: AMEND UG COMMISSION MEETING SCHEDULE (150243)

Synopsis: Correcting a clerical error to reflect the September 17 (not 27) meeting date is changed to September 24, 2015.
WHEREAS, Larry Drew, born April 2, 1958 in Kansas City, Kansas, is a graduate of Wyandotte High School and known as one of the best players to come out of KCK to play professional basketball; and

WHEREAS, Larry Drew’s hard work, focus and determination opened doors that led to opportunities he never imagined in the field of professional sports; and

WHEREAS, Larry Drew was recruited by the University of Missouri and offered a full scholarship to play Division 1 college basketball; and

WHEREAS, Larry Drew established himself as a force to be reckoned with, becoming the first freshman to be a regular starter in the history of MU’s basketball program; and

WHEREAS, Larry Drew was number two on MU’s all-time scoring list and held career records for assists, steals, field goals, games played and starts at the conclusion of his career; and

WHEREAS, Larry continued to make a name for himself in the NBA, drafted 17th overall in the first round of the 1980 NBA Draft and his career consisted of 10 seasons with the Detroit Pistons, Kansas City/Sacramento Kings, Los Angeles Clippers, and Los Angeles Lakers; and

WHEREAS, Larry Drew recorded his best season during the 1982-83 season when he averaged 20.1 points, 8.1 assists and 1.7 steals for the Kansas City Kings; and

WHEREAS, Larry Drew has established himself as a professional coach serving as an assistant for 13 years and 3 years as a head coach leading the Atlanta Hawks to consecutive playoff appearances during the 2010-11 and 2012-13 seasons; and

WHEREAS, the Unified Government wishes to recognize Mr. Larry Donnell Drew for his outstanding service and contributions to the NBA and KCK.

NOW, THEREFORE, I, Mark R. Holland, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby recognize August 27, 2015 as:

“Larry Drew 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.

MARK R. HOLLAND, MAYOR/CEO
AUGUST 27, 2015 UNIFIED GOVERNMENT BOARD OF COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION GIVEN BY SISTER THERESE BANGERT, OUR LADY AND ST. ROSE CATHOLIC CHURCH

IV. PLEDGE OF ALLEGIANCE

V. REVISIONS TO AUGUST 27, 2015 AGENDA

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

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR’S AGENDA

X. NON-PLANNING CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. ADMINISTRATOR’S AGENDA

XIII. STANDING COMMITTEES’ AGENDA

XIV. COMMISSIONERS’ AGENDA

XV. LAND BANK BOARD OF TRUSTEES CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

SERGEANT-AT-ARMS: CAPTAIN STEVEN HAULMARK
VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. #3092 – ERIC WATTS/NORTHPOINT DEVELOPMENT

   SYNOPSIS: Change of Zone from R-1 Single Family District to MP-1 Planned Light Industrial and Industrial Park District for an industrial park at 6925 Riverview Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150228)

B. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2015-4 – JOSE D. LLAVES

   SYNOPSIS: Special Use Permit for a dirt fill at 4301 Powell Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150230)

2. #SP-2015-42 – PETER DUFFEY/PEAK SOCCER PERFORMANCE

   SYNOPSIS: Special Use Permit for an indoor sports facility with a focus on soccer at 3140 South 28th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150232)

3. #SP-2015-43 – LENG YANG

   SYNOPSIS: Special Use Permit for racing pigeons at 3406 Webster Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150225)

4. #SP-2015-44 – PATRICIA SOTO

   SYNOPSIS: Special Use Permit for a horse, at 741 South 76th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150233)

5. #SP-2015-46 – WIL ANDERSON/BHC RHODES

   SYNOPSIS: Special Use Permit for a recycling operation at 822 North 49th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150234)
C. VACATION APPLICATIONS

1. #U/E-2015-6 – SHAWN WOODS/WOODS DEVELOPMENT GROUP LLC

SYNOPSIS: Vacation of utility easements at 3412 and 3414 North 109th Terrace, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150235)

2. #S-2015-7 – ROGACIANO MEZA

SYNOPSIS: Vacation of a street at 4826 McGurk Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150236)

3. #U/E-2015-8 – CURTIS PETERSON/POLSINELLI PC FOR DFA

SYNOPSIS: Vacation of utility easements at 1405 North 98th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150111)

D. MASTER PLAN AMENDMENT

1. #MP-2015-3 – ERIC WATTS/NORTHPOINT DEVELOPMENT

SYNOPSIS: Master Plan Amendment from Low Density Residential to Business Park at 6925 Riverview Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150228)

E. ORDINANCE AMENDMENT

1. A New Section 27-740 Planning and Development of Kansas City, Kansas Code of Ordinances, adding a substitution clause to Division 11 (Signs) of the zoning code, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150237)

F. MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

1. AN ORDINANCE vacating right-of-way (#R/W-2015-4) at 9020 State Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (150201)

2. AN ORDINANCE allowing the substitution of noncommercial speech on signs containing commercial speech; adding a new Section 27-740 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning, 573-5774 (150237)
VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. #3093 – BLAKE WATSON/NATURE’S TOUCH LANDSCAPING, LLC

   SYNOPSIS: Change of Zone from A-G Agriculture District to C-3 Commercial District for storage of landscaping materials in conjunction with existing business at 5201 and 5204 North 97th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL AS A SPECIAL USE PERMIT FOR TWO (2) YEARS – 8/1 VOTE) (150229)

B. SPECIAL USE PERMIT APPLICATION

1. #SP-2015-23 – SUSAN PRUCKA

   SYNOPSIS: Special Use Permit for a kennel for six (6) dogs at 2610 South 27th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR SIX (6) MONTHS – 7/2 VOTE) (150231)

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR AUGUST 27, 2015

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2014.

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

IX. MAYOR’S AGENDA

1. RESOLUTION: AMEND UG COMMISSION MEETING SCHEDULE (150243)

SYNOPSIS: A resolution amending the UG Commission meeting schedule previously adopted by changing the September 27, 2015, meeting to September 24, 2015.

X. NON-PLANNING CONSENT AGENDA

1. COMMUNICATION: 2016 HOLIDAY SCHEDULE (150241)

SYNOPSIS: A communication submitting a proposed 2016 holiday schedule, submitted by Bridgette Cobbins, UG Clerk.

2. RESOLUTION: CRICKET WIRELESS AMPHITHEATER REPAIRS (150218)

SYNOPSIS: A resolution authorizing improvements to Cricket Wireless Amphitheater, and requesting the Public Building Commission issue revenue bonds, submitted by Joe Connor, Assistant County Administrator.

On August 10, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

3. APPOINTMENT: BOARDS AND COMMISSIONS (970013)


4. MINUTES

SYNOPSIS: Minutes from regular session of June 25, 2015; and special session of July 27, 2015.

5. WEEKLY BUSINESS MATERIAL


XI. PUBLIC HEARING AGENDA

No items

XII. ADMINISTRATOR’S AGENDA

No items
XIII. STANDING COMMITTEES’ AGENDA

1. RESOLUTION: FUNDING INCREASE-KAW POINT PARK TRAIL (150208)

SYNOPSIS: A resolution increasing authorized funds to $760,000 for the Kaw Point Park Connector Trail 2013, CMIP 971-7865 improvements, submitted by Dave Clark, Public Works. This project is included in the proposed 2015 Amended CMIP Budget. On November 21, 2013, the commission unanimously adopted Resolution No. R-107-13, authorizing $510,000 in GO debt for the project.

On August 10, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted 5 to 1 to approve and forward to full commission.

XIV. COMMISSIONERS’ AGENDA

No items

XV. LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

1. COMMUNICATION: LAND BANK APPLICATIONS (150216)

SYNOPSIS: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval.

Side-lots
1823 N. 19th St. - Marco Valencia
1109 Lowell Ave. - Octavio Romero
1921 N. 8th St. - Silviano Juarez
1923 N. 8th St. - Silviano Juarez
1319 Wood Ave. - Rueben Rodriguez

Best & Finals
2236 Richmond Ave. - Jacinto Cazares and Dennis Smith, both for yard extension (Due to geographic nature, the Land Bank recommends for Mr. Smith.)

612 Lowell Ave. - Jose Arambula-Ayala for yard extension/driveway and Rigoberto Lopez for yard extension/future garage (The Land Bank recommends splitting the property giving each side 22.5 feet of frontage.)

Donation to Land Bank
4714 Vista Dr. - Wells Fargo REO Community Development Program (Property will be donated with a clean title to the Land Bank. The Land Bank will then submit a development agreement with ABC for the rehab of the property.)
Transfers from Land Bank
710 Oakland Ave. - CHWC, Inc. for single-family home construction similar to others on the block.

213 S. 5th St. - City of Edwardsville, property was in Tax Sale 333. City of Edwardsville will raze property and keep possession.

Transfers to Land Bank
1907 N. 10th St. - Unified Government
116 S. 16th St. - Unified Government
214 S. 18th St. - Unified Government
2600 N. 5th St. - Unified Government
2801 N. 5th St. - Unified Government
1935 N. 6th St. - Unified Government
2600 N. 6th St. - Unified Government
2604 N. 6th St. - Unified Government
2529 N. 6th St. - Unified Government
2525 N. 6th St. - Unified Government
2606 N. 6th St. - Unified Government
2527 N. 6th St. - Unified Government
2528 N. 6th St. - Unified Government
2530 N. 6th St. - Unified Government
2700 N. 6th St. - Unified Government
2610 N. 6th St. - Unified Government
2612 N. 6th St. - Unified Government
2608 N. 6th St. - Unified Government
1922 N. 6th St. - Unified Government
1914 N. 6th St. - Unified Government
436 Walker Ave. - City of Kansas City, KS
336 Walker Ave. - Unified Government
627 S. Pyle St. - City of Kansas City, KS
730 Taurome Ave. - City of Kansas City, KS
732 Taurome Ave. - City of Kansas City, KS
(Per the December 2014 NCD Standing Committee presentation, property controlled by the UG, city and Board of County Commissioners that are delinquent will be transferred to the Land Bank to have delinquent property taxes abated.)

On August 10, 2015, the Neighborhood and Community Development Standing Committee, co-chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Change of Zone Petition #3092 and Master Plan Amendment #MP-2015-3 (150228)

GENERAL INFORMATION

Applicant:
Eric Watts

Status of Applicant:
Northpoint Development
5015 NW Canal Street, Suite 200
Riverside, MO 64150

Requested Actions:
Change of Zone from R-1 Single Family District to MP-1 Planned Light Industrial and Industrial Park District

And

Master Plan Amendment from Planned Suburban Residential (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan)

Date of Application: June 26, 2015
Purpose: To build three (3) industrial flex buildings for an industrial business park.

Property Location: 6925 Riverview Avenue

Existing Zoning: R-1 Single Family District

Surrounding Zoning:  
   North: R-1 Single Family District  
   South: R-1 Single Family District  
   East: A-G Agriculture and R-1 Single Family Districts  
   West: R-1 Single Family District

Existing Uses: North: Turner Diagonal right-of-way  
   South: Single family homes  
   East: Single family homes  
   West: Single family homes

Total Tract Size: 123.09 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential

Major Street Plan: The City-Wide Master Plan classifies this street as

Letters to Property Owners – July 14, 2015 and August 18, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: There was two (2) persons that appeared at the August 10, 2015 City Planning Commission with questions along with one (1) person in support.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Watts wants to build three (3) industrial buildings totaling over 1.44 million square feet at 6925 Riverview Avenue on 123.09 acres.


FACTORS TO BE CONSIDERED

1. Neighborhood character.

   The character of the neighborhood is comprised of single family homes to the west, Turner Diagonal to the north and single family homes to the south, across Speaker Road.
2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.

The zoning and their uses are set out above. There are industrial properties along Kaw Drive and one on the east side of Turner Diagonal, which is BPU’s storage and material yard.

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

The removal of the restrictions should not detrimentally affect nearby property.

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

The property has never been developed beyond agriculture although 2 or 3 attempts have been made in the last ten (10) years.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and if the appropriate landscaping and screening measures are taken would not permanently injure the appropriate use or visual quality 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.

With coordination with the Public Works Department, streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses. Significant improvements will be necessary and should be fully understood prior to any approvals.

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

The proposed use does not conform to the Master Plan. A master plan amendment has been filed as part of this application.

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

The proposed use should not cause environmental harm. This business park is not a heavy industrial use.
9. The extent to which utilities and public services are available and adequate to serve the proposed use.

   a. Water service

      It is unclear that the current system can accommodate the proposed uses. Please coordinate with BPU Water and Electric.

   b. Sanitary sewer service

      It is unclear that the current system can accommodate the proposed uses. Plans must be understood and any on or off-site improvements designed and funded by the applicant prior to any final plan approval.

   c. Storm water control

      Code compliant plans must be submitted.

   d. Police

      Police service is provided by Midtown Patrol, District #221

   e. Fire

      Fire service is provided by Station #19

   f. Transit

      Kansas City ATA does not provide transit service near this property

   g. Schools

      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 positive economic impact on the community.

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

    With revisions 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.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 27, 2015. According to the applicant, no one that attended the meeting appeared in outright opposition, but concerns were expressed related to noise and water runoff.

KEY ISSUES

Landscaping and Screening
Public Works comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-3 and Change of Zone Application #3092, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy for any building on the property.

   Applicant Response: This is understood. It is requested that a Temporary Certificate of Occupancy be issued if the interchange completion lags behind construction of the first building.

   Staff Response: Staff’s previous statement regarding the interchange includes the issuance of a Temporary Certificate of Occupancy. A TCO or Final CO will not be issued until the Riverview Avenue interchange is constructed.

2. A design criteria manual for the entire center shall be developed so when each tenant goes through the plan review process, they know the expectations and requirements upfront, making the review process run more efficiently and smoothly. In addition, by having the design criteria in place, the center will have a uniform appearance, giving the overall development an identity. Moreover, the criteria would allow each building to have some individuality and keep the architectural integrity of the center together. The criteria must be approved along with the zoning application and master plan amendment.
Within the manual, there needs to be greater detail explained and subsequently illustrated for the overall center in terms of distinct architectural elements and features that tie Turner Commerce Center together, creating a consistent appearance.

**Applicant Response:** A preliminary copy of the Site Regulations is attached to this response.

**Staff Response:** The applicant has revised the design criteria manual and we ask the Planning Commission to have the ability to amend the design criteria, if necessary.

### Landscaping and Screening:

1. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed buildings and parking lots.

   **Applicant Response:** The mature trees have been maintained to the greatest extent possible.

2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property.

   Since this property abuts residentially zoned property, please provide fence diagrams around the perimeter of the property.

   **Applicant Response:** The required number of trees (required 541, provided 543) has been calculated and shown on the Landscape Plans. Screening of the buildings was taken under consideration in placement of landscape materials.

   The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and found to be acceptable. Any fencing required to supplement landscaping plantings will be provided with the building permit plans.

   **Staff Response:** In order to meet the landscaping and screening code, a six-foot privacy fence with masonry pillars every 32 running feet shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.
3. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six-foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center.

**Applicant Response:** The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and generally found to be acceptable. It was agreed to place some additional bushes along the main entry drive (proposed 69th Street) off Riverview Avenue.

**Staff Response:** In order to meet the landscaping and screening code, a six-foot privacy fence shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.

4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

**Applicant Response:** This is understood and additional detailing will be shown with the building permit plans.

**Staff Response:** The landscape plan for final development plan shall depict the screening for ground, wall and roof mounted utilities and mechanical equipment.

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures.

**Applicant Response:** This is understood.

**Signage:**

1. Sec. 27-729(a) In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings,
tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project.

Applicant Response: This is understood and will be provided at a later time as part of the signage package.

Staff Response: Part of the design criteria includes signage standards for the center. The submitted design criteria manual provides this information.

2. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-O through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:

(1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge.

(2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.

(3) A theater listing may be permitted with planning commission approval as part of a center identification sign.

(4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign.

(5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be
approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

Applicant Response: This is understood.

3. All tenant signage shall have channel letters.

Applicant Response: This is understood.

Construction Timing:

1. The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

Applicant Response: This is understood.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) The Unified Government is currently considering improvements to the adjacent intersection of Riverview Avenue and Turner Diagonal. The current overpass will be replaced with either (a) an at-grade intersection or (b) a new bridge, to be determined by the Unified Government after additional technical analyses and public input. Both options are envisioned to fall on the modified alignment of Riverview Avenue in front of applicant’s property as shown in their plan. Applicant shall design their project and entrance such that it can work in either scenario, (a) or (b).
   2) The applicant’s project will create impacts to traffic at Riverview Avenue and Turner Diagonal that in normal circumstances would have required major offsite improvements to ramps, signage, signalization and which would have influenced the location of their entrance. Public Works judges that mitigations of these impacts can be adequately incorporated into the planned reconstruction project. If the development agreement mentioned before is approved, then these impacts will be factored into the design of the UG-led offsite improvement and the developer’s obligations towards their own impacts would be satisfied by their commitments in that agreement. However, if said agreement is not approved, then the applicant would remain responsible for completing, at their own and sole expense, all offsite improvements and redesign of their entrance as would be found necessary to mitigate their traffic impacts. The scope of such improvements would be decided by the Director of Public Works in consultation with the County Engineer. KDOT/KTA approval or

#3092 and MP-2015-3  August 27, 2015 9
concurrence must also be received. There is no design or decision available at this time for what would be needed in that scenario.

3) All right-of-way and easements for construction of the improvements along Riverview Avenue and Turner Diagonal shall be dedicated to the Unified Government at no expense.

4) The access road labeled 69th Street shall be private. A commercial association shall be created to maintain it. The roadway will be built to public standards for industrial collector.

5) The cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. The final design of the turnaround in later phases will be examined at that time.

6) Only one access to the site is shown. A secondary emergency access per Fire Department standards is required unless the Fire Marshall makes other determination.

7) Project shall coordinate construction traffic with UG, KDOT and KTA, keeping in mind the coordination needed with the adjacent public roadway improvements.

8) Street lighting will be required on the access driveway.

9) Additional detailed analysis of the trip generation and traffic movements is underway. Final traffic engineering comments must be resolved prior to receiving Preliminary Plan approval.

10) The traffic study indicates that a traffic signal at 69th and Riverview is warranted under full development conditions. This signal shall be installed at the time of Phase 2 development and is the responsibility of the developer – including all costs. Costs for this would not be part of any proposed City improvements. The study states that there will be no significant negative interaction between this location and the potential signal at Riverview and Turner Diagonal. Specific design details to coordinate between such two signals would be required.

11) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy.

12) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request.

13) The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

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 Conclusion:

The applicant has worked with staff to resolve numerous planning related issues and concerns. The design criteria manual will assist in creating a high quality development by incorporating complimentary architecture, building materials, colors, signage, and lighting.

There are significant Public Works comments that shall be addressed during the final plan review process. The applicant is aware of these issues and the final plan review cannot go forward until the comments are resolved. Staff recommends approval of this petition subject to:

1. Staff’s ability to amend, if necessary the developer’s design criteria manual that enhances the development.
2. The landscaping and screening code shall be met in full.
   a. The fencing shall meet the commercial and industrial standard when abutting residential property which is 6’ privacy fence with masonry columns every 32’ on center.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Petition #3092 and MP-2015-3 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Sight Line Study
Landscape Plan
Building Elevations
Riverview/Turner Diagonal Preliminary Feasibility Study
MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners APPROVE Master Plan Amendment #MP-2015-3, 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 Master Plan Amendment #MP-2015-3, 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:

1. ___________________________________________________________; 
2. _________________________________________________________; And 
3. _________________________________________________________.

Change of Zone

I move the Unified Government Board of Commissioners APPROVE Petition #3092 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. _________________________________________________________.

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

I move the Unified Government Board of Commissioners DENY Petition #3092, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150228 CHANGE OF ZONE APPLICATION #3092 – ERIC WATTS/NORTHPOINT DEVELOPMENT – SYNOPSIS: Change of Zone from R-1 Single Family District to MP-1 Planned Light Industrial and Industrial Park District for an industrial park at 6925 Riverview Avenue

150228 MASTER PLAN AMENDMENT #MP-2015-3 – ERIC WATTS/NORTHPOINT DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low Density Residential to Business Park at 6925 Riverview Avenue (Please note that it was listed incorrectly in the staff report but is correct on the agenda.)

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Brent Miles, NorthPoint Development and Mr. Eric Watts, applicant, appeared in support of this application. Mr. Miles stated that the Commission may know some of the projects North Point Development has done over the last four (4) years in Wyandotte County; they have invested about $130 million into the community. They have Central Industrial Park (former GM site in Fairfax), Kaw Point Industrial Park (demolition and reconstruction of the 400,000 square foot warehouse where the Public Levee sat at the entrance of Fairfax) and they recently bought and they are improving 5100 Kansas (Kansas City Steak Company) and Village West Luxury Apartments Phase 1 and 2 (south of Parallel) in the Village West/Legends area. He stated about a year ago the Unified Government, specifically Commissioner Walker, made comment about the lack of industrial parks in Wyandotte County similar to the park that they are building in Missouri called Riverside Horizons. He asked if they could emulate this project and Mr. Miles told him if they could get 150 acres that they can do it and they would be happy to do it. Mr. Gaffney of Country Club Bank foreclosed on this piece of property in
2008/2009. It was a failed development called Turner Hills (residential TIF with 300+ units). The Unified Government, before they got involved, was trying to land Project Secretes and that ultimately became known as the Macy’s Distribution Center and it went to Tulsa, Oklahoma. He stated that they own about 11 million square feet of industrial property across the United States and the majority of that is in the Kansas City region. He stated that there are two (2) obvious things with this site: access off Riverview Avenue right now is adequate for any sort of use. If you get off I-70 you are right at Riverview Avenue and you squiggle in to Riverview Avenue. There needs to be a new interchange. The sides have fallen off and the Public Works Department has put jersey barriers up as an interim fix. It was not on the 5 year CMIP (he is not sure if it was on the 10 year CMIP) because of the age of infrastructure throughout the community. Mr. Miles stated that they have negotiated a development agreement and the Standing Committee recommended it tonight before this meeting. It will go to the full commission on Thursday night and they will tax themselves to build a new entrance into the site from Turner Diagonal. He stated that they do not know if it will be an interchange or at grade intersection. They spent about 2 hours today with UG staff talking about the coordination of that; a decision has not been made yet but whatever decision it will link well with their project. He further stated that it is 130 acres and they have to do a rezoning for three (3) large industrial buildings that range in size: 447,000, 521,000 and 471,000 square feet. These buildings will be built on a speculative basis which means that they will build the first one and after it is leased they will build the second building and when it is leased, they will build the third building. He stated that over time this is probably a 6 to 7 year project based on the market trends they see in Riverview and what they saw at Kaw Point. They had a neighborhood meeting (notified approximately 65 people) and there were 18 people in attendance. The neighborhood meeting went well and he is not sure if any of the attendees are present this evening. In the meeting minutes, he would say in pecking order the questions concerned stormwater (currently Speaker Road floods and there is debris and silt that comes off the site and they are eliminating that problem with the detention basins that are sitting above in this watershed; the residential development (the residents were told when that was developed that the sewer would be pumped down their way and there would be a new sewer line that came through their yards or pumped into their manholes. They do not know what was said but that was a major concern about sewers coming their way and overflowing into their basements. They have a gravity sewer to the north; they did not route it down the stream as there is already some stream degradation going on and there was a minor question as to what the Unified Government had proposed with the interchange. The main focus was that there are no sidewalks in the area and wondering if there would be a sidewalk built with the UG’s improvements. There are 20 to 30 children that stand at 70th Terrace and wait for the school bus. Mr. Miles stated that they told them they would look into that with the school district and if there is some sort of school bus stop that they could build as part of their project, they would be willing to do that. There was a question about noise; there has been some concern about J.E. Dunn’s operation to the south and how much noise it has created with the cranes and backing up equipment. They did a study that said that truck decibel backing is about 80 and when you take that out to the property line it gets down to about 60 decibels which is two (2) people having a conversation at about three (3) feet. There was a lady that attended the meeting that brought up the noise and asked if they could hear it in the future, would they be willing to plant more trees. Since that hearing they have revised their plan and will plant 100 more trees to try to dampen any issues that would come
from that. There has been a lot of time spent on the traffic study and their responses are in the staff report packet. They did not recommend what the UG should do with the interchange; they simply said that their engineer studied at grade intersection which was brought up during the Socrates talk and there was a study and then this. He stated that they will generate between $7 and $9 million in taxes that will be given to the UG to pay for the improvements.

Mr. Eric Watts stated that their sound study was based on 120 decibel level and not 80. The trucks back-up beepers are typically around 120 decibels. He stated that they had a floor plan put together for building one and they put an entire landscaping design together. During the neighborhood meeting there were concerns with regard to sound so they added tree lines at the south of the property to get in front of any concerns that may arise down the road. In addition to the issues with the storm water drainage at Speaker Road, through a site study they have also verified that the ditches at Speaker Road are full of debris so water cannot travel through them and there is a 36” stormwater pipe that runs under the road that is partially blocked and somewhat collapsed that needs to be addressed at some point. Part of the issue is stormwater with this project as they have seven (7) detention basins (wet and dry) on site that will help to alleviate the stormwater run-off and everything is designed to slope to maintain their water on the property. It will actually reduce the runoff greatly that is falling onto Speaker Road at this time. He stated that this is a three-phase project. He stated that everything is on a speculative basis similar to how Kaw Point was designed. They have had great interest in Kaw Point and they pre-leased a good portion of it before walls were up on the building. This looks like a great opportunity that will be a fair amount of business to Kansas City, Kansas.

Chairman Hurrelbrink asked how many vehicles (and what type of vehicles) will be coming in and out. Mr. David Lotz, Continental Engineers, 9000 State Line Road, Leawood, Kansas, appeared in support of this application. He stated that they did some traffic analysis for an at-grade intersection looking at traffic demands. With the first building, they are looking at 317 vehicles that will go to and from the site during the peak hours with about 90 +/- truck bays that are on the first building. Most of that traffic will not come on a daily basis; it will be tenant driven. Not all of them would be heavy trucks.

Planning Commissioner Schwartzman asked if this will be dry freight, refrigerator or combination warehouse. Mr. Watts stated that this will be dry panel walls unless they have a tenant that asks for a refrigerator space. It is called a box-in-a-box.

Mr. Robert Ragwell, 6837 Speaker Road, Kansas City, Kansas appeared in support of this application. He stated that he has lived there for 48 years and Joe Steininger farmed it for years. Since it went downhill and the bank owns it nothing is being done to it; they have not been out there to mow the property. This property is an eyesore for everyone; he is totally for this as this is the best thing that has come along. His only concern is about water runoff as it has been bad for years. There are wash outs there that you could almost put a semi in and cover it up. He stated that he would like to see in writing that if the basin fails, they will come in and put in whatever is needed to fix it to take care of the water. This is a fine plan and he thinks that it will work.
Mr. Ralph Butler, 120 South 65th Street, Kansas City, Kansas, appeared in to this application. He stated that his property backs up to this property. He attended the neighborhood meeting and discussion was brought up about traffic and the entrance/exit onto Riverview Road. The previous owners had purchased property on the east/west side for an exit road that exited onto 65th Street because the Fire Department said that they needed a second entrance/exit. He would like more information about this.

Mr. Miles stated that the 138 acres comes with what he calls a “finger” that comes out to the east to 65th Street. They have no intention of building the second point of access out to 65th Street and that was shared at the community meeting. The Fire Marshall raised the concern on Friday about only having one access point if there was a catastrophic event. They talked to staff today about two options. One was widening the entrance for a third lane and there could be some movement up front if there was a catastrophic issue. The second was a back door that isn’t used but has a gate and is only used in the event of an emergency. The third building is about the same level as Speaker Road. From his opinion, he thinks that the people on Speaker Road did not necessarily support any voluntary truck access out Speaker Road; it is very narrow. He further stated that he thinks that it is 14 to 15 feet wide at that point. Because the comment came on Friday they have not had a chance to meet one-on-one with the Fire Marshall to talk about the two (2) potential options. Right now they do not see the access to 65th Street as a viable option to them or what the 8 or 9 residents south of the Moose Lodge would really prefer. This is a new issue that they are trying to find a solution for.

County Engineer Bill Heatherman stated that he would like to clarify the comment about prior discussions about a road extending over to the east. When there was a proposal for a residential development on that tract the layout had a second roadway being built through that area (not along Speaker Road) and when this project came forward about two (2) years ago that still was held over as a discussion point and in the Project Secretes the Public Works Department would not require that road. Due to the industrial nature of this project and the traffic study the Public Works continued to not make that stipulation. In the discussion of the fire entrance, that would be strictly to satisfy the Fire Marshall for secondary emergency access and that would be a minor thing compared to the scale of building a new road. That is a detail being worked out in the engineering plans.

Mr. Francisco Ramirez, 26 South 65th Street (and his interpreter Mr. Romo) appeared concerning this application. He is concerned with the level of noise that this project will bring about once it is fully developed. He is concerned with the amount of traffic that is coming into this quiet and peaceful neighborhood. Mr. Ramirez has had a concern all along since he heard about this project. What he heard now is the level of traffic that will occur with phase one and he would like to hear what will happen once the other two buildings are built. Also there was not a response to the type of traffic that will be coming in that Mr. Hurrelbrink asked the question about. He said that it will be 320 vehicles but he did not break it down whether it will be medium weight vehicles, etc. The other concern that he has with them saying that it is not in their plan to use the vacant lot right now that goes over to 65th Street from the property but what about later one if the need arises to make that emergency exit.
Mr. Miles stated that with regard to the “finger” that comes out, at the community meeting he gave Mr. Buckner his word that if they got through the Fire Department approvals and did not need the second means of access they would be willing to talk to him and the adjoining property owner to the south about vacating that property to them. They do not have a need for it and it would solidify that they would not change their plan in the future. He stated that they felt that was a fair promise. He stated that he always looks at the level of service and what impact the trucks will have on Riverview Avenue. With regard to noise, the loudest thing that they will have outdoors is a truck backing up and it depends on how many of them there are. There is a residential subdivision that literally sits on the bluff on the Riverside project (in Missouri) above them and they have not had any noise issues brought to their attention or the city’s attention. If you look at the site it is trees but landscaping and the building will sit pretty far from any houses that are impacted. He does not know how much that will play into it. One thing that was brought up at the community meeting by a couple of residents is that it is not any louder than the train. There is a train that runs to the south of this and on the north side is I-70. He stated that someone said at the meeting that they hear noise from I-70 but you get used to it. Mr. Miles further stated that he has not bought a decibel meter so he does not know if you live on Speaker Road how loud the train horn is compared to a truck backing up at the property line.

Planning Commissioner Connelly asked what will be the hours of operation that trucks will be going in and out. Mr. Miles stated that they do not know who their tenants will be because these are speculative buildings. They will build them and then the tenants will come. They own about 3 million square feet in Riverside and 10% of the leasers they have run a 24/7 operation. He stated that he would assume that this development would have similar hours of operation. Typically there may be a 5:00 a.m. (food vendors such as Seattle fish), maybe automotive related to GM and there will probably be one or two 24/7 operations but it is not typical for them. Mr. Lotz stated with regard to traffic they are looking at two intersections that will be created by virtue of the development. At this point it has not been decided again whether the Riverview Bridge will be replaced with an at-grade intersection or whether they will replace the bridge with a new bridge. Regardless of either scenario the alignment of Riverview is likely to be at 90 degree and in doing so they took a look at the two intersections (Riverview/Turner Diagonal and also Riverview and the drive leading into the development) and did some traffic analysis based on their traffic projections. Typically traffic signals are looked at level of service A through F and when they did their analysis they first took a look at Riverview and the drive leading into the development. They determined, based on fully developed, it could operate with a stop control on the driveway coming out of the development and will operate with level of service A (first building) or B (when fully developed.) He further stated that they took a look at the intersection if this goes to an at-grade intersection with the Turner Diagonal/Riverview and at fully developed conditions and that intersection could operate at a level of service C. Typically in most communities a level of service D for the way an intersection operates is very acceptable and it looks like they will be better with the proposed traffic projections for this development. These buildings are more warehouses in nature and they have docks on both sides of the building. With the fully developed situation there will be 721 total parking spaces on the site and 292 dock doors. Until they have tenants in the buildings, they do not know exactly how things will play out because lots of time there are shifts,
etc. A traffic engineer has to use information that is available through the Institute of Traffic Engineers (ITE) and he takes a look at traffic projections and that was the basis for their analysis for the signal and the stop control at the driveway to determine what the level of service would be – A or B and the other a level of service C. Also when doing the traffic analysis you look at the peak flow coming into the site and it is likely to be in the weekday pm period and there is very little traffic on the weekends. There are 205 vehicles coming into the site during the weekday pm peak and approximately 400 leaving the site during the peak hour. As the buildings are leased, things will play out differently as they know the tenants that will be here.

Planner Toy stated that the applicant has worked diligently with the Planning staff and Engineering staff. The staff has acquired the design criteria for the center so there will be a uniform appearance for all of the structures built. They will meet the landscaping and screening code when they come back for final plan review. He further stated that the Commission will see a series of plan review applications. They will be required to comply with all the stipulations of the Public Works Department in the staff report and that does include the KCK Fire Department having a second access. Where that fits into it will be determined by the Fire Marshall working with the applicant. The staff recommends approval subject to the stipulations outlined in the staff report.

On motion by Mr. Carson, seconded by Ms. Huey, the Planning Commission voted as follows to recommend APPROVAL of Master Plan Amendment #MP-2015-3:

Carson  Aye
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Aye
Walker Not Present

Motion to recommend APPROVAL Passed: 9 to 0

On motion by Ms. Huey, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Change of Zone Application #3092:

Carson  Aye
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Aye
Walker Not Present

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

Urban Planning and Land Use Comments:

General Planning:

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy for any building on the property.

   Applicant Response: This is understood. It is requested that a Temporary Certificate of Occupancy be issued if the interchange completion lags behind construction of the first building.

   Staff Response: Staff’s previous statement regarding the interchange includes the issuance of a Temporary Certificate of Occupancy. A TCO or Final CO will not be issued until the Riverview Avenue interchange is constructed.

2. A design criteria manual for the entire center shall be developed so when each tenant goes through the plan review process, they know the expectations and requirements upfront, making the review process run more efficiently and smoothly. In addition, by having the design criteria in place, the center will have a uniform appearance, giving the overall development an identity. Moreover, the criteria would allow each building to have some individuality and keep the architectural integrity of the center together. The criteria must be approved along with the zoning application and master plan amendment.

   Within the manual, there needs to be greater detail explained and subsequently illustrated for the overall center in terms of distinct architectural elements and features that tie Turner Commerce Center together, creating a consistent appearance.

   Applicant Response: A preliminary copy of the Site Regulations is attached to this response.

   Staff Response: The applicant has revised the design criteria manual and we ask the Planning Commission to have the ability to amend the design criteria, if necessary.

Landscaping and Screening:

1. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed buildings and parking lots.

   Applicant Response: The mature trees have been maintained to the greatest extent possible.
2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property.

Since this property abuts residentially zoned property, please provide fence diagrams around the perimeter of the property.

**Applicant Response:** The required number of trees (required 541, provided 543) has been calculated and shown on the Landscape Plans. Screening of the buildings was taken under consideration in placement of landscape materials.

*The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and found to be acceptable.*

*Any fencing required to supplement landscaping plantings will be provided with the building permit plans.*

**Staff Response:** In order to meet the landscaping and screening code, a six-foot privacy fence with masonry pillars every 32 running feet shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.

3. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six-foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center.

**Applicant Response:** The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and generally found to be acceptable. It was agreed to place some additional bushes along the main entry drive (proposed 69th Street) off Riverview Avenue.

**Staff Response:** In order to meet the landscaping and screening code, a six-foot privacy fence shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.

4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop
mechanical equipment shall be screened from public view on all sides by a parapet.

Applicant Response: This is understood and additional detailing will be shown with the building permit plans.

Staff Response: The landscape plan for final development plan shall depict the screening for ground, wall and roof mounted utilities and mechanical equipment.

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures.

Applicant Response: This is understood.

Signage:

1. Sec. 27-729(a) In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project.

Applicant Response: This is understood and will be provided at a later time as part of the signage package.

Staff Response: Part of the design criteria includes signage standards for the center. The submitted design criteria manual provides this information.

2. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-O through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:
(1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge.

(2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.

(3) A theater listing may be permitted with planning commission approval as part of a center identification sign.

(4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign.

(5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

**Applicant Response:** This is understood.

3. All tenant signage shall have channel letters.

**Applicant Response:** This is understood.

**Construction Timing:**

1. The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

**Applicant Response:** This is understood.
Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) The Unified Government is currently considering improvements to the adjacent intersection of Riverview Avenue and Turner Diagonal. The current overpass will be replaced with either (a) an at-grade intersection or (b) a new bridge, to be determined by the Unified Government after additional technical analyses and public input. Both options are envisioned to fall on the modified alignment of Riverview Avenue in front of applicant’s property as shown in their plan. Applicant shall design their project and entrance such that it can work in either scenario, (a) or (b).
   2) The applicant’s project will create impacts to traffic at Riverview Avenue and Turner Diagonal that in normal circumstances would have required major offsite improvements to ramps, signage, signalization and which would have influenced the location of their entrance. Public Works judges that mitigations of these impacts can be adequately incorporated into the planned reconstruction project. If the development agreement mentioned before is approved, then these impacts will be factored into the design of the UG-led offsite improvement and the developer’s obligations towards their own impacts would be satisfied by their commitments in that agreement. However, if said agreement is not approved, then the applicant would remain responsible for completing, at their own and sole expense, all offsite improvements and redesign of their entrance as would be found necessary to mitigate their traffic impacts. The scope of such improvements would be decided by the Director of Public Works in consultation with the County Engineer. KDOT/KTA approval or concurrence must also be received. There is no design or decision available at this time for what would be needed in that scenario.
   3) All right-of-way and easements for construction of the improvements along Riverview Avenue and Turner Diagonal shall be dedicated to the Unified Government at no expense.
   4) The access road labeled 69th Street shall be private. A commercial association shall be created to maintain it. The roadway will be built to public standards for industrial collector.
   5) The cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. The final design of the turnaround in later phases will be examined at that time.
   6) Only one access to the site is shown. A secondary emergency access per Fire Department standards is required unless the Fire Marshall makes other determination.
   7) Project shall coordinate construction traffic with UG, KDOT and KTA, keeping in mind the coordination needed with the adjacent public roadway improvements.
   8) Street lighting will be required on the access driveway.
9) Additional detailed analysis of the trip generation and traffic movements is underway. Final traffic engineering comments must be resolved prior to receiving Preliminary Plan approval.

10) The traffic study indicates that a traffic signal at 69th and Riverview is warranted under full development conditions. This signal shall be installed at the time of Phase 2 development and is the responsibility of the developer – including all costs. Costs for this would not be part of any proposed City improvements. The study states that there will be no significant negative interaction between this location and the potential signal at Riverview and Turner Diagonal. Specific design details to coordinate between such two signals would be required.

11) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy.

12) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request.

13) The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

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 Conclusion:

The applicant has worked with staff to resolve numerous planning related issues and concerns. The design criteria manual will assist in creating a high quality development by incorporating complimentary architecture, building materials, colors, signage, and lighting.

There are significant Public Works comments that shall be addressed during the final plan review process. The applicant is aware of these issues and the final plan review cannot go forward until the comments are resolved. Staff recommends approval of this petition subject to:

1) Staff’s ability to amend, if necessary the developer’s design criteria manual that enhances the development.

2) The landscaping and screening code shall be met in full.
   a) The fencing shall meet the commercial and industrial standard when abutting residential property which is 6’ privacy fence with masonry columns every 32’ on center.

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

With revisions the proposed use is capable of meeting applicable ordinance requirements. No response required.

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 in minimal. No response required.

NEIGHBORHOOD MEETING

The applicant must hold a neighborhood meeting by July 27, 2015. A copy of the sign-in sheet, meeting minutes and neighborhood meeting affidavit must be returned to the Urban Planning and Land Use Department by July 29, 2015 via email, fax, mail or personal delivery. A neighborhood meeting has been scheduled for the evening of Monday, July 27, 2015. The required sign-in sheet, meeting minutes and affidavit will be e-mailed to the UG by July 29, 2015.

KEY ISSUES

Landscaping and Screening
Public Works comments

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy for any building on the property. This is understood. It is requested that a Temporary Certificate of Occupancy be issued if the interchange completion lags behind construction of the first building.

2. A design criteria manual for the entire center shall be developed so when each tenant goes through the plan review process, they know the expectations and requirements upfront, making the review process run more efficiently and smoothly. In addition, by having the design criteria in place, the center will have a uniform appearance, giving the overall development an identity. Moreover, the criteria would allow each building to have some individuality and keep the architectural integrity of the center together. The criteria must be approved along with the zoning application and master plan amendment. A preliminary copy of the Site Regulations is attached to this response.

Within the manual, there needs to be greater detail explained and subsequently illustrated for the overall center in terms of distinct
architectural elements and features that tie Turner Commerce Center together, creating a consistent appearance. A preliminary copy of the Site Regulations is attached to this response.

**Landscaping and Screening:**

1. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed buildings and parking lots. The mature trees have been maintained to the greatest extent possible.

2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. The required number of trees (required 541, provided 543) has been calculated and shown on the Landscape Plans. Screening of buildings was taken under consideration in placement of landscape materials.

   Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property. The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and found to be acceptable.

   Since this property abuts residentially zoned property, please provide fence diagrams around the perimeter of the property. Any fencing required to supplement the landscape plantings shall be provided. Any fencing required to supplement landscape plantings will be provided with the Building Permit plans.

3. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six-foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center. The placement of trees as shown on the Landscape plans was reviewed with the City Planning Department and generally found to be acceptable. It was agreed to place some additional bushes along the main entry drive (proposed 69th Street) off Riverview Avenue.

4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. This is understood and additional detailing will be shown with the Building Permit plans.

   All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet. This is understood.

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-
reflected glare, from floodlights or commercial operations, shall not be
directed into any adjoining property. The source of lights shall be hooded
or controlled. Bare incandescent light bulbs shall not be permitted in view
of adjacent property or public right-of-way. Any light or combination of
lights that cast light on adjacent residentially zoned property shall not
exceed one foot candle as measured from said property line. This is
understood.

All lighting on the property, both on the building and in the parking lot shall
have 90 degree cutoff fixtures. This is understood.

Signage:

1. Sec. 27-729(a) In the case of an office park, hotel or motor hotel, shopping
center, industrial park, or other grouping of three or more buildings,
tenants or establishments, the developer shall prepare a set of sign
standards for all exterior signs. Such standards shall run with all leases or
sales of portions of the development. The size, colors, materials, styles of
lettering, appearance, or any logo, type of illumination and location shall be
set out in such standards. The standards shall be within the regulations as
set out in the codes and shall be for the purpose of assuring harmony and
visual quality throughout a project. This is understood and will be provided at
a later time as part of the signage package.

2. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-O
through MP-3 one center identification sign shall be allowed in lieu of one
allowable detached sign in projects having over 50,000 square feet of
leasable area in a commercial district or over five acres of developable area
in an industrial district. Such center identification sign shall meet the
following requirements:

(1) No center identification sign shall exceed 100 square feet per sign
face, nor 20 feet in overall height, nor be closer than 15 feet to any
property line, measured from the leading sign edge; provided,
however, that for every one foot of additional setback provided there
shall be allowed one foot of additional height and 15 square feet of
additional area, up to a maximum of 250 square feet per sign face
and 30 feet in overall height with a setback of 25 feet to any property
line, measured from the leading sign edge. This is understood.

(2) If not located within the landscaped setback, the sign base shall be
located within a curbed, landscaped area extending a minimum of
three feet on all sides of the sign base. This is understood.

(3) A theater listing may be permitted with planning commission
approval as part of a center identification sign. This is understood.

(4) A major tenant listing may be permitted with planning commission
approval as part of a center identification sign. This is understood.

(5) In addition to the allowable center identification sign, a monument
sign identifying the center with a sign face not exceeding 50 square
feet with a sign height not exceeding eight feet and with a minimum
setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere. This is understood.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development. This is understood.

3. All tenant signage shall have channel letters. This is understood.

Construction Timing:

1. The UG agrees on the upsizing proposal and the 8" line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost. This is understood.

Public Works Comments:

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

1) Construction plans shall be reviewed and approved prior to UG final approval and acquisition of Construction Permits. This is understood.

2) The plan states that the Unified Government (UG) will be removing the Riverview Bridge over the Turner Diagonal and Riverview will be realigned as an at-grade intersection. This commitment still requires approval of a developer’s agreement and ratification by the UG governing bodies. This item will require further discussion as well and must be approved prior to publication of the change of zone ordinance. This is understood. The Developers agreement is being taken before the Planning Commission on Monday August 10, 2015.

3) The plan will require all right of way and easements from the applicant’s property for the new alignment be dedicated to the UG at no cost. This should be done via a plat. This is understood.

4) A determination needs to be made on whether the internal access drive is public or private. Road shall be built to public standards either way. This is understood.

5) Cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. Later phases may require changes based on being a public or private street. This is understood.
6) Only one access to the site is shown. May require secondary emergency access per Fire Department standards. The Site is served by the main access drive/street (69th Street) off Riverview. This road is 52’ back to back for approximately 300 feet before it intersects with the first internal road. Internal access roads are provided around the perimeter of all buildings providing clear access for Emergency vehicles.

7) Construction traffic will have a serious impact on the traveling public and will require careful coordination with the public, UG and KDOT. Project should have KDOT/KTA input due to near vicinity of I-70 & Turner Diagonal ramps. This is understood.

8) Street lighting will be required on both the access drive and the relocated Riverview. The relocation of Riverview is an obligation of the UG per the proposed Development Agreement. It is understood that both Riverview and the access drive shall be lighted.

9) The traffic trip generation, turning movement projections and levels of service require further review and discussion. Also, did not see discussion of signalization for both the at-grade intersection and the access road with Riverview. This must be included in preliminary traffic study for change of zone. An updated Traffic Study is attached to this response addressing the realignment of Riverview Avenue and the construction of an at-grade intersection at its intersection with the Turner Diagonal. Proposed intersection improvements and traffic control are addressed in the Traffic Study. It is understood that a Developer’s Agreement needs to be signed in conjunction with the removal of the Riverview Avenue Bridge over the Turner Diagonal and the construction of the at-grade intersection.

10) Current study relies heavily on previous Turner Diagonal Study Report that needs more confirmation of feasibility issues for the proposed at grade intersection. These issues include any proposed changes from the original study, street geometrics including existing super elevation elimination, safety measures, impacts to other users, interaction with I-70 and 65th St traffic and basis of cost. As stated, the current study does rely on the extensive effort and analysis derived by the previous study. It is understood that an at-grade intersection will change the driving characteristics of this existing section of the Turner Diagonal. The current study evaluates the capacity of the proposed at-grade intersections and makes recommendations to the required lane geometrics and traffic control.

11) We welcome the opportunity to meet regarding this project but due to vacations, it would need to be on or after August 5th. Please schedule this meeting through John Cygiel. An e-mail was sent to John Cygiel requesting this meeting.

12) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy. This is understood.

13) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method
chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request. The sewer memorandum reflected how we arrived at 0.28cfs/acre and is consistent with the proposed use for the property.

B) Items that are conditions of approval (stipulations):

1) None

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

1) None

If you have any questions or desire additional information, don’t hesitate to call. I can be reached at 913-542-6842, extension 204.

Sincerely,

Continental Consulting Engineers, Inc.

[Signature]

David S. Lotz, P.E.
Senior Civil Engineer

Encl.

Cc: Eric Watts, NorthPoint Development
July 28, 2015

SUBJECT: Neighborhood Outreach Meeting Minutes

Application Number #CZ-15401-00009 (Ref: 3092)

Date and Location: July 27, 2015 – 6565 State Avenue, Kansas City, Kansas 66102

Meeting called to order at: 5:40 PM

Names of people in attendance:

- Brent Miles – NorthPoint Development
- Eric Watts – NorthPoint Development
- Phil Gibbs, Jr. – Continental Consulting Engineers
- David Lotz – Continental Consulting Engineers
- Attendee Sign-In Sheet Attached

Introductions:

- NorthPoint Development background
- Brent and Eric introduction
- Dave & Phil with Continental Consulting Engineers introduction
- Overview of project and discussion of speculative buildings
- Review of known issues
  - Sewer routing – gravity drain to North not over the creek
  - Storm water runoff, washout and Speaker Road drainage
  - Access to Riverview and the bridge
  - Appearance of development
  - Noise concerns
- Informed all attendees about Planning Commission meeting on 8/10.

Presentation:

- Review building appearance and rendering
- Pictures and discussion of other developments
- Review site layout, number and size of buildings, landscaping and existing undisturbed trees and vegetation
- Landscaping legend review
- Review blow up of buildings and exterior landscaping including area of disturbance
- Line of sight profile discussion with overall area of disturbance
Photographs were displayed from each line of sight profile point, with the exception of profile 3, and elevation changes and distances from building to property were discussed.

Pictures of existing bridge conditions were displayed and the new interchange was discussed. It is currently unknown whether the new interchange will be at grade or a new bridge.

Storm water detention plan was reviewed and discussed. Locations of wet and dry basins were shown and an overview of the storm water design was provided by Continental.

Noise study based on uninterrupted line of sight and anticipated maximum 120db level for back up alarms was reviewed at closest proximity properties.

Questions and answers:

Marla Austin
- What are the plans for the bus stop at 70th & Riverview? Currently up to 400 cars pass the bus stop between the hours of 6:30-8:30AM. Majority of traffic heads to BPU and QT.
  - Brent Miles response: We were not aware of this issue and will reach out to the school district and have a response at the Planning Commission meeting.
- Neighborhood kids play in the creek, what will happen with it?
  - Brent Miles response: The creek will not be disturbed by the development. We will not be taking sewer over the creek as shown on other proposed developments.
- What happens if 7 or 8 years down the road noise is an issue? How will it be handled? The railroad can be heard currently.
  - Brent Miles & Eric Watts response: You will hear some noise. Our sound study was based on uninterrupted line of sight and does not account for the multiple tree lines that the sound has to travel through. We will go back and look at adding additional tree lines to attempt to further reduce sound. We have looked at screen walls in other developments but most property owners do not like the idea as it produces a “prison” type of feel.

Bob Bradwell
- Will the site operate 24/7?
  - Brent Miles response: The building is being built on a speculative basis so it is possible that the site could operate 24/7. Roughly 10% of our tenants operate a second shift or overnight. We can provide an actual percentage of our tenants that do operate overnight if you would like the information.
- Storm water runs over Speaker and 68th Street. All the additional buildings and paving will create even more runoff. How is this going to be addressed?
Would like something in writing guaranteeing that the overflow of the street and drainage pipe will be addressed.
- David Lotz response: Existing storm water channels in these locations are full of dirt and debris. A section of the 36" pipe that runs under Speaker Road for storm water is crushed. Channels need cleaned out and pipe repaired. All storm water onsite will be contained by the wet and dry detention basins. (David offered to run through the analysis after the meeting.)
- When will detention basins be built?
  - Brent Miles & Eric Watts response: Only the first building about half the site infrastructure will be built in the initial phase. The first building is in a location that is mostly cut so most of site grading will occur with the first phase including grading of the majority of the detention basins in addition to the Storm Water Pollution Prevention Plan.
- The following questions were asked but names were missed or not provided:
  - Is any of this TIF?
    - Brent Miles response: The TIF has been or will be dissolved. The site would be granted a 20 year tax abatement which would allow us to essentially self-impose a $0.50 per square foot tax on ourselves for repayment of the cost of the new Turner Diagonal & Riverview interchange.
  - How will property value be affected?
    - Brent Miles response: I don’t know. It is difficult to determine how property value will be affected. It could be viewed in positive and negative ways.
  - What is the construction of the buildings?
    - Brent Miles and Eric Watts response: Concrete tilt up which is cast onsite with metal columns and beams. Premanufactured metal joists and metal roof deck. The slide shown earlier was all tilt construction buildings with storefront aluminum and glass systems. These are the template for what will be installed with a slightly different color scheme.
  - Who are the General Contractors we typically use? What about local contractors like JE Dunn & McCownGordon?
    - Brent Miles response: We are currently working with Clayco, ARCO and MillerStauch. MillerStauch is based is KCK. We have worked with McCownGordon before. Our projects would generally not be complex enough for JE Dunn to provide competitive pricing.
  - Will the workers be Union or non-union?
    - Brent Miles and Eric Watts response: There are no union or prevailing wage requirements in Kansas. There are only a few earthwork contractors that are capable of handling a project of this scale. This is a 1,000,000CY cut/fill project so there is a good chance that the earthwork company will be Union. On the majority of our
projects the concrete work is also performed by Union. For example on our Kaw Point project Kaw Valley Companies performed all demolition and earthwork.

Closing:

- Recap of all issues discussed and brought up.
- Offered to discuss any of the topics from the meeting in further detail.
- Reminder of the Planning Commission meeting on 8/10/15 at 6:30PM
- Thanked everyone for coming and reminded them to sign in if they hadn’t and to grab refreshments on the way out.

Meeting adjourned at: 6:45 PM

Minutes taken by: Eric Watts – NorthPoint Development

Respectfully,

Eric Watts | Project Manager
NorthPoint Development
5015 WW Canal St. – Suite 200
Riverside, MO 64150
www.beyondbethecontract.com
Dear Bill,

The following is written to provide additional clarification/confirmation for the feasibility of an at-grade intersection at the Riverview Turner Diagonal Intersection. In writing the attached, please be advised that we have not been retained by NorthPoint Development to design the offsite improvements. This information has been provided solely at the request of the County Engineer for the Unified Government and should be considered preliminary in nature.

The narrative below provides a timeline for discussions related to the replacement of the Riverview Avenue Bridge over the Turner Diagonal.

- The Riverview Bridge over Turner Diagonal is deteriorating. The Unified Government attempted to repair but side rails became unattached to bridge and temporary jersey barriers were placed on bridge narrowing the lanes; not in CMIP budget in near term for replacement.

- Former County Engineer, Fred Backus, wondered about the possibility of eliminating the long-term costs of bridge maintenance and observed that the grades seemed to work for an at grade intersection.

- Project Socrates appears as a potential user for the Turner Woods property and would require access improvements be made as part of project.
The U.G. hires Lochner consulting engineers to undergo analysis of the corridor and issues study of alternative intersection/interchange layouts with pros and cons of each.

Project Socrates decides to go to Tulsa.

Commissioner Walker indicates to U.G. staff at a public meeting that Wyandotte County needs more industrial property. The Wyandotte Economic Development Council (WYEDC) begins putting together an inventory of potential properties for projects because there is a shortage of industrial tracts available especially with good access, not brownfield sites; and in a community with a good workforce partnership like with the KCKCC.

The WYEDC begins evaluating the merits of repurposing currently underutilized property adjacent to the Turner Diagonal corridor. It is determined that development is somewhat limited without the removal of antiquated ramps and access points along the corridor. Refer to CCEI Exhibit I – Corridor Reclassification.

There are hundreds of acres of ground with poor access due to the intersection of the Turner Diagonal with I-70 being a former Toll Booth interchange. Removal of these ramps and a number of bridges could take miles of pavement off the maintenance list of the KTA/KDOT and potentially place excess right-of-way into adjacent property and on the UG tax rolls.

The right-of-way from the ramps could make the property in the NE quadrant of I-70/Turner Diagonal developable. A new I-70 intersection with Turner Diagonal could utilize the existing bridges and be converted to a more efficient diamond or diverging diamond intersection. The Turner Diagonal Corridor could then have additional at-grade access to property North of I-70 and South of State via Taurome Avenue.

Turner Woods and parcels North of I-70 slowly become more attractive for future development due to their proximity to the I-70/Turner Diagonal corridor. There have been several recent projects including Project Talking Bird (CCEI Exhibit II) and later Project Springs (CCEI Exhibit III) that show concept plans master planning/evaluating the long range use of a repurposed Turner Diagonal Corridor.

NorthPoint Development expresses interest in purchasing the Turner Woods property for a light-industrial/warehouse park but has some concern about access as Project Socrates. NorthPoint Development works with the U.G. to develop a funding proposal using property taxes on the project to improve the Riverview/Turner Diagonal access. Northpoint and the U.G. enter into a
conceptual agreement. The agreement reportedly agrees to a dollar amount that the Northpoint project will contribute to the Riverview Turner Diagonal Improvements.

- The U.G. is put in charge of the design and construction of the improvements. The UG has concerns about removing a grade separated interchange. The UG requests additional information from Northpoint consultant in support of an at grade interchange.

**At Grade Intersection**

The proposed at grade intersection for the Turner Diagonal is located in the middle of a large horizontal curve (2292.01' Radius) with a 6% super elevation. When designing at grade intersections, it is desirable to maintain the cross slope within the intersection between 1% and 3% so that vehicles don’t slide laterally when slowing or coming to a stop in icy/wet conditions.

The following outlines changes in the concept plan for at grade intersection as outlined in the original Lochner 2014 Study and as illustrated on Exhibit E, ALT D attached. CCEI Exhibit 1/1A are provided for a basis of comparison.

- The Lochner plan removes all pavement between tangents both north and south of the Turner Diagonal horizontal curve replacing that pavement with a typical section as shown on referenced Exhibit E. This plan provides a road section that is crowned at the center and slopes away from the crown at 2% in both directions. The CCEI plan contemplates sloping the road at 2% uphill from the east pavement edge towards the west maintaining the 2% cross slope through the intersection as shown on CCEI, Exhibit 2. The CCEI plan has the potential to reduce the amount of pavement that needs to be removed, the volume of earthwork that needs to be handled, and reduces the super elevation through the intersection from 6% to 2% while maintaining the general drainage patterns as they exist today. In changing the roadway super elevation from 6% to 2%, the road design speed can be maintained at 65 mph as calculated per AASHTO standards.

- The Lochner plan (Exhibit E, ALT D) for the Turner Diagonal appears to provide for a curbed section within the median and outside lane edges for the entire length of the improvement. The CCEI plan (Exhibit 2) provides curb medians at inside turn bays and tapers and a 10’ asphalt shoulder along the outside lanes of the Turner Diagonal. The plan by CCEI starts the curbing for Riverview Avenue at the curb returns.

- Both the Lochner plan (Exhibit E, ALT D) and the CCEI plan (CCEI Exhibit 3) provide for curb along the entire section of relocated Riverview Avenue.
• The Lochner Plan appears to provide NB/SB acceleration lanes and tapers for the turn movements from Riverview onto the Turner Diagonal. The CCEI plan, Exhibit 1/1A does not provide for these acceleration lanes. With a traffic signal at the intersection, the need for acceleration lanes aren’t typically required at signalized intersections.

• The Lochner plan provides for bicycle lanes on Riverview Avenue. The CCEI plan Exhibit’s 1/1A and 3 places bicycle traffic on the adjacent 8’ wide hike/bike path.

Safety measures

• The speed limit along the Turner Diagonal is recommended to be reduced from 55 mph to 45 mph consistent with other at grade intersections within the Turner Diagonal corridor and other similar corridors (i.e. @ State Avenue, @ 59th Street, and along the Kansas Avenue corridor). Advance warning devices are recommended be installed to warn vehicles of the lower speeds and traffic signal ahead.

• A grade separated interchange would allow both pedestrians and bicycle’s to flow with traffic across the Turner Diagonal. Riverview Avenue is posted at 30 mph. A Turner Diagonal at grade intersection requires pedestrian and bicycle movements to occur across a major intersection and subjects pedestrians and bicycle’s to cross traffic. The use of Traffic Signals with pedestrian push buttons to promote the movement of pedestrian’s and bicycle’s across the Turner Diagonal would be consistent with speeds and traffic experienced at most major arterial streets. The use of a raised median within the Turner Diagonal could provide a refuge point for bicycles and pedestrians making the east/west movement.

Impact to Other Users

• The 2014 Traffic Study by Lochner does a good job in outlining both the advantages and disadvantages of the various options identified. Exhibit G from that study is included for reference.

• While we generally agree with Lochner Exhibit G, we believe that access to/from BPU will be improved by the installation of a Traffic Signal that provides time to reach posted speed limits in lieu of the existing short ramps with tight radii and inadequate merge distances to reach required roadway design speeds.

• We agree that additional public outreach would provide a more global view of the stakeholders in the area.
• This proposed change to an at grade solution is not unprecedented as this occurred in the 1990's at State Avenue (Refer to Exhibit IV, google image of old State Avenue/Turner Diagonal Interchange) and has more recently been evaluated at the K-32 intersection between KDOT and the UG.

• There are currently traffic signals along this corridor at State Avenue, 59th Street, 55th Street and eastward along Kansas Avenue.

Interaction w/I-70

• The EB/SB I-70 to Turner Diagonal off-ramp has a posted speed limit of 25 mph and currently has to merge quickly with SB Turner Diagonal traffic with a posted speed limit of 55 mph. The removal of the Riverview Bridge over the Turner Diagonal and replacing it with an at grade intersection at a point further away from the interchange improves the weave that currently occurs between SB Turner Diagonal traffic and EB/SB I-70 traffic as they attempt to exit onto Riverview. Refer to CCEI Exhibit 4 for an understanding of the distances between gore points and the improved distance with the relocated intersection.

• The 65th Street WB/NB on-ramp to the Turner Diagonal does not have a posted speed limit, has tight curve radii, but has a relatively long distance (1300') between its gore point and the gore point for the NB off-ramp to Riverview. The removal of the Riverview Bridge over the Turner Diagonal and replacing it with an at grade intersection further away from the Riverview off-ramp gore does not materially change the distance at which a vehicle would need to come to a complete stop. Refer to CCEI Exhibit 4.

• Separate meetings were held with KDOT Metro Engineer, Paul Grjipka and KTA Chief Engineer David Jacobson on Friday, July 31, 2005 to discuss the impact of an at grade intersection on the operation of the I-70 interchange and off-ramps.

• Both KDOT and KTA have provided preliminary indications that the concept of an at-grade intersection as shown on Exhibit 1/1A has the potential to improve any weave problems that are currently being experienced within this section of the Turner Diagonal Freeway generally between I-70 and 65th Street.

Project Costs

A spreadsheet is attached outlining cost associated with improvements for an at Grade Intersection at the Turner Diagonal/Riverview Interchange. The proposed costs are based on the most current design attached. As a basis of comparison, the detailed budget prepared by Lochner consulting is included with as Exhibit E, Alternate D. The
attached budget by Lochner excludes escalators and engineering fees for design and inspection.

If you have any questions or desire additional information, don’t hesitate to call. I can be contacted at 913-642-6642, extension 204 or via e-mail at dll@ccengineers.com.

Sincerely,

Continental Consulting Engineers, Inc.

David S. Lotz, P.E.
Senior Civil Engineer

Encl.

Cc: Eric Watts, Northpoint Development
Appendix “A” Exhibits

CCEI Exhibit 1    Turner Commerce Center – Preliminary Site Plan
CCEI Exhibit 1A   TCC – Preliminary Site Plan/Intersection Geometrics
CCEI Exhibit 2    Typical Sections – Turner Diagonal
CCEI Exhibit 3    Typical Sections – Riverview Avenue
CCEI Exhibit 4    Turner Diagonal Corridor adjacent to Turner Commerce Center

CCEI Exhibit I    Turner Diagonal Reclassification
CCEI Exhibit II   Potential Development NE Quadrant (Project Talking Bird)
CCEI Exhibit III  Potential Development NE Quadrant (Project Springs)
CCEI Exhibit IV   Google Image (State Avenue/Turner Diagonal, Circa 1991)

Lochner Alt E, Exhibit D – Turner Diagonal/Riverview Intersection
Lochner Exhibit G  Advantages/Disadvantages of Various Options

Construction Estimates

Lochner Alt E, Exhibit D – Cost Estimate

CCEI Estimate
<table>
<thead>
<tr>
<th>Option of Project Cost</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bridge Option A (ALT A) - Replacement of the Existing Bridge Structure on the Existing Alignment (Initial Concept 5A)</strong></td>
<td>Maintains existing access configuration allowing existing users to utilize current routes</td>
<td>Maintains existing sub-grade loop ramps and weave on Turner Diagonal</td>
</tr>
<tr>
<td>66,498,000</td>
<td>Allows bicycle and pedestrian access across Turner Diagonal</td>
<td>Increased overall project complexity due to gas-water transmission mains at ROB</td>
</tr>
<tr>
<td></td>
<td>Improves site distance on Riverview Ave across Turner Diagonal</td>
<td>May limit large truck mobility due to sharp radii</td>
</tr>
<tr>
<td></td>
<td>Improves acceleration lane on Turner Diagonal</td>
<td>Does not address roadside safety between NB and SB Turner Diagonal other than bridge piercing protection</td>
</tr>
<tr>
<td></td>
<td>Improves existing RCB structure in need of maintenance</td>
<td>Maintains existing SPU access points</td>
</tr>
</tbody>
</table>

| **Bridge Option B (ALT B) - Replacement of the Existing Bridge Structure on an Offset Alignment, Maintain East Ramps** | Removes out-of-date loop ramps (west-side) on Turner Diagonal | Maintains existing out-of-date loop ramps (east-side) and weave on Turner Diagonal |
| 68,330,000 | Allows bicycle and pedestrian access across Turner Diagonal | Reduces existing SPU access points |
| | Improves constructability due to offset alignment | May limit large truck mobility due to sharp radii |
| | Improves acceleration lane on Turner Diagonal | Does not address roadside safety between NB and SB Turner Diagonal other than bridge piercing protection |

| **Bridge Option C (ALT C) - Replacement of the Existing Bridge Structure on an Offset Alignment, Reconstruct East Ramps** | Removes existing out-of-date loop ramps on Turner Diagonal | Maintains existing weave on Turner Diagonal |
| 68,136,000 | Allows bicycle and pedestrian access across Turner Diagonal | Minimum AADT criteria needed to diamond out/off ramps |
| | Improved constructability due to offset alignment | Limited sight distance at diamond out/off ramps/Riverview intersection |
| | Improves acceleration lane on Turner Diagonal | Reduces existing SPU access points |
| | | Largest impact to adjacent SPU property |
| | | Does not address roadside safety between NB and SB Turner Diagonal other than bridge piercing protection |

<p>| <strong>At-Grade Intersection Option (ALT D) - Replacement of the Existing Bridge Structure with a Signalized Intersection</strong> | Removes existing out-of-date loop ramps and weave from Turner Diagonal | Requires bicycle and pedestrian traffic to negotiate major intersection at Turner Diagonal |
| 77,080,000 | Initiates phased construction of Turner Diagonal into #1 main pathway facility | Requires lower posted speed limit on Turner Diagonal |
| | Eliminates bridge maintenance and inspection | Requires advance warning speed control measures |
| | Improved constructability due to offset alignment | Introduces stop condition on Turner Diagonal |
| | Addresses roadside safety between NB and SB Turner Diagonal | Reduces existing SPU access points |</p>
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| **Total Project Cost**           | **$5,073,797.92**
DESIGN GUIDE & SITE REGULATIONS

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• Introduction
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SECTION ONE  INTRODUCTION

Turner Commerce Center is a new development that proposes three planned speculative multi-tenant Class "A" warehouse buildings totaling approximately 3,441,00 square feet. It is proposed at the southwest corner of Riverview Avenue and the Turner Diagonal.

The development is planned to be phased with the first phase consisting of the overall mass grading, public street installation, infrastructure and Building 1. Phases 2 & 3 would consist of final grading, additional infrastructure and Buildings 2 & 3. The intent is to complete the first Phase in 2017 with subsequent phases commencing upon successful leasing of Building 1.

The Design Guide & Site Regulations provide an illustration of and guidelines for NorthPoint Development's vision of the site.
SECTION TWO  EXAMPLE DEVELOPMENTS
Riverside Horizons:

[Images of commercial buildings]
Logistics Park Kansas City:
SECTION THREE ARCHITECTURAL

The planned development is composed of three Class "A" warehouse buildings designed for maximum flexibility and compatibility for the end user.

All exterior components of development structures shall be constructed of attractive, high quality materials including concrete (precast and site cast), masonry, glass, metal and all other materials commonly utilized in construction of a Class "A" warehouse facility. Specific materials which will be excluded from use for exterior structure construction include: exposed galvanized metal facades; nondecorative cinder or concrete block; and exposed double T concrete panels.

Exterior mechanical or electrical equipment shall be placed in effort to utilize building characteristics, such as parapet wall, to screen from view. If the function of the building or structure dictates placement of such equipment in a manner or location that the building exterior walls are unable to reasonably screen the equipment from view of adjacent existing or proposed streets or highways, they must be separately screened using materials compatible with the approved building materials with use of an appropriately designed parapet or screen wall or with acceptable landscaping.
Color Legend

Color of materials used on the construction of all buildings, enclosures, and appurtenant structures shall be consistent throughout the entire development.

Colors shall match or compliment all colors shown in the legend. Any deviation from the legend must be approved by Developer and, if applicable, Local Authority prior to use.

COLOR COATING LEGEND

- SHERWIN WILLIAMS: SW7674 "PEPPERCORN"
- SHERWIN WILLIAMS: SW7046 "ANONYMOUS"
- SHERWIN WILLIAMS: SW7038 "TONY TAUPE"
- SHERWIN WILLIAMS: SW7043 "WORLDY GRAY"
- SHERWIN WILLIAMS: SW7672 "KNITTING NEEDLES"
Parking & Storage

Parking:
Employee, customer, owner or tenant parking shall be the responsibility of the property owners and they shall provide all necessary parking facilities entirely on their property. Parking on private or public streets within the development is expressly prohibited. All non-public streets, parking areas and drives and access shall be paved with an impervious surface equal to asphalt or concrete and maintained by the owner in a well-kept condition. Each parking space provided shall be designated by lines painted on the paved surfaces and shall be adequate in area, generally spaces will be sized nine feet wide by eighteen feet long (9’ x 18’) when a curb abuts and nine feet wide by twenty feet long (9’ by 20’) when not abutting a curb.

Adequate off-street parking shall be provided by Owner and each tenant for its customers, employees and visitors. The parking ratios shall meet a minimum requirement of 1 space per 2,000 square feet of usable building space (1:2,000) or as agreed to by Developer and Local Authority.

Outside Storage & Equipment:
Outside storage is allowed within the development area. Outdoor storage areas will be identified on tenant improvement submittal packages unless specifically identified and approved as part of the final development plan. Outside storage and equipment shall be in accordance with the following standards:
• Submittals: Include a description and photo/sketch of the proposed storage/equipment. The storage area must be clearly delineated on a site plan.
• Location: All outside storage shall be located in either a side or rear building area. No outdoor storage shall be located within ten [10] feet of a street line.
• Screening: All outside storage shall be adequately screened by the buildings or landscaping or fenced.
• Appearance: All outside storage shall have a neat and orderly appearance.
• Setback: Outside storage areas shall comply with all setback requirements.
• Height: The height of stored items shall not exceed the height of the building.

This regulation does not apply to the customary truck and trailer parking activities associated with tenants inside the Planned Development.

Each Owner and tenant shall keep its premises, buildings and improvements and appurtenances in a safe, sightly, clean, neat and wholesome condition, and shall comply in all respects with all governmental, health and local authority requirements. Each Owner and tenant shall remove, at its own expense, any rubbish or trash of any character which may accumulate on its property and shall keep unlandscaped and landscaped areas neat and well-maintained.
SECTION FOUR LANDSCAPING

REQUIREMENTS:

All areas disturbed as part of the Planned Development and identified as landscaped areas within each building site not occupied by buildings, storage, parking, access roads and loading shall be suitably graded and drained and shall be maintained in lawn, trees, and/or shrubs, including lawn irrigation in all such areas. Areas not identified as landscaped or undisturbed by the planned development shall remain unirrigated with existing and/or new native vegetation. Building sites shall be landscaped in accordance with following:

- **Building Frontage at Street:** 1 Shade Tree or Evergreen Tree for every 50 feet of street frontage to be planted along the street right-of-way.
- **Common Area side or Building Rear:** 1 Shade Tree or Evergreen Tree for every 50 feet of frontage on common areas.
- **Parking Lots:** Landscaped islands should be added, where possible, at the ends of all parking rows and should be bermed and planted with either seed and/or sod or landscaping.
  - 1 Shade Tree or Evergreen Tree for every 200 square foot of parking lot islands.
  - Parking lot screening is encouraged where available green space exists.
  - Screening should be by shrubs approximately 3' in height not exceeding 20% of total frontage.
- **Building Foundation:** Building foundations should be landscaped at building entries with groundcovers, shrubs and/or ornamental trees.

The landscape development, having been installed, shall be maintained in a neat and adequate manner, which shall include the mowing of lawns, trimming of hedges and other such similar maintenance. The landscaping shall be implemented and completed within three (3) months of the issuance of a temporary certificate of occupancy of the building, however, this timeframe may be extended to a maximum of six (6) months due to weather concerns.
Landscaping Legend

Example Tree & Shrub List:
Final species selections to be determined.

Tree List

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<th>Quantity</th>
<th>Common Name</th>
<th>Botanical Name</th>
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Shrub List

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<td>✓</td>
<td>96</td>
<td>Seagreen Juniper</td>
<td>Juniperus Chinensis 'Seagreen'</td>
<td>24&quot;</td>
</tr>
<tr>
<td>✗</td>
<td>88</td>
<td>Morning Light, Golden Grass</td>
<td>Miscanthus Sinensis 'Morning Light'</td>
<td>36&quot;</td>
</tr>
<tr>
<td>✓</td>
<td>32</td>
<td>Anthony Waterer Spire</td>
<td>Spirea Brunnea 'Anthony Waterer'</td>
<td>24&quot;</td>
</tr>
</tbody>
</table>

Existing Tree Area to Remain
Landscaping Planting Details

TOTAL SITE AREA - 124.22 ACRES
1 TREE PER 10,000 SF OF TOTAL SITE
(1,241,022 SF / 10,000 = 124 TREES)

PARKING AREA REQUIREMENTS
1 TREE PER 20 SPACES - 702 SPACES
(702 / 20 = 35 TREES)

TOTAL TREES
577

Typical Utility Box Screening Details

Free Standing
- Transformer
- Small Box
- Clustered Bows

No Scale

TURNER COMMERCIAL CENTER
Example Retaining Wall & Details

Omega “Straight Face Unit” Pattern

Turner Commerce Center

- Plan View
- Front View
- Side View
- Isometric View
- Universal Wall Cap Unit
- Capping Detail Profile

Dimensions and Scale

#3092 and MP-2015-3 August 27, 2015
Typical End of Building Landscaping
SECTION FIVE SIGNAGE

REQUIREMENTS:

No sign shall be erected, placed or otherwise installed upon a building site or affixed to a building, structure, or other improvement erected on the development site until the plans for such sign have been approved and a sign permit issued. All signs are subject to review and shall be constructed of approved building materials and colors that complement the building design and layout of the site.

- **Monument Signs.** Monument signs shall be located at least five (5) feet from the street right-of-way. The sign face area of the monument sign shall not exceed fifty (50) square feet with a maximum height of ten (10) feet above the average grade unless the monument sign is utilized in lieu of a center identification sign in which case the monument sign face shall not exceed one hundred (100) square feet and two (2) monument signs may be provided.
- **Building Façade Signs.** Building Façade Signs shall be attached to the building to identify individual businesses. Each individual business may have a maximum of three (3) wall signs per building, with a maximum of one (1) sign per side of building. The maximum sign face per sign shall be two hundred (200) square feet, except for businesses that occupy a single building the maximum sign face per sign shall be two-hundred fifty (250) square feet. For signs with one line of copy, the maximum letter height shall be seventy-two (72) inches per letter. For signs with two lines of copy, the maximum letter height shall be forty-eight (48) inches per letter.
- **For Sale or Lease Signs.** A temporary wood, metal, or plastic sign may be erected on a developed building site to offer the property for sale or lease. One (1) such sign, having a maximum area of four hundred (400) square feet is permitted for each building available for sale or lease.
- **Temporary Signs.** Paper signs, stickers, transfers, signs printed or affixed to, or visible through the windows, doors or exterior walls of a building or other signs of a temporary character or purpose, regardless of the composition of the sign or the materials used therefore, are expressly prohibited.
- **Construction Signs.** Temporary wood, metal, plastic, construction trailer and construction office signs will be allowed during the construction of a building project. Such signs may be either single or double-faced with each face having a maximum area of one hundred (100) square feet. All signs permitted under this provision will be removed immediately upon issuance of an occupancy permit for any building constructed on the site.
To: Unified Government Board of Commissioners
From: City Staff
Date: August 27, 2015
Re: Petition #SP-2015-4 (150230)

GENERAL INFORMATION

Applicant:
Mario Leon

Status of Applicant:
Representative
Martell + Leon, LLC
3106 South 48th Drive
Kansas City, KS

Requested Action:
Approve Special Use Permit for dirt fill

Date of Application:
June 16, 2015

Purpose:
Use dirt fill to raise portion of residential property

Property Location:
4301 Powell

Existing Zoning:
R-1 Single Family District
Existing Surrounding Zoning: **North:** C-1 Limited Business District / R-1 Single Family District  
**South:** R-1 Single Family District / C-1 Limited Business District  
**East:** R-1 Single Family District  
**West:** Interstate 635

Existing Uses: **North:** Single family homes / Argentine Assembly of God Church  
**South:** Single family homes / commercial  
**East:** Single family homes  
**West:** Interstate 635

**Total Tract Size:** 2.04 acres

**Master Plan Designation:** The City Wide Master Plan designates this property for low-density residential use.

**Major Street Plan:** Powell Street is a designated local street

**Advertisement:** The Wyandotte Echo – July 16, 2015  
Letters to Property Owner – July 14, 2015 and August 18, 2015

**Public Hearings:** August 10, 2015 and August 27, 2015

**Public Opposition:** No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

---

**PROPOSAL**

*Detailed Outline of Requested Action:* Mr. Leon is representing Mr. Domingo in requesting a dirt fill for residential landscaping use.

*City Ordinance Requirements:* 27-1251 through 27-1270

---

**FACTORS TO BE CONSIDERED**

1. *The Character of the Neighborhood.*

   The neighborhood is primarily residential in nature.

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

   The zoning of properties and their uses are set out above. The proposed use is not expected to interfere or be in conflict with these.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*
So long as runoff is not an issue, this is not expected to affect nearby properties.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master 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.

Bringing in any additional dirt fill would likely temporarily increase truck traffic along Powell, but this is not expected to be an issue.

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. If erosion control measures are not taken, the proposed use could adversely affect the visual quality 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, dust, and mud that are normally associated with dirt fill could pose problems for nearby properties if proper measures are not taken. Minimizing noise, dust, and mud is imperative to this project.

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

Mud and run off are the polluting concerns associated with this project.

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

This is not expected to be an issue.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal.
12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land or cause undue concentrations of populations.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 22, 2015. Seven people attended, none expressed opposition.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-4, subject to:

Urban Planning and Land Use Comments

1. How much earthen fill will be brought onto the site?

   Applicant Response: Earth fill to site; 85 to 95 cubic yards, as shown on plans C-02

2. How long do you believe it will take to achieve the final grades desired on the property?

   Applicant Response: 35 to 45 days

3. Approval is for two (2) years.

Public Works Comments

None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.
STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2015-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Aerial photo
Zoning map
Plans submitted by applicant

REVIEW OF INFORMATION AND SCHEDULE

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<tr>
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<td>Approval</td>
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STAFF CONTACT: Jamie Ferris jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-4 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 #SP-2015-4, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150230 SPECIAL USE PERMIT APPLICATION #SP-2015-4 – JOSE D. LLAVES -
SYNOPSIS: Special Use Permit for a dirt fill at 4301 Powell Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Mario Leon, architect, Martel and Leon, 3106 South 48th Drive, Kansas City, Kansas, representing the applicant, appeared in support of this application. Mr. Leon stated that they had their neighborhood meeting with no opposition. Mr. Llaves is looking to improve the property at this address and he stands behind what they coordinated with the Planning Department and Public Works Department.

Planning Commissioner Escobar asked how high this ground will be raised. Mr. Leon stated that they are not going to raise it; they are going to put dirt over some rock that has been there. They are going to slope it 1:3 so it is mowable and manageable.

No one appeared in opposition to this application.

Planner Toy stated that this special use permit has been filed to comply with a code violation for an illegal dirt fill. Now that this has been done, the code violation will be alleviated. He stated that the staff recommends approval subject to stipulations outlined in the staff report.

On motion by Dr. DeWitt, seconded by Mr. Escobar, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-4:

Carson  Aye
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huay  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Aye
Walker Not Present
Motion to recommend APPROVAL Passed: 9 to 0
Subject to:

Urban Planning and Land Use Comments

1. How much earthen fill will be brought onto the site?

   Applicant Response: Earth fill to site; 85 to 95 cubic yards, as shown on plans C-02

2. How long do you believe it will take to achieve the final grades desired on the property?

   Applicant Response: 35 to 45 days

3. Approval is for two (2) years.

Public Works Comments

None
To: Unified Government Board of Commissioners  
From: City Staff  
Date: August 27, 2015  
Re: Petition #SP-2015-42 (150232)

GENERAL INFORMATION

Applicant:  
Peter Duffey  

Status of Applicant:  
Peak Soccer Performance, Inc.  
8426 Clint Drive #135  
Belton, MO 60412  

Requested Action:  
Approve Special Use Permit  

Date of Application:  
June 26, 2015  

Purpose:  
To operate an indoor sports facility with emphasis on soccer  

Property Location:  
3140 South 28th Street  

Existing Zoning:  
M-2 General Industrial District
Existing Surrounding Zoning: **North:** M-2 General Industrial District  
**South:** City of Mission, Kansas  
**East:** M-2 General Industrial District  
**West:** M-2 General Industrial District

Existing Uses: **North:** Burlington Northern Santa Fe Railroad right-of-way  
**South:** City of Mission, Kansas  
**East:** Undeveloped, vacant land  
**West:** Warehousing business

**Total Tract Size:** 1.076 acres

**Master Plan Designation:** The City-Wide Master Plan designates this property as Business Park.

**Major Street Plan:** South 28th Street is classified as a local street.

**Advertisement:** The Wyandotte Echo – July 16, 2015  
Letters to Property Owner – July 14, 2015 and August 18, 2015

**Public Hearings:** August 10, 2015 and August 27, 2015

**Public Opposition:** No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

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**PROPOSAL**

*Detailed Outline of Requested Action:* The applicant, Peter Duffey with Peak Soccer Performance, Inc. wants to operate a 19,376 square foot, three (3) field indoor soccer facility at 3410 South 28th Street.

*City Ordinance Requirements:* 27-592 through 27-606

---

**FACTORS TO BE CONSIDERED**

1. **The Character of the Neighborhood.**  
The neighborhood is entirely comprised of industrial businesses. The majority of these businesses are a mixture of office and warehousing. The building is split in half, with the southern portion of the building and parking in Mission, Kansas.

2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**  
The zoning and uses are set out above. The proposed use is compatible with them.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

The removal of the restrictions will not detrimentally affect nearby property.

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

The property has been vacant for less than two years.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will increase the amount of vehicular traffic to the property, but not to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not substantially 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.**

The noise that would normally be associated with such use is of such duration and intensity as not to create problems for near-by property. The doors will remain closed and there are no residences near this property.

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

This is not an issue.

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

This is not an issue.
11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If this application is denied, the owner can still use this building for industrial purposes.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 27, 2015. According to the applicant, no one appeared at the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-42, subject to:

Urban Planning and Land Use Comments:

1. The business plan states that the on-seasons for soccer will be January and February, July and August, and October and November. That leaves March through June, September and December as open months for other practices, such as lacrosse and field hockey.

At those practices, are the three fields divided into smaller fields and how many additional people are there per team? We need to further define this information as more parking may be required.

Applicant Response: The primary focus will be soccer, even in the off-season. My intention is to rent in the off season to our soccer customers during inclement weather. As for other times, I am not planning at this time to rent to any teams. My agreements to date have been made with coaches,
for things like goalkeeper training, strength and agility training and the like. During most of these practices, the kids are typically dropped off by their parents and each coach usually works with less than 5 or 6 kids at a time. I do plan to rent ½ fields, but no smaller. Even if every field were full with coaches and kids (6 half fields) with one coach and 6 kids per half field that would be 42 people.

2. What are the proposed hours of operation? The business plan mentions to form a long-term partnership with local adult soccer clubs to operate after 10:00 PM.

Applicant Response: The hours of operation will be from:
- Monday through Thursday – 4:00 PM to 10:00 PM
- Friday – 4:00 PM to 12:00 AM
- Saturday – 6:00 AM to 12:00 AM
- Sunday - 6:00 AM to 10:00 PM.

If I am able to work out an agreement with an adult soccer camp, they will start at 10:00 PM on Friday and Saturday.

3. How many shifts and employees will be present during the business hours?

Applicant Response: There will be two employees, myself and one other, one of which will be present at all times. There is one shift each weekday and two shifts each weekend day. The food service portion of the building will be outsourced and the plan is to have one employee on staff in there at all times, but that employee will be part of the food service contractor.

4. How many referees will be present during each game?

Applicant Response: One referee per game. The referees will be employed by our anchor customer who will be responsible for running the leagues.

5. The parking ratio for soccer athletic fields is one space for every three (3) people or seats. If there are three games of 11 vs. 11 occurring simultaneously, plus 3 referees, 5 employees and 15 spaces for extra patrons, that requires 45 parking spaces.

Additional parking will be required in order to open this facility.

Applicant Response: These fields are too small to accommodate 11 v. 11 soccer. The plan is to have 7 v. 7 with smaller kids, 6 v. 6 with pre to early teenage kids and then 5 v. 5 with later teenaged kids and adults. With 7 v. 7 games, that will make for 14 kids per field, 1 referee per field, 2 team coaches per field, one staff employee and one food service employee totaling 53 people. Even with one adult present per child for the younger games, that adds an additional 42 people bringing the total to 95. I plant to have 48 parking spaces available. Please see the attached diagram.
Staff Response: The applicant has submitted a parking plan that depicts enough parking on the property.

6. Staff did not receive a parking agreement with the submittal materials. In order for staff to complete their review, we need a signed parking agreement stating the property owners, addresses of both properties, hours of use and numbers of parking spaces to be used. We need to determine that the agreement will not be in conflict with the “giving” property’s daily operation and function.

Applicant Response: I have been able to create 48 parking spaces on the property and believe this should be sufficient for the plan to move forward. Please see the attached diagram.

7. Staff has talked with the City of Mission and the Interim Community Development Director, Danielle Murray, and while no comments have been issued as of now, additional comments may be forthcoming.

Applicant Response: I have spoken with Ms. Murray and she has indicated that the City of Mission would prefer the Unified Government to take the lead on the coding requirements for this project and she indicated that she has submitted a co-op agreement for approval to allow this.

Staff Response: Staff has talked to the City of Mission Interim Community Development Director, Ms. Danielle Murray and she has expressed to staff with their Legal Department that the Unified Government shall take the lead on this project and they support our recommendation.

An inter-local agreement has been proposed by Ms. Danielle Murray and the City of Mission with the Unified Government of Wyandotte County/Kansas City, Kansas for any other properties where properties bisect the two municipalities.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) None

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 Conclusion:

The applicant has worked diligently with staff to resolve the parking issue by containing all of the required parking at 3140 South 28th Street. As stated previously, the City of Mission has expressed to staff that because the
application was filed with the Unified Government and the majority of the parking is in Wyandotte County, they will support staff in our recommendation. There is nothing else that the applicant has to accomplish with the City of Mission.

Staff believes that this is a good reuse of this former warehouse building and its proximity to Interstate 35 will be a benefit to Mr. Peter Duffey. Staff recommends approval of this petition subject to the following:

1. The special use permit shall be valid for two (2) years.
2. Obtain a building permit from the Building Inspection Department to perform the work needed to bring the proposed use into compliance with the building.
3. The parking lot shall be patched if the asphalt is broken.
4. The parking lot shall be striped according to the parking plan provided by the applicant. Wheel stops shall be installed in front of each stall not protected by a curb.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2015-42 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Business Plan
Parking Diagram
Floor Plan
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Byron Toy, AICP
I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2015-42 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 #SP-2015-42, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:**

**150232 SPECIAL USE PERMIT APPLICATION #SP-2015-42 – PETER DUFFEY/PEAK SOCCER PERFORMANCE - SYNOPSIS:** Special Use Permit for an indoor sports facility with a focus on soccer at 3140 South 28th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;  
2. The official zoning map for the area in question;  
3. The City’s currently adopted Master Plan for the area in question;  
4. The staff report and attachments dated August 10, 2015;  
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 dated July 16, 2015;  

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Peter Duffey, 8426 Clint Drive #135, Belton, MO, 64014, applicant, appeared in support of this application. He stated that he would like to take the former Budweiser distribution building and turn it into an indoor sports facility with the primary focus on soccer. They will put in indoor turf fields, a restaurant and maybe a workout area. Right now they are focused on the turf fields.
Planning Commissioner Escobar asked if he foresees the railroad tracks being a problem with people getting to the facility when the games are going on. Does he plan to work with his constituents to make sure they get in and out in a safe manner? Mr. Duffey stated that he does not think that it will be a problem. The majority of the time the fields will be used for practice instead of games. Whether it is practice or games athletes normally arrive 30 to 45 minutes before it is time to start in order to stretch and warm up. There is another soccer facility in Merriam just off 67th Street and I-35 with a railroad track and it is almost the same set up. If you want to make it in time you just have to go a little earlier.

Planning Commissioner Gonzalez asked if there is room for spectators/parents during practice. Mr. Duffey stated yes. The rendering they did of the inside of the building was not as good as he would have liked it to be. On the west side of the building there is a long storage space and right now there are stairs that go up and there is a structurally sound floor above surrounded by false walls. The plan is to remove the false walls and put in rails so there is a viewing area. It is the same way on the side above the proposed restaurant and lounge. There will be benches down the sides of the interior walls that bisect the building.

Planning Commissioner DeWitt asked if he will purchase or lease the building. Mr. Duffey stated he will lease the building. Dr. DeWitt asked the timeframe they will have for leasing the building. Mr. Duffey stated five (5) years with two (2) options for five (5) years.

No one appeared in opposition to this application.

Planner Toy stated that the staff feels that this is a good reuse of this warehouse space given its proximity to I-635, I-35 and the downtown. The staff recommends approval subject to the stipulations in the staff report.

Planning Commissioner Gonzalez asked with regard to ADA, can the staff make sure there is handicap parking. Planner Toy stated that there will be parking on the east side of the building, two (2) parking spaces on the south side and then parking on the west side of the building. The existing warehouse had ADA parking on the east side of the building which is the main entrance into the building. That parking will need to be restriped.

On motion by Dr. DeWitt, seconded by Mr. Schwartzman, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-42:

Carson  Aye
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye

#SP-2015-42     August 27, 2015     9
Urban Planning and Land Use Comments:

1. The business plan states that the on-seasons for soccer will be January and February, July and August, and October and November. That leaves March through June, September and December as open months for other practices, such as lacrosse and field hockey.

At those practices, are the three fields divided into smaller fields and how many additional people are there per team? We need to further define this information as more parking may be required.

**Applicant Response:** The primary focus will be soccer, even in the off-season. My intention is to rent in the off season to our soccer customers during inclement weather. As for other times, I am not planning at this time to rent to any teams. My agreements to date have been made with coaches, for things like goalkeeper training, strength and agility training and the like. During most of these practices, the kids are typically dropped off by their parents and each coach usually works with less than 5 or 6 kids at a time. I do plan to rent ½ fields, but no smaller. Even if every field were full with coaches and kids (6 half fields) with one coach and 6 kids per half field that would be 42 people.

2. What are the proposed hours of operation? The business plan mentions to form a long-term partnership with local adult soccer clubs to operate after 10:00 PM.

**Applicant Response:** The hours of operation will be from:
- Monday through Thursday – 4:00 PM to 10:00 PM
- Friday – 4:00 PM to 12:00 AM
- Saturday – 6:00 AM to 12:00 AM
- Sunday - 6:00 AM to 10:00 PM.

If I am able to work out an agreement with an adult soccer camp, they will start at 10:00 PM on Friday and Saturday.

3. How many shifts and employees will be present during the business hours?

**Applicant Response:** There will be two employees, myself and one other, one of which will be present at all times. There is one shift each weekday and two shifts each weekend day. The food service portion of the building will be outsourced and the plan is to have one employee on staff in there at all times, but that employee will be part of the food service contractor.

4. How many referees will be present during each game?
Applicant Response: One referee per game. The referees will be employed by our anchor customer who will be responsible for running the leagues.

5. The parking ratio for soccer athletic fields is one space for every three (3) people or seats. If there are three games of 11 vs. 11 occurring simultaneously, plus 3 referees, 5 employees and 15 spaces for extra patrons, that requires 45 parking spaces.

Additional parking will be required in order to open this facility.

Applicant Response: These fields are too small to accommodate 11 v. 11 soccer. The plan is to have 7 v. 7 with smaller kids, 6 v. 6 with pre to early teenage kids and then 5 v. 5 with later teenaged kids and adults. With 7 v. 7 games, that will make for 14 kids per field, 1 referee per field, 2 team coaches per field, one staff employee and one food service employee totaling 53 people. Even with one adult present per child for the younger games, that adds an additional 42 people bringing the total to 95. I plant to have 48 parking spaces available. Please see the attached diagram.

Staff Response: The applicant has submitted a parking plan that depicts enough parking on the property.

6. Staff did not receive a parking agreement with the submittal materials. In order for staff to complete their review, we need a signed parking agreement stating the property owners, addresses of both properties, hours of use and numbers of parking spaces to be used. We need to determine that the agreement will not be in conflict with the “giving” property’s daily operation and function.

Applicant Response: I have been able to create 48 parking spaces on the property and believe this should be sufficient for the plan to move forward. Please see the attached diagram.

7. Staff has talked with the City of Mission and the Interim Community Development Director, Danielle Murray, and while no comments have been issued as of now, additional comments may be forthcoming.

Applicant Response: I have spoken with Ms. Murray and she has indicated that the City of Mission would prefer the Unified Government to take the lead on the coding requirements for this project and she indicated that she has submitted a co-op agreement for approval to allow this.

Staff Response: Staff has talked to the City of Mission Interim Community Development Director, Ms. Danielle Murray and she has expressed to staff with their Legal Department that the Unified Government shall take the lead on this project and they support our recommendation.

An inter-local agreement has been proposed by Ms. Danielle Murray and the City of Mission with the Unified Government of Wyandotte.
County/Kansas City, Kansas for any other properties where properties bisect the two municipalities.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) None

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 Conclusion:

The applicant has worked diligently with staff to resolve the parking issue by containing all of the required parking at 3140 South 28th Street. As stated previously, the City of Mission has expressed to staff that because the application was filed with the Unified Government and the majority of the parking is in Wyandotte County, they will support staff in our recommendation. There is nothing else that the applicant has to accomplish with the City of Mission.

Staff believes that this is a good reuse of this former warehouse building and its proximity to Interstate 35 will be a benefit to Mr. Peter Duffey. Staff recommends approval of this petition subject to the following:

   1) The special use permit shall be valid for two (2) years.
   2) Obtain a building permit from the Building Inspection Department to perform the work needed to bring the proposed use into compliance with the building.
   3) The parking lot shall be patched if the asphalt is broken.
   4) The parking lot shall be striped according to the parking plan provided by the applicant. Wheel stops shall be installed in front of each stall not protected by a curb.
Urban Planning and Land Use Comments:

1. The business plan states that the on-seasons for soccer will be January and February, July and August, and October and November. That leaves March through June, September and December as open months for other practices, such as lacrosse and field hockey. At those practices, are the three fields divided into smaller fields and how many additional people are there per team? We need to further define this information as more parking may be required.

Response – The primary focus will be soccer, even in the off season. My intention is to rent in the off season to our soccer customers during inclement weather. As for other times, I am not planning at this time to rent to any teams. My agreements to date have been made with coaches for things like goalkeeper training, strength and agility training and the like. During most of these practices, the kids are typically dropped off by their parents and each coach usually works with less than 5 or 6 kids at a time. I do plan to rent ½ fields, but no smaller. Even if every field were full with coaches and kids (6 half fields) with one coach and 6 kids per half field that would be 42 people.

2. What are the proposed hours of operation? The business plan mentions to form a long-term partnership with local adult soccer clubs to operate after 10:00 PM.

Response – The hours of operation will be 4 p.m. until 10 p.m. Monday – Thursday and 4 p.m. until 12 a.m. on Friday, 6 a.m. until 12 a.m. on Saturday and 6 a.m. until 10 p.m. on Sunday. If I am able to work out an agreement with an adult soccer group, they will start at 10 p.m. on Friday and Saturday.

3. How many shifts and employees will be present during the business hours?

Response – There will be 2 employees, myself and one other, one of which will be present at all times. There is 1 shift each weekday and 2 shifts each weekend day. The food service portion of the building will be outsourced and the plan is to have one employee on staff in there at all times but that employee will be part of the food service contractor.

4. How many referees will be present during each game?

Response – 1 referee per game. The referees will be employed by our anchor customer who will be responsible for running the leagues.

5. The parking ratio for soccer athletic fields is one space for every three (3) people or seats. If there are three games of 11 v. 11 occurring simultaneously, plus 3 referees, 5 employees and 15 spaces for extra patrons, that requires 45 parking spaces. Additional parking will be required in order to open this facility.

Response – These fields are too small to accommodate 11 v 11 soccer. The plan is to have 7 v 7 with smaller kids, 6 v 6 with pre to early teen age kids and then 5 v 5 with later teenaged kids and adults. With 7 v 7 games, that will make for 14 kids per field, 1 referee per field, 2 team coaches per field, one staff employee and one food service employee totaling 53 people. Even
with one adult present per child for the younger games, that adds an additional 42 people bringing the total to 95. I plan to have 48 parking spaces available. Please see the attached diagram.

6. Staff did not receive a parking agreement with the submittal materials. In order for staff to complete their review, we need a signed parking agreement stating the property owners, addresses of both properties, hours of use and numbers of parking spaces to be used. We need to determine that the agreement will not be in conflict with the "giving" property's daily operation and function.

Response – I have been able to create 48 parking spaces on the property and believe this should be sufficient for the plan to move forward. Please see the attached diagram.

7. Staff has talked with the City of Mission and the Interim Community Development Director, Danielle Murray, and while no comments have been issued as of now, additional comments may be forthcoming.

Response – I have also spoken with Ms. Murray and she has indicated that the City of Mission would prefer for the Unified Government of Wyandotte County to take the lead on the coding requirements for this project and she indicated that she has submitted a co-op agreement for approval to allow this.

Public Works Comments:

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

1) Existing parking is not adequate for the intended use. If this Applicant has intentions of sharing parking with adjacent landowner please provide explanation of intent and copy of signed agreement.

Response – I don’t believe a parking agreement will be necessary. Please see the attached diagram showing and increase to 48 parking spaces which should be an adequate number.

2) Johnson County line divides site and building. Explain how this Applicant is dealing with Johnson County as far as this project is concerned.

Response – I have spoken with Ms. Murray and she has indicated that the City of Mission would prefer for the Unified Government of Wyandotte County to take the lead on the coding requirements for this project and she indicated that she has submitted a co-op agreement for approval to allow this.
B) Items that are conditions of approval (stipulations):
   1) None

C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
Application number: SP-2015-42
7/27/15
3140 S. 28th St., Kansas City, KS 66106

Meeting called to order at: 3:30 pm

Names of people in attendance:

Introductions:

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

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 4 pm.
Minutes taken by: [Signature]

Laura Hunt
1. Executive Summary
Peak Soccer Performance (PSP) will operate an indoor athletic training facility on the county line between Wyandotte and Johnson Counties with a primary focus on soccer. There will be three indoor turf fields, approximately 60’ x 120’, complete with goals striped for soccer and featuring Astroturf. With the fields indoor, coaches and players will find a well-lit and climate controlled environment for their training.

With more than 30,000 soccer players in the metro area and only a handful of indoor soccer facilities, there is a glaring shortage of indoor space. This is space that needs to be available primarily in the winter and summer when outdoor soccer isn’t typically played, as well as during inclement weather in the spring and fall seasons.

Unlike most of the other indoor soccer facilities in the area, PSP will focus on operation of the facility and not leagues. It’s the belief of the owner, Peter Duffey, this will allow for a better facility experience for coaches, players, and parents. PSP plans to partner with a major youth soccer club in the area to be the anchor customer and this customer will run leagues and tournaments in the facility. PSP will solely rent field time and facility space and will not get involved with the management of any leagues or tournaments. This will allow for PSP to focus on the upkeep and improvement of the facility.

The facility will have on- and off-seasons and will rent field and facility space at two different rates based on these two seasons. The on-seasons will be October and November, January and February, and July and August. The rest of the months will be the off-seasons. In addition, the fields and other facility space will be available to be rented for birthday parties, corporate events, pre- and post-season team parties, camps, clinics, school grad nights, fund-raising tournaments, lacrosse and field hockey practices, and more. The facility will also have a food service area that will offer food to customers.

1.1 Objectives
The objectives for the PSP facility are the following:
Form a long-term partnership with a major youth soccer club to hold their practices and to run a league and tournaments in the facility during primetime hours.
Form a long-term partnership with a local adult soccer club to run a league in the facility during late night hours (after 10 pm).
Develop facility potential to be rented by other individual teams and trainers.
Develop facility potential to be rented for special events.

1.2 Mission
The mission of PSP is to provide Wyandotte and Johnson County residents with a state-of-the-art soccer facility that will enable both youth and adult athletes to have access to a training facility and to enjoy the sport of soccer year round.
2. Company Summary
Peter Duffey has been a business owner for more than 12 years, starting his own company in 2002. In addition, his daughter is heavily involved in the local soccer community and has been for more than six years. Over this time, Peter has noticed an obvious need for additional indoor space for soccer and other sports in our area. Peter would like to use his entrepreneurial experience to fill this void. The opening of PSP facility is a natural next step to fulfill this goal. With his daughter being so involved in the local soccer community, Peter will be able to actively use his existing contacts to promote the facility to coaches and trainers.

2.1 Company Ownership
PSP is owned by Peter Duffey. The business will maintain an S Corporation status.

2.2 Start-up Summary
The start-up cost of PSP is focused primarily on the field installation and the setup of the restaurant. Peter Duffey will invest in the business and will obtain a long-term loan.

2.3 Company Locations and Facilities
PSP is located on South 28th Street in the city of Kansas City, Kansas, right on the county line. The 31,984 square foot facility is a former warehouse that will be converted into a playing facility. The location is easily accessible to all city residents. It is right off I-35 and Lamar, and this unique location is perfect and easily accessible for coaches and players in both Wyandotte and Johnson Counties.

3. Products and Services
PSP is an indoor soccer facility that offers field space for rent for practices and leagues. The facility is also available to be rented out for special events.

4. Market Analysis Summary
Soccer is a very popular sport in the Kansas City Metropolitan Area. Currently there are more than 30,000 youth soccer players participating in various leagues in the area. The number of players is growing dramatically every year. With the success of the local national soccer programs in our area, the popularity of the sport will only continue to grow.

4.1 Market Segmentation
PSP will focus on all ages.

5. Strategy and Implementation Summary
PSP will aggressively pursue customers by discounting the facility rental fees if customers are willing to sign a contract for a year or more. In addition, we will sell the facility rental potential to local schools, churches, and civic organizations.
5.1 Marketing Strategy
Marketing programs
The marketing strategy for PSP will differ throughout the year, depending upon demand for the facility. During the winter and summer, when the weather is not conducive to sports, and most leagues play indoors we will have to do very few marketing or advertising campaigns. During the spring and fall, however, we must make sure that the facility retains top of mind share with local soccer organizations as well as with local coaches and trainers.

Marketing programs during the spring and fall will consist of:
Discounted field rental rates
Advertising via email to local coaches and clubs

5.2 Sales Strategy
PSP will sell the indoor facility field rental time to the current outdoor soccer teams. We will call the team captains and coaches directly and sell the quality and convenience of the facility. PSP will be open for business in October, the busiest time of the year for indoor sports and will work to retain the initial customers for long-term contracts.
Figure 1. Photograph of 3140 South 28th Street looking east (provided by the applicant).

Figure 2. Photograph of 3140 South 28th Street looking north (provided by the applicant).
Figure 3. Photograph of 3140 South 28th Street looking south (provided by the applicant).

Figure 4. Photograph of 3140 South 28th Street looking west (provided by the applicant).
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Petition #SP-2015-43 (150225)

GENERAL INFORMATION

Applicant:
Leng Yang

Status of Applicant:
Owner
3406 Webster Avenue
Kansas City, KS 66104

Requested Action:
Special Use Permit

Date of Application:
June 23, 2015

Purpose:
Special use permits for racing pigeons

Property Location:
3406 Webster Avenue

Existing Zoning:
R-1(B) Single Family District
### PROPOSAL

*Detailed Outline of Requested Action*: The applicant, Leng Yang, wants to keep racing pigeons on the property. As the property is less than one (1) acre, the applicant is also seeking a variance (BZA 2165) to allow him to apply for this special use permit.

*City Ordinance Requirements*: 27-592 through 27-606

### FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

   The neighborhood is residential in character.

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

   The proposed use is not inherently compatible with the current zoning and existing uses.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*
This is not expected to be an issue so long as the applicant is diligent in cleaning up any waste and ensuring the animals remain on the property.

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

The property is not vacant.

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

The Master Plan does not address Special Use Permits.

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

This is not expected to be an issue.

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.*

As long as the property is well maintained, there should not be an adverse effect on adjoining properties.

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

Animals such as pigeons can create noise and waste that could be a problem for near-by properties.

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

If the animals are not well kept waste has the potential to accumulate leading to odor and increased surface water runoff polluted by animal waste.

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

This is not foreseen to be an issue.

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

There is limited public gain compared to the hardship imposed on the landowners.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*
If the number of pigeons is somewhat limited this should not be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

No neighborhood meeting was required for this case. However, the applicant held a neighborhood meeting in regards to the variance (BZA 2165) that is simultaneously being sought on Friday, July 24th.

KEY ISSUES

Number of Pigeons
Distance from Neighboring Property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-43, subject to:

Urban Planning and Land Use Comments:

1. It was stated in the application that you currently have 9 pairs of breeders and 15 flyers. How many pigeons do you typically keep in your lofts? What is the maximum amount that you would like to be allowed to keep on your property? What is the minimum amount that you would be satisfied with?

   Applicant’s Response: This is about average in terms of quantity that I keep. Since I have 3 small to medium lofts I’d like to keep the maximum of 40 total between these 3 lofts. The minimum I’d like to keep is 30 birds.

2. What distance (in feet) are the lofts to the closest property line? Please provide a drawing or map with measurements.

   Applicant’s Response: The closest property line is 12’ from the west side. From the north side it is approximately 24’ from the fence line. See attached map.

3. How do you deal with the waste from the pigeons? What is the clean-up process and often is the waste cleaned up?

   Applicant’s Response: The wastes are used in my vegetable garden. I scoop them up with a shovel and spread them into my vegetable garden. The waste is cleaned up one time per day.
4. What is the diet of the pigeons? Where and how is the feed stored?

Applicant’s Response: The diet of the pigeons contains whole corn, milo, and egg layer pellets. The feed are stored in a plastic 33 gallon trash container with lid with strap band to keep the lid from flying off and located beside one of the lofts.

5. Are the pigeons ever out of the lofts on the property? If so, how do you ensure that they stay within your property and do not interfere with neighboring property?

Applicant’s Response: The pigeons are let out once per day to fly around and exercise. They are let out hungry to fly out and called back in by whistle to be fed and locked up for the remainder of the day. They have not been out of their lofts for 8 months now.

Animal Control Comments:

Should a special use permit be approved, the applicant will need to talk to Animal Control to receive an inspection and permit from their office.

Applicant acknowledged that he will need to call Animal Control if approved by the Commission.

Business License Comments:

If approved, the applicant will need to provide some additional information to our office to determine if occupation tax application will need to be filed. Pigeon racing has in the past been associated with gambling, apart from regular sanctioned sport activities. The racing activities may also require license.

Applicant Response: I’d just like to keep them in for my own enjoyment. Racing for money is definitely out of the question as there are clubs in the kc area that let you race for diploma.

The applicant has made clear that no gambling or racing for money occurs with his pigeons. It is simply a hobby of his and he sees the pigeons as pets.

Staff Conclusion:

The staff recommends approval to keep racing pigeons on the property subject to the following:

1. Approval would be for two (2) years.
2. Maximum of fifty (50) pigeons to be kept on the property in the existing three (3) lofts.
3. Property owner maintains daily pick up and disposal of waste.
4. Applicant works with Animal Control to receive a permit from their office.
STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2015-43 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Zoning Map
Vicinity Map
Aerial Map
Letter from Owner
Photographs of Pigeon Lofts
Map showing distance from property lines

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Commission</th>
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<tbody>
<tr>
<td>Public Hearing</td>
<td>August 10, 2015</td>
<td>August 27, 2015</td>
</tr>
<tr>
<td>Special Use</td>
<td>Approval</td>
<td></td>
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STAFF CONTACT: Lauren Reiman ireiman@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-43 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. ____________________________________________________________________.
I move the Unified Government Board of Commissioners **DENY** Petition #SP-2015-43, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:**

150225 SPECIAL USE PERMIT APPLICATION #SP-2015-43 – LENG YANG -

**SYNOPSIS:** Special Use Permit for racing pigeons at 3406 Webster Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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* dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Leng Yang, 3406 Webster Avenue, Kansas City, Kansas, 66104, applicant, appeared in support of this application. He stated that he is requesting this special use permit to keep his racing pigeons.

Planning Commissioner Schwartzman asked where the pigeons race. Mr. Yang stated that they are what are calling honing pigeons and he likes to call them racing pigeons.

No one appeared in opposition to this application.

Planner Toy stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Mr. Schwartzman, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2015-43**:

- Carson  Aye
- Connelly  Aye
- DeWitt  Aye
- Ernst  Aye
- Escobar  Aye
- Gonzalez  Aye

#SP-2015-43  August 27, 2015  7
Urban Planning and Land Use Comments:

1. It was stated in the application that you currently have 9 pairs of breeders and 15 flyers. How many pigeons do you typically keep in your lofts? What is the maximum amount that you would like to be allowed to keep on your property? What is the minimum amount that you would be satisfied with?

   Applicant’s Response: This is about average in terms of quantity that I keep. Since I have 3 small to medium lofts I’d like to keep the maximum of 40 total between these 3 lofts. The minimum I’d like to keep is 30 birds.

2. What distance (in feet) are the lofts to the closest property line? Please provide a drawing or map with measurements.

   Applicant’s Response: The closest property line is 12’ from the west side. From the north side it is approximately 24’ from the fence line. See attached map.

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Applicant Response: I'd just like to keep them in for my own enjoyment. Racing for money is definitely out of the question as there are clubs in the kc area that let you race for diploma.

The applicant has made clear that no gambling or racing for money occurs with his pigeons. It is simply a hobby of his and he sees the pigeons as pets.

Staff Conclusion:

The staff recommends approval to keep racing pigeons on the property subject to the following:

1. Approval would be for two (2) years.
2. Maximum of fifty (50) pigeons to be kept on the property in the existing three (3) lofts.
3. Property owner maintains daily pick up and disposal of waste.
4. Applicant works with Animal Control to receive a permit from their office.
An introduction-Racing pigeons are what we call a poor man’s version of the racing horses. This is not to say that these birds are cheap either. As with race horses there are cheap horses and there are top of the line champion bred horses. In 2013, there was a racing pigeon sold to China for $400,000.00. Pigeon racing is a big sport almost everywhere. In China, this sport is booming.

I have kept racing pigeons before moving to my current residence. It dawned on me when I saw that the property I was acquiring had a little more land than my last residence. This was before the tall weeds and brushes were cut down to become what it is now. There were car tires, steel rims, lots of broken alcoholic glass bottles, and tremendous amounts of trash where the weeds were standing. In the midst of acquiring this property I was unaware of the tedious work before me. It took a lot of sweat and hard effort on my part to turn the back portion of my property to what it is now. I did not think this property was this big until I cleared and cleaned everything out. I can honestly look back and reflect on the job well done.

I then brought in my pigeons to settle in the northwest corner in the back of my property where they are away from neighbor’s houses. I currently have 9 pairs of breeders along with approximately 15 flyers. They are housed in one of the 3 lofts I have on my property. I have a breeder loft and two flyer lofts, but they look like chicken coops because I picked up scrap wood along with wooden crates from my place of employment to house these birds in. I check up on my breeders and train my flyers daily weather permitting. This is a passion and hobby of mine. It gives me something to do while I’m outside aside from doing yard work. I take pride in what I have in my possession. It’s not what you have but how you take care of it that makes a big difference.

My children also enjoy watching the birds grow up from squabs into adults training and flying from long distances. During training, after they are familiar with their surroundings hence the fly pen-I toss them at 1 mile for at least 5 times and then move onto 5 miles, 10 miles, and so forth. I let them out and keep track of the time they fly off and try to beat them home first. Most of the time, they beat me home. They can either fly alone or in a flock. I have taken these birds as far out as Wichita and for their first time being out that far and not knowing where they’re at and they arrived home within eight hours. They’re let out supervised when training and after training they trap to eat and stay locked up. Cleaning of the loft involves scraping out excrement and using it as fertilizer in my vegetable garden. The garden is located beside my pigeon lofts for easy access.

The lofts I have on my property are as follows. Photos and dimensions are also on the CD as well.

<table>
<thead>
<tr>
<th>Loft 1</th>
<th>Loft 2</th>
<th>Loft 3</th>
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<tbody>
<tr>
<td>11’8” L x 4’6” W x 6’ H</td>
<td>7’2” L x 7’9” W x 6’11” H</td>
<td>11’ L x 4’6” W x 6’9” H</td>
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In the future, my plans for these birds are to enter them into the race, but for the time being they’re kept for me and my family’s enjoyment. They fascinate me as how they find their way home. They return back home to the place where they were trained at just like the white doves (white homing or racing pigeons) that many people use at weddings and funerals.
Loft 3 - Side view

11’ L x 4’6” W x 6’9” H

Loft 3 - Front view

11’ L x 4’6” W x 6’9” H
Loft 2 - Front view

7’2” L x 7’9” W x 6’11” H

Loft 2 - Side view

7’2” L x 7’9” W x 6’11” H
Loft 1 - Side view

11’8” L x 4’6” W x 6’ H

Loft 1 - Front view

11’8” L x 4’6” W x 6’ H
Loft 1 - Side view

11'8" L x 4'6" W x 6' H
To: Unified Government Board of Commissioners
From: City Staff
Date: August 27, 2015
Re: Petition #SP-2015-44 (150233)

GENERAL INFORMATION

Applicant:
Patricia Soto

Status of Applicant:
Owner
741 South 76th Street
Kansas City, KS 66111

Requested Action:
Special Use Permit to keep one (1) horse

Date of Application:
June 26, 2015

Purpose:
To keep one (1) horse on property

Property Location:
741 South 76th Street

Existing Zoning:
R-1 Single Family District
### Existing Surrounding Zoning:
- **North:** R-1 Single Family District
- **South:** R-1 Single Family District
- **East:** R-1 Single Family District
- **West:** R-1 Single Family District

### Existing Uses:
- **North:** Single family residences
- **South:** Single family residences
- **East:** Single family residences
- **West:** Single family residences

### Total Tract Size:
1.58 acres

### Master Plan Designation:
The City-Wide Master Plan designates this property as Low-Density Residential.

### Major Street Plan:
The City-Wide Master Plan designates 76th Street as a local street.

### Advertisement:
The Wyandotte Echo – July 16, 2015
Letters to Property Owner – July 14, 2015 and August 18, 2015

### Public Hearings:
August 10, 2015 and August 27, 2015

### Public Opposition:
No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

## PROPOSAL

### Detailed Outline of Requested Action:
The applicant, Patricia Soto, wants to keep one (1) horse on her property.

### City Ordinance Requirements:
27-592 through 27-606

## FACTORS TO BE CONSIDERED

1. **The Character of the Neighborhood.**
   
The character of the neighborhood is residential in nature.

2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**
   
The proposed use is not inherently compatible with the residential nature of nearby properties.

3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**
The removal of restrictions will not detrimentally affect nearby property if the horse’s waste is properly disposed of and the ground cover is maintained.

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

   The property is not vacant.

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

   Special use permits are not addressed in the Master Plan.

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

   The proposed use will not result in an increase of vehicular traffic to where it exceeds capacity.

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.**

   Generally, the proposal is only for the benefit of the applicant. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of adjoining property, although horses can create significant odor and attract vermin.

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, dust, or illumination will not create problems for nearby properties.

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

   The proposed use will likely not pollute the air. A foreseen issue is surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream. Additionally, if the horse waste is not properly disposed of in a timely manner, neighbors will be negatively affected by the odor.

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

    Staff does not believe this will be an issue.

11. **The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**
This project may negatively impact public health due to overgrazed land leading to increased surface water runoff polluted with animal waste. There is minimal gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner.

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

There are no previous actions associated to this property.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required.

KEY ISSUES

Accessory structures
Structure for horse
Overgrazing and ground protection
Disposal of horse’s waste
Storage of horse’s food

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-44, subject to:

Urban Planning and Land Use Comments:

1. How many structures are on your property? What are the dimensions of each structure, including the horse’s stall?

   Applicant Response: There are two structures on the property other than the house. One structure is 12 feet by 12 feet, which is the horse stall, and the other structure is where the horse food is located as well as its accessories and its 12 feet by 12 feet as well. Where the horse can walk around and we take him out daily is 14,200 square feet.

2. What steps will be taken to ensure adequate ground cover?

   Applicant Response: Wood shaving
3. What measures are in place to control the smell from the horse’s waste?

**Applicant Response:** The waste of the horse gets located in plastic bags, and thrown away in a dumpster.

4. How often will the horse’s waste be disposed of and in what way?

**Applicant Response:** Often we clean up every day, but if we don’t we at least do it every three days.

**Animal Control Comments:**

If #SP-2015-44 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

**Applicant Response:** Okay. Got it!

**Staff Conclusion:**

Staff recommends approval for a special use permit to board one (1) horse.

The approval for one (1) horse is subject to the following:

1. Approval for two (2) years
2. Removal of one (1) accessory structure within thirty (30) days of approval to validate the special use permit
   - Applying for a variance to allow two (2) accessory structures on the property is a second option, but a variance must be applied for by August 28, 2015. The validity of the special use permit will then be dependent on approval of variance.
3. Application for a building permit and communication with Building Inspections Department to ensure stall’s compliance with R-1 Single Family District accessory structure regulations
4. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site
5. Provide fresh water for the horse daily
6. Application of additional seed/sod to the area in an effort to establish better ground cover
7. Obtainment of an Animal Control Permit for one (1) horse

**STAFF COMMENTS AND SUGGESTIONS**

The staff concurs with the recommendation of the City Planning Commission.
STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2015-44 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Zoning Map
Aerial Map
Vicinity Map
Applicant Letter
Site Pictures

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Taylor Plummer tplummer@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-44 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 #SP-2015-44, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150233 SPECIAL USE PERMIT APPLICATION #SP-2015-44 – PATRICIA SOTO -
SYNOPSIS:  Special Use Permit for a horse at 741 South 76th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Ms. Patricia Soto, 741 South 76th Street, Kansas City, Kansas 66111, applicant (along with her daughter that served as her interpreter) appeared in support of this application. She stated that they want to keep their horse on their 1.57 acres. Chairman Hurrelbrink asked if the horse is there now. She stated yes.

No one appeared in opposition to this application.

Planner Toy stated that the staff wants to make sure that the applicant understands that if this application is approved, they have thirty (30) days to file a variance or remove the second existing structure. They can add on to the existing structure because it is less than 1,000 square feet where they keep the food. With that the staff recommends approval subject to the stipulations in the staff report.

Chairman Hurrelbrink asked if the applicant understands the stipulation about the structure and variance. Ms. Soto stated yes.

Planning Commissioner Gonzalez asked if a report was received from the Conservation District for this application. Planner Toy stated no.

On motion by Mr. DeWitt, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-44:

- Carson  Aye
- Connelly  Aye
- DeWitt  Aye
- Ernst  Aye
- Escobar  Aye
- Gonzalez  Aye
- Huey  Aye
- Hurrelbrink Chairman
Urban Planning and Land Use Comments:

1. How many structures are on your property? What are the dimensions of each structure, including the horse’s stall?

   Applicant Response: There are two structures on the property other than the house. One structure is 12 feet by 12 feet, which is the horse stall, and the other structure is where the horse food is located as well as its accessories and its 12 feet by 12 feet as well. Where the horse can walk around and we take him out daily is 14,200 square feet.

2. What steps will be taken to ensure adequate ground cover?

   Applicant Response: Wood shaving

3. What measures are in place to control the smell from the horse’s waste?

   Applicant Response: The waste of the horse gets located in plastic bags, and thrown away in a dumpster.

4. How often will the horse’s waste be disposed of and in what way?

   Applicant Response: Often we clean up every day, but if we don’t we at least do it every three days.

Animal Control Comments:

If #SP-2015-44 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

Applicant Response: Okay. Got it!

Staff Conclusion:

Staff recommends approval for a special use permit to board one (1) horse.

The approval for one (1) horse is subject to the following:

1. Approval for two (2) years
2. Removal of one (1) accessory structure within thirty (30) days of approval to validate the special use permit
   o Applying for a variance to allow two (2) accessory structures on the property is a second option, but a variance must be applied for by
August 28, 2015. The validity of the special use permit will then be dependent on approval of variance.

3. Application for a building permit and communication with Building Inspections Department to ensure stall’s compliance with R-1 Single Family District accessory structure regulations

4. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site

5. Provide fresh water for the horse daily

6. Application of additional seed/sod to the area in an effort to establish better ground cover

7. Obtainment of an Animal Control Permit for one (1) horse
To whom it may concern,

I, Patricia Soto and family, are writing this letter regarding the horse in our property. Our horse is in very good condition, he is not just a simple pet for us. Every day of the week or at least 4 to 5 times a week if it’s not raining the horse is rode or simply we make sure we walk him. Also, often we let him eat grass out on his yard. The horse stable is in good conditions as well, it gets cleaned every time it’s required. Concerning his food he gets fed 12% grain and grass, he gets fed twice daily morning, around 6:00 am and at 6:00 in the afternoon, and we make sure his water is at temperature in hot days or even cold freezing days. His food is located close to his stable but away from it and covered so no animal or rain could get through. The horse is really important to us just like our other pets we have and we make sure they have everything they need we are the kind of people that don’t like animals to suffer, he is part of our family and we really want to keep him.

Sincerely,

Patricia Soto
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Petition #SP-2015-46 (150234)

GENERAL INFORMATION

**Applicant:**
Wil Anderson

**Status of Applicant:**
Representative for Recyclable Materials Relocating, LLC
Wil Anderson
BHC Rhodes
901 North 8th Street
Kansas City, KS 66101

**Requested Action:**
Approve Special Use Permit

**Date of Application:**
June 29, 2015

**Purpose:**
Operate a dirt fill and recycling center

**Property Location:**
822 North 49th Street

**Existing Zoning:** AG Agricultural District and R-1 Single Family District
Existing Surrounding Zoning: North: R-1 Single Family District  
South: R-1 Single Family District  
East: R-1 Single Family District  
West: R-1 Single Family District

Existing Uses: North: Community Church / Retail  
South: Undeveloped parcels  
East: Dirt fill and recycling center  
West: Residential property used a horse club facility for Hilltop Saddle Club

Total Tract Size: 9.963 acres

Master Plan Designation: The City Wide Master Plan designates this property for Mixed Use development.

Major Street Plan: 49th Street is a designated local street

Letters to Property Owner – July 14, 2015 and August 18, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking a Special Use Permit to fill and remove dirt on the property for a materials recycling operation.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

   The area is predominately rural in nature, however there is a similar operation located to the east, across 49th Street. These businesses are shifting the area to more industrial usage.

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

   With proper precautions, the fill use could be compatible.
3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

This is not expected to be a problem.

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

The property is not vacant.

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

Special Use Permits are not specifically addressed in the Master 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 number of trucks bringing and removing the material to the area due to this site is expected in increase significantly.

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

The proposed use is not necessary for the convenience and welfare of the public. If proper precautions are taken, there should not be a significant effect on adjoining properties.

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

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

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

Proper precautions must be taken to ensure the excess material is not an issue.

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

The natural composition of this property will be permanently changed by this use.

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

There is little public gain from this operation.
12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not expected to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on Thursday, July 23. On person attended with concerns but opposition was not stated, applicant is working with the neighbor.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-46, subject to:

Urban Planning and Land Use Comments:

1) Note that 3:1 is the maximum allowable slope for maintenance of turf.
2) Approval is for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) Construction plans shall be reviewed and approved prior to Planning Commission consideration.

B) Items that are conditions of approval (stipulations):
1) None

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 COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.
STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2015-46 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Site Plan
Neighborhood meeting minutes

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Jamie Ferris
jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-46 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 #SP-2015-46 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
150234 SPECIAL USE PERMIT APPLICATION #SP-2015-46 – WIL ANDERSON/BHC RHODES - SYNOPSIS: Special Use Permit for a recycling operation at 822 North 49th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Wil Anderson, BHC Rhodes, 901 North 8th Street, Kansas City, Kansas, applicant, appeared in support of this application. He stated that he is representing Mr. Winifred Anderson. The area fronts onto 49th Street and they have an operation on the other side of 49th Street where they run their recycling operation. There was a comment in the staff report about the number of trucks that come in and out every day. Currently there are about 15 to 20 trucks that go in and out and they do not believe that will increase greatly as the area they have purchased is essentially for more fill rather than a bigger operation. They currently operate from 7:00 a.m. to 5:00 p.m., Monday through Saturday. He stated that they will comply with the staff recommendations.

Chairman Hurrelbrink asked if they will fill the draw to the west and south of the existing house. Mr. Anderson stated yes, and the house will remain. He stated that 49th Street is not maintained so his client is looking to purchase the rest of the land towards the end of 49th Street. As you get further to the street that area is all undermined and is unlikely to be developed.

Planning Commissioner Ernst asked if he understood that filling is already underway. Mr. Anderson stated no. The recycling of raw materials is currently on the east side of 49th Street.

No one appeared in opposition to this application.

Planner Toy stated that the staff would like to add a second stipulation to this staff report for a two (2) year approval and recommends approval subject to the stipulations in the staff report.

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-46:
Motion to recommend APPROVAL Passed: 9 to 0
Subject to:

Urban Planning and Land Use Comments:

1) Note that 3:1 is the maximum allowable slope for maintenance of turf.
2) Approval is for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) Construction plans shall be reviewed and approved prior to Planning Commission consideration.
B) Items that are conditions of approval (stipulations):
   1) None
C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
Minutes – Neighborhood Meeting
Held: Beginning 4:30pm Thursday July 23, 2015 at BHC RHODES KCK Office.

In attendance were the owner, Winfred Anderson, a non-resident neighbor Rhonda Randolph and myself, Wil Anderson from BHC RHODES the convener of the neighborhood meeting.

At the meeting, all submitted plans were available for viewing and we were prepared to discuss the project in question.

Rhonda Randolph is the owner of the house situated at 825 N 49th Terrace, Kansas City, KS 66102. The house is currently vacant.

The house was her grandmother's house and Rhonda indicated that she has plans in the 5 – 10 year range to sell her current house and with some renovation move into 825 N 49th Terrace, Kansas City, KS 66102.

Her current concerns are dust and that the area is becoming industrial and what impact the work might have on the sale price of the house.

Winfred Anderson commented that if the roads become dusty, that he runs his water truck over the routes used to reduce the likelihood of dust.

Rhonda and Winfred have discussed the idea of purchase of her property and at this stage finding a middle ground is driving that decision.

/\n
Wil Anderson
7/27
To: Unified Government Board of Commissioners
From: City Staff
Date: August 27, 2015
Re: Vacation Petition #U/E-2015-6 (150235)

GENERAL INFORMATION

Applicant:
Shawn Woods

Status of Applicant:
Applicant
P.O. Box 399
Blue Springs, MO 64014

Requested Action:
Approve utility easement vacation

Date of Application:
June 26, 2015

Purpose:
To vacate five (5) feet utility easement on each side of property line, totaling a ten (10) feet vacation in order to move the property line between the two (2) lots

Property Location:
3414 and 3412 North 109th Terrace
Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: North: R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: North: Vacant lot
South: Vacant lot
East: Single family homes
West: Vacant lot

Neighborhood Characteristics: The character of the neighborhood is comprised of single family homes.

Total Tract Size: .452 acre

Master Plan Designation: The City-Wide Master Plan designates these properties as Low-Density Residential.

Major Street Plan: The City-Wide Master Plan designates 109th Terrace as a local street.

Letters to Property Owners – July 14, 2015 and August 18, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Shawn Woods, wants to vacate the five (5) feet utility easements on both sides of the current property line between the two (2) lots, totaling a ten (10) feet utility easement vacation. The applicant wants to build two homes on the properties stated. Both homes match the current style of homes in the subdivision—Swanson Farm—but one (1) home is larger and requires a larger lot. This will require an administrative lot split, which is concurrently being pursued. Both homes, built as proposed, will meet R-1 Single Family District setback regulations.


FACTORS TO BE CONSIDERED

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or
other adversity.

Development can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

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

   a. Water service
      Available

   b. Sanitary sewer service
      Available

   c. Storm water control
      Designed to meet City Code

   d. Police
      Police service provided by the West Patrol, District #223

   e. Fire
      Fire service provided by Station #8, District #4

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

   g. Schools
      Piper USD 203

3. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

   Streets are designed as to provide a safe, convenient, and functional system for vehicular traffic and having such width to accommodate prospective traffic as determined by existing and probable future land and building uses.
4. **Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.**

Buildings and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

5. **Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.**

Development patterns are already designed with due regard to topography.

6. **Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.**

This is not foreseen to be an issue, as the subdivision was designed to city standards.

7. **Vacation will not create utility conflicts.**

Staff has not been informed of any conflicts.

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**KEY ISSUES**

None

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**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission voted 9 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2015-6, subject to:

**Urban Planning and Land Use Comments:**

This vacation request is simply allowing the proposed sizes of homes to be accommodated on the given lots. Staff does not find any outstanding issues with this proposal. If this application is approved, a $50 check (made payable to the Unified Treasurer) will be required for the ordinance publication fee officially vacating these easements.

**STAFF COMMENTS AND SUGGESTIONS**

The staff concurs with the recommendation of the City Planning Commission.
STAFF RECOMMENDATIONS

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 Vacation Petition #U/E-2015-6 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Zoning Map
Aerial Map
Vicinity Map
Site Pictures
Lot Split Survey

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Taylor Plummer tplummer@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #U/E-2015-6 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 #U/E-2015-6, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150235 UTILITY EASEMENT VACATION APPLICATION #U/E-2015-6 – SHAWN WOODS/WOODS DEVELOPMENT GROUP LLC – SYNOPSIS: Vacation of utility easements at 3412 and 3414 North 109th Terrace

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Shawn Woods, applicant, 903 SE Willow Place, Blue Springs, MO 64014, appeared in support of this application. He stated that they have a house sold at 3414 North 109th Terrace that does not fit on the lot. They want to build a spec house on the adjacent lot at 3412 North 109th Terrace and if they add 5’ to 3414 North 109th Terrace (taken from 3412 North 109th Terrace) then both will meet the side yard setback requirements. In order to do so they have to vacate the easement that does not have any utilities.

No one appeared in opposition to this application.

Planner Toy stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Mr. Carson, seconded by Ms. Huey, the Planning Commission voted as follows to recommend APPROVAL of Utility Easement Vacation Application #U/E-2015-6:

Carson Aye
Connelly Aye
DeWitt Aye
Ernst Aye
Escobar Aye
Gonzalez Aye
Huey Aye
Hurrelbrink Chairman
Pauley Aye
Schwartzman Aye
Walker Not Present

Motion to recommend APPROVAL Passed: 9 to 0
Subject to:
Urban Planning and Land Use Comments:

This vacation request is simply allowing the proposed sizes of homes to be accommodated on the given lots. Staff does not find any outstanding issues with this proposal. If this application is approved, a $50 check (made payable to the Unified Treasurer) will be required for the ordinance publication fee officially vacating these easements.
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Vacation Petition #S-2015-7 (150236)

GENERAL INFORMATION

Applicant:
Rogaciano Meza

Status of Applicant:
Owner/Resident
4826 McGurk Street
Kansas City, KS 66104

Requested Action:
Vacation of a street

Date of Application:
July 29, 2015

Purpose:
To vacate McGurk Street in full

Property Location:
4826 McGurk Street

Existing Zoning:
R-1 Single Family District
Existing Surrounding Zoning: North: R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: North: Residential Homes
South: Residential Homes
East: Residential Homes
West: Residential Homes

Neighborhood Characteristics: The character of the surrounding neighborhood is both agricultural and low-density residential in nature.

Total Tract Size: 5.57 total acres (including parcels 107500, 107508, 107514, 107509, and 107602)

Master Plan Designation: The City-Wide Master Plan designates this property as Agricultural

Major Street Plan: McGurk Street is designated as a local street

Letters to Property Owners – July 14, 2015 and August 18, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Rogaciano Meza is seeking a vacation of the entirety of McGurk Street.


FACTORS TO BE CONSIDERED

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

This is not an issue.
2. **The extent to which utilities and public services are available and adequate to serve the proposed use.**

   a. **Water service**
      
      Existing

   b. **Sanitary sewer service**
      
      Not available

   c. **Storm water control**
      
      Not applicable

   d. **Police**
      
      Police service provided by the Midtown Patrol, District #443

   e. **Fire**
      
      Fire service provided by District #4

   f. **Transit**
      
      Transit service is not provided near this property.

   g. **Schools**
      
      Kansas City, Kansas USD 500

3. **Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.**

   Streets are designed as to provide a safe, convenient and functional system for vehicular traffic and having such width as to accommodate prospective traffic as determined by existing and probable future land and building uses.

4. **Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.**

   Buildings, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide long-term sustained real estate values.
5. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

This is not an issue.

6. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

Not applicable.

7. Vacation will not create utility conflicts.

This should not be an issue.

KEY ISSUES

Lot Consolidation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Street Vacation Application #S-2015-7, subject to:

Urban Planning and Land Use Comments:

1. Please provide a copy of the deed for parcel 107514 (4833 McGurk Street) and parcel 107602 (4816 Sortor Drive). These two (2) parcels were recently purchased from the Wyandotte County Land Bank.

   Applicant Response: See Attached

2. If approved, the applicant must, at minimum, consolidate parcels 107508 and 107514 so as to not have any parcels that are landlocked and without street access. The applicant can choose to combine only parcels 107508 and 107514, or to combine all five (5) parcels under his ownership.

   Applicant Response: Acknowledged

3. Should this request be approved, the vacation will not be recorded until the Department of Urban Planning and Land Use has received a letter from Geospatial Services stating that the lots have been combined for land use purposes.

   Applicant Response: Acknowledged
4. If approved the applicant will be required to submit a $50.00 check (made payable to the Unified Treasurer) to cover the ordinance publication fee vacating the street.

*Applicant Response: Acknowledged*

**Staff Conclusion:**

The applicant has provided the necessary materials showing ownership of the parcel. A vacation of McGurk Street would land lock parcel 107514, therefore, the requested vacation cannot take effect until the ordinance regarding the lot consolidation of parcels 107500, 107508, 107509, 107514, and 107602 has been published.

**STAFF COMMENTS AND SUGGESTIONS**

The staff concurs with the recommendation of the City Planning Commission.

**STAFF RECOMMENDATIONS**

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 Vacation Petition #S-2015-7 subject to all comments and suggestions outlined in this staff report.

**ATTACHMENTS**

August 10, 2015 City Planning Commission Minutes
Aerial Map
Parcel Ownership Map
Deed
Applicant Responses
Letter from Robert Ringel, GeoSpatial Services

**REVIEW OF INFORMATION AND SCHEDULE**

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<th>Action</th>
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<tr>
<td>Public Hearing Vacation</td>
<td>August 10, 2015 Approval</td>
<td>August 27, 2015</td>
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**STAFF CONTACT:** Lauren Reiman Ireiman@wycokck.org

**MOTIONS**

I move the Unified Government Board of Commissioners APPROVE Petition #S-2015-7 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 **S-2015-7**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:**

**150236 STREET VACATION APPLICATION #S-2015-7 – ROGACIANO MEZA – SYNOPSIS:** Vacation of a street at 4826 McGurk Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Anthony Arnold, 3438 North 55th Street, Kansas City, Kansas, representing the applicant, appeared in support of this application. He stated that for the last ten (10) years he has been a strong advocate for the horse community. Mr. Rogaciano contacted him as he (Mr. Rogaciano) owns the property in question and there is a city road that presently splits his property. He has acquired the property to the north and south of that roadway and no one else uses the roadway to access the property. It is his intent to vacate the street so all the land can be consolidated together and he can stay within the city’s rules and regulations as it relates to animals.

No one appeared in opposition to this application.
Planner Toy stated that this vacation has to go forward first before all the lots can be consolidated. The staff recommends approval subject to the stipulations in the staff report.

On motion by Ms. Huey, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL** of **Street Vacation Application #S-2015-7**:

- Carson   Aye
- Connelly  Aye
- DeWitt    Aye
- Ernst     Aye
- Escobar   Aye
- Gonzalez  Aye
- Huey      Aye
- Hurrelbrink Chairman
- Pauley    Aye
- Schwartzman Aye
- Walker    Not Present

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

**Urban Planning and Land Use Comments:**

1. Please provide a copy of the deed for parcel 107514 (4833 McGurk Street) and parcel 107602 (4816 Sortor Drive). These two (2) parcels were recently purchased from the Wyandotte County Land Bank.

   **Applicant Response: See Attached**

2. If approved, the applicant must, at minimum, consolidate parcels 107508 and 107514 so as to not have any parcels that are landlocked and without street access. The applicant can choose to combine only parcels 107508 and 107514, or to combine all five (5) parcels under his ownership.

   **Applicant Response: Acknowledged**

3. Should this request be approved, the vacation will not be recorded until the Department of Urban Planning and Land Use has received a letter from Geospatial Services stating that the lots have been combined for land use purposes.

   **Applicant Response: Acknowledged**

4. If approved the applicant will be required to submit a $50.00 check (made payable to the Unified Treasurer) to cover the ordinance publication fee vacating the street.

   **Applicant Response: Acknowledged**
Staff Conclusion:

The applicant has provided the necessary materials showing ownership of the parcel. A vacation of McGurk Street would land lock parcel 107514, therefore, the requested vacation cannot take effect until the ordinance regarding the lot consolidation of parcels 107500, 107508, 107509, 107514, and 107602 has been published.
Recently Purchased from the Wyandotte County Land Bank
Previously Owned Property
DEED

(WYANDOTTE COUNTY LAND BANK)

THIS INDENTURE, Made this 15th day of AUGUST, 2015, between

THE WYANDOTTE COUNTY LAND BANK

of Wyandotte County, in the State of Kansas of the first part, and

ROGACIANO MEZA

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH, that party of the first part, pursuant to Resolution adopted May 17, 2001, in consideration of the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the party of the second part, its successors, heirs and assigns, all of the following-described lot, tracts or parcels of land lying, being and situate in the County of Wyandotte and State of Kansas, to wit:

Lot 3, and the East 30 feet, LEE WOOD ACRES, a subdivision of land in Kansas City, Wyandotte County, Kansas. (Approximate Address: 4816 Sortor Drive-Parcel No. 107602)

The West 20 feet of Lot 11, LEE WOOD ACRES, a subdivision of land in Kansas City, Wyandotte County, Kansas. (Approximate Address: 4833 McGurk Street-Parcel No. 107514)

TO HAVE AND HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever.

IN WITNESS WHEREOF, I, the undersigned Representative of the Wyandotte County Land Bank ("Land Bank"), for valuable consideration and in consideration of the express conditions and right of re-entry hereinafter stated, notwithstanding the fact that valuable consideration has been paid, hereby grant, bargain, sell convey to Grantee, its successors and assigns the above described real estate.

This conveyance is made, notwithstanding the fact that valuable consideration has been paid, upon the express condition subsequent that Grantee shall perform the following obligations:

(1) With (90) days of the date of the execution of this Deed, commence construction of the improvements described in the application for conveyance attached hereto and incorporated herein by reference;

(2) Maintain such property in accordance with the codes, ordinances and resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, subject to such fines and/or penalties as may be imposed by the Unified Government for violation of said codes, ordinances and resolutions.

(3) Submit all construction plans to the Planning and Zoning Department of the Unified
Government. Construction projects may require an appearance before the Planning and Zoning Commission.

(4) This property shall not be conveyed until such time as proposed improvement have been completed.

If Grantee defaults in or violates any one or more of the obligations set forth above, and fails to cure such default or violation within thirty (30) days after written notice of default is sent by the Land Bank, then the Land Bank shall have the right, at its option, to re-enter and take possession of the property and to terminate (and re-vest in the Land Bank) the estate conveyed by this Deed; provided, however, that the condition subsequent created herein and any re-vesting of title as a result thereof shall always be subject to and limited by, and shall not defeat, render invalid or limit in any way, the lien of any mortgage or financing the construction of improvements to the property. Grantee agrees that all improvements shall attach immediately and become a part of the property, and that if the Land Bank exercises its right of re-entry, all right, title and interest in and to the improvements shall immediately vest in the Land Bank and Grantee shall have no claim for contribution or reimbursement for the improvements.

Grantee and the Land Bank agree that the obligations of the Grantee set forth herein shall also constitute covenants running with the land of the property both as to burdens and benefits. The Land Bank’s failure to exercise the right of re-entry reserved herein shall not be construed to waive any rights the Land Bank may have to enforce the Grantee’s obligations through any and all rights and remedies which the Land Bank or its successors and assigns may have at law or in equity for the enforcement of covenants. No waiver by the Land Bank at any time of any of Grantee’s obligations shall be deemed or taken as a waiver at any time thereafter of the same or any other obligation or of the strict and prompt performance thereof, no waiver shall be valid against the Land Bank unless reduced to writing and signed by an officer of the Land Bank Board of Trustees duly empowered to execute same.

The property is conveyed to Grantee “as is” with no warranties of any kind or character.

For the Wyandotte County Land Bank

Chris Slaughter, Land Bank Manager

STATE OF KANSAS, County of Wyandotte, SS:

I HEREBY CERTIFY, That before me, the undersigned a notary public in and for said county, personally appeared the above named Chris Slaughter, personally known to me to be Representative of the Wyandotte County Land Bank at the date of the execution of the above conveyance and to be the identical person whose name is affixed to and who executed the above conveyance and who acknowledged the execution of the same to be his/her voluntary act.

WITNESS, my hand and official seal this 15th day of January, 2015.

Notary Public

[Signature]

[Notary Public Seal]

REBECCA RAMIREZ
NOTARY PUBLIC
STATE OF KANSAS
My Appt Exp: 7-15-17
STATE OF KANSAS, County of Wyandotte, SS:

I HEREBY CERTIFY, that before me, the undersigned a notary public in and for said county, personally appeared ROGACIANO MEZA known to me to be the person whose name is affixed hereto and who duly acknowledged the execution of the same to be his voluntary act and deed.

WITNESS my hand and official seal this 5th day of January, 2015.

Notary Public

REBECCA RAMIREZ
NOTARY PUBLIC
STATE OF KANSAS
My Aph Exp: 7/15/17

#S-2015-7 August 27, 2015
STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

Please provide a copy of the deed for parcel 107514 (4833 McGurk Street) and parcel 107602 (4816 Sortor Drive). These two (2) parcels were recently purchased from the Wyandotte County Land Bank.

See attached.

If approved, the applicant must, at minimum, consolidate parcels 107508 and 107514 so as to not have any parcels that are landlocked and without street access. The applicant can choose to combine only parcels 107508 and 107514, or to combine all five (5) parcels under his ownership.

[Signature]

Should this request be approved, the vacation will not be recorded until the Department of Urban Planning and Land Use has received a letter from Geospatial Services stating that the lots have been combined for land use purposes.

[Signature]

If approved the applicant will be required to submit a $50.00 check (made payable to the Unified Treasurer) to cover the ordinance publication fee vacating the street.

[Signature]
August 4, 2015

Rogaciano Meza
1614 Ruby Avenue Apt 1
Kansas City, KS 66103-1035

Greetings:

I have combined Wyandotte County Real Estate Parcels 107602, 107508, and 107514 with Parcel 107509 in order to proceed with the proposed vacation of McGurk Street. When the street is vacated, I will proceed with combining Parcel 107500 as well. Please contact with any questions.

Regards,
Robert Ringel,
GeoSpatial Services Division,
Unified Government of Wyandotte Co./Kansas City, KS
913-573-8294
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Vacation Petition #U/E-2015-8 (150111)

GENERAL INFORMATION

Applicant: Curtis Petersen

Status of Applicant: Applicant
Polsinelli PC
6201 College Boulevard, Suite 500
Overland Park, Kansas 66211

Requested Action: Approve utility easement vacation

Date of Application: July 14, 2015

Purpose: To vacate utility easements

Property Location: 1405 North 98th Street

Existing Zoning: B-P Planned Business Park District
Existing Surrounding Zoning:  
**North:** CP-2 Planned General Business District  
**South:** A-G Agriculture District  
**East:** A-G Agriculture District  
**West:** None (Interstate 435)

Existing Uses:  
**North:** Undeveloped land  
**South:** Undeveloped land  
**East:** Schlitterbahn Vacation Village  
**West:** Interstate 435

Neighborhood Characteristics: The property is surrounded by agricultural land, but is situated within a quickly developing commercial corridor.

Total Tract Size: 13.51 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / Commercial District.

Major Street Plan: The City-Wide Master Plan classifies North 98th Street as a Class C Thoroughfare.

Advertisement:  
*Wyandotte Echo* – July 20, 2015  
Letters to Property Owners – July 19, 2015 and August 18, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

**PROPOSAL**

*Detailed Outline of Requested Action:* The applicant, Curtis Petersen, wants to vacate a telephone company easement, five (5) waterline easements, two (2) power easements, three (3) sanitary sewer easements, and two (2) utility easements to continue the development of the new Dairy Farmers of America project.


**FACTORS TO BE CONSIDERED**

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

Development can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.
2. **The extent to which utilities and public services are available and adequate to serve the proposed use.**

   a. **Water service**

      Available

   b. **Sanitary sewer service**

      Available

   c. **Storm water control**

      To be designed to meet City Code

   d. **Police**

      Police service provided by the West Patrol, District #225

   e. **Fire**

      Fire service provided by Station #6 near 95th Street and State Avenue

   f. **Transit**

      Kansas City ATA does not provide transit service near this property. The closest transit stop is on Route #116 on Village West Parkway, in between State Avenue and Parallel Parkway.

   g. **Schools**

      Kansas City, Kansas USD 500

3. **Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.**

   Streets are designed as to provide a safe, convenient, and functional system for vehicular traffic and having such width to accommodate prospective traffic as determined by existing and probably future land and building uses.

4. **Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.**

   Buildings and streets are so arranged as to afford adequate light, open
space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

5. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Development patterns are already designed with due regard to topography.

6. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is not foreseen to be an issue, as the subdivision was designed to city standards.

7. Vacation will not create utility conflicts.

Staff has not been informed of any conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2015-8, subject to:

Urban Planning and Land Use Comments:

1. This vacation request is allowing the continued development of the new Dairy Farmers of America office building. Staff does not find any outstanding issues with this proposal.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) None

C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

#UE-2015-8 August 27, 2015 4
STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

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 Vacation Petition #U/E-2015-8 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Partial Power Easement Vacation Plan
Partial Utility Easement Vacation Description
Zoning Map
Aerial Map

REVIEW OF INFORMATION AND SCHEDULE

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<td>August 27, 2015</td>
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<td>Vacation Approval</td>
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STAFF CONTACT: Byron Toy, AICP btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #UE-2015-8 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 #UE-2015-8, as they are not in compliance with the City Ordinances and as it will not promote the
public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:**

**150111 UTILITY EASEMENT VACATION APPLICATION #U/E-2015-8 – CURTIS PETERSON/POLSINELLI PC FOR DFA – SYNOPSIS:** Vacation of utility easements at 1405 North 98th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 20, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Jesse Peckham, Olsson and Associates, 7301 West 133rd Street, Overland Park, Kansas, representing the applicant, appeared in support of this application. He stated that the purpose of the application is the last clean up on the Dairy Farmers of America’s site. The original plat for the Schlitterbahn Vacation Village had quite a few easements put in for the proposed plan that did not go forward. This application vacates those easements.

No one appeared in opposition to this application.

Planner Toy stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Mr. DeWitt, seconded by Mr. Schwartzman, the Planning Commission voted as follows to recommend **APPROVAL** of **Utility Easement Vacation Application #U/E-2015-8**:

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<th>Name</th>
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<tr>
<td>Carson</td>
<td>Aye</td>
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<tr>
<td>Connelly</td>
<td>Aye</td>
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<td>DeWitt</td>
<td>Aye</td>
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<td>Ernst</td>
<td>Aye</td>
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<td>Escobar</td>
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<td>Huey</td>
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<td>Hurrelbrink</td>
<td>Chairman</td>
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<td>Pauley</td>
<td>Aye</td>
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<tr>
<td>Schwartzman</td>
<td>Aye</td>
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</table>
Urban Planning and Land Use Comments:

1. This vacation request is allowing the continued development of the new Dairy Farmers of America office building. Staff does not find any outstanding issues with this proposal.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) None

C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
Exhibit “A”

Partial Utility Easement Vacation Description:

A partial vacation of a 10.00 foot wide Utility Easement, lying 5.00 feet on both sides of the following described centerline and whose sidelines are lengthened or foreshortened to terminate at their respective property lines, heretofore established with Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, recorded in Book 44 at Page 9, and now lying within the boundaries of Tract B, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village, as recorded in Document Number 2015R-05937, in the Wyandotte County Recorder’s Office, the centerline of which being more particularly described as follows:

(Note: Held the North line of the Northeast Fractional Quarter of Section 1, Township 11 South, Range 23 East as having a bearing of North 88 degrees 00 minutes 23 seconds East – Matches the recorded plat of Schlitterbahn Vacation Village)

Utility Easement #1:

COMMENCING at the Southwest corner of Tract B, Lot Line Adjustment survey, Lots 1 & 2, Schlitterbahn Vacation Village, as recorded in Document Number 2015R-05937;  

Thence North 66 degrees 53 minutes 22 seconds East, along the South line of said Tract B, a distance of 397.76 feet, to the POINT OF BEGINNING of said Utility Easement #1, said point also being on a non-tangent curve;

Thence Northerly, departing the South line of said Tract B, and along a curve to the right, whose initial tangent bearing is North 19 degrees 31 minutes 01 seconds West, having a radius of 416.00 feet and through a central angle of 14 degrees 53 minutes 54 seconds, an arc length of 108.17 feet, to a point of tangency;

Thence North 02 degrees 39 minutes 52 seconds West, a distance of 49.73 feet, to a point of curvature;

Thence Northerly and Northeasterly, along a curve to the right, having a radius of 81.37 feet and through a central angle of 34 degrees 00 minutes 48 seconds, an arc length of 48.30 feet, to a point of tangency;
Thence North 31 degrees 20 minutes 56 seconds East, a distance of 155.88 feet, to a point of curvature;

Thence Northeasterly and Northerly, along a curve to the left, having a radius of 128.00 feet and through a central angle of 30 degrees 13 minutes 15 seconds, an arc length of 67.51 feet, to a point of tangency;

Thence North 01 degrees 07 minutes 41 seconds East, a distance of 5.23 feet, to a point hereby designated as Point “A”;

Thence continuing North 01 degrees 07 minutes 41 seconds East, a distance of 70.33 feet;

Thence North 44 degrees 28 minutes 52 seconds East, a distance of 22.59 feet;

Thence South 88 degrees 52 minutes 19 seconds East, a distance of 305.61 feet;

Thence South 01 degrees 07 minutes 41 seconds West, a distance of 49.61 feet, to a point of curvature;

Thence Southerly and Southeasterly, along a curve to the left, having a radius of 294.00 feet and through a central angle of 31 degrees 59 minutes 43 seconds, an arc length of 164.18 feet, to a point of tangency;

Thence South 30 degrees 52 minutes 02 seconds East, a distance of 43.60 feet, to a point on the East line of said Tract B, said point also being the POINT OF TERMINATION of the centerline of said Utility Easement #1.

AND ALSO;

Utility Easement #2;

BEGINNING at aforementioned Point “A”;

Thence South 68 degrees 42 minutes 08 seconds West, a distance of 584.46 feet, to a point on the Westerly line of said Tract B, said point also being the POINT OF TERMINATION of the centerline of said Utility Easement #2.

The total aggregate area of the Utility Easements being vacated is 16,698 square feet or 0.3833 acres, more or less.

Timothy Blair Wiswell, LS-1136
Olsson Associates, LC-114
7301 W. 133rd St, Suite 200
Overland Park, Kansas 662013
(913) 381-1170

Brent E. Thompson, KS P.L.S. #1277
County Surveyor
To: Unified Government Board of Commissioners
From: City Staff
Date: August 27, 2015
Re: Change of Zone Petition #3092 and Master Plan Amendment #MP-2015-3 (150228)

GENERAL INFORMATION

Applicant:
Eric Watts

Status of Applicant:
Northpoint Development
5015 NW Canal Street, Suite 200
Riverside, MO 64150

Requested Actions:
Change of Zone from R-1 Single Family District to MP-1 Planned Light Industrial and Industrial Park District

And

Master Plan Amendment from Planned Suburban Residential (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan)

Date of Application: June 26, 2015
Purpose: To build three (3) industrial flex buildings for an industrial business park.

Property Location: 6925 Riverview Avenue

Existing Zoning: R-1 Single Family District

Surrounding Zoning:
- North: R-1 Single Family District
- South: R-1 Single Family District
- East: A-G Agriculture and R-1 Single Family Districts
- West: R-1 Single Family District

Existing Uses:
- North: Turner Diagonal right-of-way
- South: Single family homes
- East: Single family homes
- West: Single family homes

Total Tract Size: 123.09 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential

Major Street Plan: The City-Wide Master Plan classifies this street as

Letters to Property Owners – July 14, 2015 and August 18, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: There was two (2) persons that appeared at the August 10, 2015 City Planning Commission with questions along with one (1) person in support.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Watts wants to build three (3) industrial buildings totaling over 1.44 million square feet at 6925 Riverview Avenue on 123.09 acres.


FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of single family homes to the west, Turner Diagonal to the north and single family homes to the south, across Speaker Road.
2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**

The zoning and their uses are set out above. There are industrial properties along Kaw Drive and one on the east side of Turner Diagonal, which is BPU’s storage and material yard.

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

The removal of the restrictions should not detrimentally affect nearby property.

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

The property has never been developed beyond agriculture although 2 or 3 attempts have been made in the last ten (10) years.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and if the appropriate landscaping and screening measures are taken would not permanently injure the appropriate use or visual quality 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.**

With coordination with the Public Works Department, streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses. Significant improvements will be necessary and should be fully understood prior to any approvals.

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

The proposed use does not conform to the Master Plan. A master plan amendment has been filed as part of this application.

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

The proposed use should not cause environmental harm. This business park is not a heavy industrial use.
9. The extent to which utilities and public services are available and adequate to serve the proposed use.

   a. Water service

       It is unclear that the current system can accommodate the proposed uses. Please coordinate with BPU Water and Electric.

   b. Sanitary sewer service

       It is unclear that the current system can accommodate the proposed uses. Plans must be understood and any on or off-site improvements designed and funded by the applicant prior to any final plan approval.

   c. Storm water control

       Code compliant plans must be submitted.

   d. Police

       Police service is provided by Midtown Patrol, District #221

   e. Fire

       Fire service is provided by Station #19

   f. Transit

       Kansas City ATA does not provide transit service near this property

   g. Schools

       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 positive economic impact on the community.

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

    With revisions 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.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 27, 2015. According to the applicant, no one that attended the meeting appeared in outright opposition, but concerns were expressed related to noise and water runoff.

KEY ISSUES

Landscaping and Screening
Public Works comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-3 and Change of Zone Application #3092, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy for any building on the property.

   Applicant Response: This is understood. It is requested that a Temporary Certificate of Occupancy be issued if the interchange completion lags behind construction of the first building.

   Staff Response: Staff's previous statement regarding the interchange includes the issuance of a Temporary Certificate of Occupancy. A TCO or Final CO will not be issued until the Riverview Avenue interchange is constructed.

2. A design criteria manual for the entire center shall be developed so when each tenant goes through the plan review process, they know the expectations and requirements upfront, making the review process run more efficiently and smoothly. In addition, by having the design criteria in place, the center will have a uniform appearance, giving the overall development an identity. Moreover, the criteria would allow each building to have some individuality and keep the architectural integrity of the center together. The criteria must be approved along with the zoning application and master plan amendment.
Within the manual, there needs to be greater detail explained and subsequently illustrated for the overall center in terms of distinct architectural elements and features that tie Turner Commerce Center together, creating a consistent appearance.

**Applicant Response:** A preliminary copy of the Site Regulations is attached to this response.

**Staff Response:** The applicant has revised the design criteria manual and we ask the Planning Commission to have the ability to amend the design criteria, if necessary.

### Landscaping and Screening:

1. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed buildings and parking lots.

   **Applicant Response:** The mature trees have been maintained to the greatest extent possible.

2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property.

   Since this property abuts residentially zoned property, please provide fence diagrams around the perimeter of the property.

   **Applicant Response:** The required number of trees (required 541, provided 543) has been calculated and shown on the Landscape Plans. Screening of the buildings was taken under consideration in placement of landscape materials.

   The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and found to be acceptable. Any fencing required to supplement landscaping plantings will be provided with the building permit plans.

   **Staff Response:** In order to meet the landscaping and screening code, a six-foot privacy fence with masonry pillars every 32 running feet shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.
3. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six-foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center.

   Applicant Response: The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and generally found to be acceptable. It was agreed to place some additional bushes along the main entry drive (proposed 69th Street) off Riverview Avenue.

   Staff Response: In order to meet the landscaping and screening code, a six-foot privacy fence shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.

4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

   Applicant Response: This is understood and additional detailing will be shown with the building permit plans.

   Staff Response: The landscape plan for final development plan shall depict the screening for ground, wall and roof mounted utilities and mechanical equipment.

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

   All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures.

   Applicant Response: This is understood.

Signage:

1. Sec. 27-729(a) In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings,
tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project.

Applicant Response: This is understood and will be provided at a later time as part of the signage package.

Staff Response: Part of the design criteria includes signage standards for the center. The submitted design criteria manual provides this information.

2. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-O through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:

   (1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge.

   (2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.

   (3) A theater listing may be permitted with planning commission approval as part of a center identification sign.

   (4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign.

   (5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

   (6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be
approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

Applicant Response: This is understood.

3. All tenant signage shall have channel letters.

Applicant Response: This is understood.

Construction Timing:

1. The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

Applicant Response: This is understood.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) The Unified Government is currently considering improvements to the adjacent intersection of Riverview Avenue and Turner Diagonal. The current overpass will be replaced with either (a) an at-grade intersection or (b) a new bridge, to be determined by the Unified Government after additional technical analyses and public input. Both options are envisioned to fall on the modified alignment of Riverview Avenue in front of applicant’s property as shown in their plan. Applicant shall design their project and entrance such that it can work in either scenario, (a) or (b).
   2) The applicant’s project will create impacts to traffic at Riverview Avenue and Turner Diagonal that in normal circumstances would have required major offsite improvements to ramps, signage, signalization and which would have influenced the location of their entrance. Public Works judges that mitigations of these impacts can be adequately incorporated into the planned reconstruction project. If the development agreement mentioned before is approved, then these impacts will be factored into the design of the UG-led offsite improvement and the developer’s obligations towards their own impacts would be satisfied by their commitments in that agreement. However, if said agreement is not approved, then the applicant would remain responsible for completing, at their own and sole expense, all offsite improvements and redesign of their entrance as would be found necessary to mitigate their traffic impacts. The scope of such improvements would be decided by the Director of Public Works in consultation with the County Engineer. KDOT/KTA approval or
concurrence must also be received. There is no design or decision available at this time for what would be needed in that scenario.

3) All right-of-way and easements for construction of the improvements along Riverview Avenue and Turner Diagonal shall be dedicated to the Unified Government at no expense.

4) The access road labeled 69th Street shall be private. A commercial association shall be created to maintain it. The roadway will be built to public standards for industrial collector.

5) The cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. The final design of the turnaround in later phases will be examined at that time.

6) Only one access to the site is shown. A secondary emergency access per Fire Department standards is required unless the Fire Marshall makes other determination.

7) Project shall coordinate construction traffic with UG, KDOT and KTA, keeping in mind the coordination needed with the adjacent public roadway improvements.

8) Street lighting will be required on the access driveway.

9) Additional detailed analysis of the trip generation and traffic movements is underway. Final traffic engineering comments must be resolved prior to receiving Preliminary Plan approval.

10) The traffic study indicates that a traffic signal at 69th and Riverview is warranted under full development conditions. This signal shall be installed at the time of Phase 2 development and is the responsibility of the developer – including all costs. Costs for this would not be part of any proposed City improvements. The study states that there will be no significant negative interaction between this location and the potential signal at Riverview and Turner Diagonal. Specific design details to coordinate between such two signals would be required.

11) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy.

12) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request.

13) The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

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 Conclusion:

The applicant has worked with staff to resolve numerous planning related issues and concerns. The design criteria manual will assist in creating a high quality development by incorporating complimentary architecture, building materials, colors, signage, and lighting.

There are significant Public Works comments that shall be addressed during the final plan review process. The applicant is aware of these issues and the final plan review cannot go forward until the comments are resolved. Staff recommends approval of this petition subject to:

(1) Staff's ability to amend, if necessary the developer’s design criteria manual that enhances the development.

(2) The landscaping and screening code shall be met in full.

(a) The fencing shall meet the commercial and industrial standard when abutting residential property which is 6’ privacy fence with masonry columns every 32’ on center.


STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Petition #3092 and #MP-2015-3 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Sight Line Study
Landscape Plan
Building Elevations
Riverview/Turner Diagonal Preliminary Feasibility Study
MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners APPROVE Master Plan Amendment #MP-2015-3, 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. ______________________________________________________.

Change of Zone

I move the Unified Government Board of Commissioners APPROVE Petition #3092 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 #3092, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150228 CHANGE OF ZONE APPLICATION #3092 – ERIC WATTS/NORTHPOINT DEVELOPMENT – SYNOPSIS: Change of Zone from R-1 Single Family District to MP-1 Planned Light Industrial and Industrial Park District for an industrial park at 6925 Riverview Avenue

150228 MASTER PLAN AMENDMENT #MP-2015-3 – ERIC WATTS/NORTHPOINT DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low Density Residential to Business Park at 6925 Riverview Avenue (Please note that it was listed incorrectly in the staff report but is correct on the agenda.)

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Brent Miles, NorthPoint Development and Mr. Eric Watts, applicant, appeared in support of this application. Mr. Miles stated that the Commission may know some of the projects North Point Development has done over the last four (4) years in Wyandotte County; they have invested about $130 million into the community. They have Central Industrial Park (former GM site in Fairfax), Kaw Point Industrial Park (demolition and reconstruction of the 400,000 square foot warehouse where the Public Levee sat at the entrance of Fairfax) and they recently bought and they are improving 5100 Kansas (Kansas City Steak Company) and Village West Luxury Apartments Phase 1 and 2 (south of Parallel) in the Village West/Legends area. He stated about a year ago the Unified Government, specifically Commissioner Walker, made comment about the lack of industrial parks in Wyandotte County similar to the park that they are building in Missouri called Riverside Horizons. He asked if they could emulate this project and Mr. Miles told him if they could get 150 acres that they can do it and they would be happy to do it. Mr. Gaffney of Country Club Bank foreclosed on this piece of property in
2008/2009. It was a failed development called Turner Hills (residential TIF with 300+ units). The Unified Government, before they got involved, was trying to land Project Secretes and that ultimately became known as the Macy’s Distribution Center and it went to Tulsa, Oklahoma. He stated that they own about 11 million square feet of industrial property across the United States and the majority of that is in the Kansas City region. He stated that there are two (2) obvious things with this site: access off Riverview Avenue right now is adequate for any sort of use. If you get off I-70 you are right at Riverview Avenue and you squiggle in to Riverview Avenue. There needs to be a new interchange. The sides have fallen off and the Public Works Department has put jersey barriers up as an interim fix. It was not on the 5 year CMIP (he is not sure if it was on the 10 year CMIP) because of the age of infrastructure throughout the community. Mr. Miles stated that they have negotiated a development agreement and the Standing Committee recommended it tonight before this meeting. It will go to the full commission on Thursday night and they will tax themselves to build a new entrance into the site from Turner Diagonal. He stated that they do not know if it will be an interchange or at grade intersection. They spent about 2 hours today with UG staff talking about the coordination of that; a decision has not been made yet but whatever decision it will link well with their project. He further stated that it is 130 acres and they have to do a rezoning for three (3) large industrial buildings that range in size: 447,000, 521,000 and 471,000 square feet. These buildings will be built on a speculative basis which means that they will build the first one and after it is leased they will build the second building and when it is leased, they will build the third building. He stated that over time this is probably a 6 to 7 year project based on the market trends they see in Riverview and what they saw at Kaw Point. They had a neighborhood meeting (notified approximately 65 people) and there were 18 people in attendance. The neighborhood meeting went well and he is not sure if any of the attendees are present this evening. In the meeting minutes, he would say in pecking order the questions concerned stormwater (currently Speaker Road floods and there is debris and silt that comes off the site and they are eliminating that problem with the detention basins that are sitting above in this watershed; the residential development (the residents were told when that was developed that the sewer would be pumped down their way and there would be a new sewer line that came through their yards or pumped into their manholes. They do not know what was said but that was a major concern about sewers coming their way and overflowing into their basements. They have a gravity sewer to the north; they did not route it down the stream as there is already some stream degradation going on and there was a minor question as to what the Unified Government had proposed with the interchange. The main focus was that there are no sidewalks in the area and wondering if there would be a sidewalk built with the UG’s improvements. There are 20 to 30 children that stand at 70th Terrace and wait for the school bus. Mr. Miles stated that they told them they would look into that with the school district and if there is some sort of school bus stop that they could build as part of their project, they would be willing to do that. There was a question about noise; there has been some concern about J.E. Dunn’s operation to the south and how much noise it has created with the cranes and backing up equipment. They did a study that said that truck decibel backing is about 80 and when you take that out to the property line it gets down to about 60 decibels which is two (2) people having a conversation at about three (3) feet. There was a lady that attended the meeting that brought up the noise and asked if they could hear it in the future, would they be willing to plant more trees. Since that hearing they have revised their plan and will plant 100 more trees to try to dampen any issues that would come
from that. There has been a lot of time spent on the traffic study and their responses are in the staff report packet. They did not recommend what the UG should do with the interchange; they simply said that their engineer studied at grade intersection which was brought up during the Socrates talk and there was a study and then this. He stated that they will generate between $7 and $9 million in taxes that will be given to the UG to pay for the improvements.

Mr. Eric Watts stated that their sound study was based on 120 decibel level and not 80. The trucks back-up beepers are typically around 120 decibels. He stated that they had a floor plan put together for building one and they put an entire landscaping design together. During the neighborhood meeting there were concerns with regard to sound so they added tree lines at the south of the property to get in front of any concerns that may arise down the road. In addition to the issues with the storm water drainage at Speaker Road, through a site study they have also verified that the ditches at Speaker Road are full of debris so water cannot travel through them and there is a 36" stormwater pipe that runs under the road that is partially blocked and somewhat collapsed that needs to be addressed at some point. Part of the issue is stormwater with this project as they have seven (7) detention basins (wet and dry) on site that will help to alleviate the stormwater run-off and everything is designed to slope to maintain their water on the property. It will actually reduce the runoff greatly that is falling onto Speaker Road at this time. He stated that this is a three-phase project. He stated that everything is on a speculative basis similar to how Kaw Point was designed. They have had great interest in Kaw Point and they pre-leased a good portion of it before walls were up on the building. This looks like a great opportunity that will be a fair amount of business to Kansas City, Kansas.

Chairman Hurrelbrink asked how many vehicles (and what type of vehicles) will be coming in and out. Mr. David Lotz, Continental Engineers, 9000 State Line Road, Leawood, Kansas, appeared in support of this application. He stated that they did some traffic analysis for an at-grade intersection looking at traffic demands. With the first building, they are looking at 317 vehicles that will go to and from the site during the peak hours with about 90 +/- truck bays that are on the first building. Most of that traffic will not come on a daily basis; it will be tenant driven. Not all of them would be heavy trucks.

Planning Commissioner Schwartzman asked if this will be dry freight, refrigerator or combination warehouse. Mr. Watts stated that this will be dry panel walls unless they have a tenant that asks for a refrigerator space. It is called a box-in-a-box.

Mr. Robert Ragwell, 6837 Speaker Road, Kansas City, Kansas appeared in support of this application. He stated that he has lived there for 48 years and Joe Steineger farmed it for years. Since it went downhill and the bank owns it nothing is being done to it; they have not been out there to mow the property. This property is an eyesore for everyone; he is totally for this as this is the best thing that has come along. His only concern is about water runoff as it has been bad for years. There are wash outs there that you could almost put a semi in and cover it up. He stated that he would like to see in writing that if the basin fails, they will come in and put in whatever is needed to fix it to take care of the water. This is a fine plan and he thinks that it will work.
Mr. Ralph Butler, 120 South 65th Street, Kansas City, Kansas, appeared in to this application. He stated that his property backs up to this property. He attended the neighborhood meeting and discussion was brought up about traffic and the entrance/exit onto Riverview Road. The previous owners had purchased property on the east/west side for an exit road that exited onto 65th Street because the Fire Department said that they needed a second entrance/exit. He would like more information about this.

Mr. Miles stated that the 138 acres comes with what he calls a “finger” that comes out to the east to 65th Street. They have no intention of building the second point of access out to 65th Street and that was shared at the community meeting. The Fire Marshall raised the concern on Friday about only having one access point if there was a catastrophic event. They talked to staff today about two options. One was widening the entrance for a third lane and there could be some movement up front if there was a catastrophic issue. The second was a back door that isn’t used but has a gate and is only used in the event of an emergency. The third building is about the same level as Speaker Road. From his opinion, he thinks that the people on Speaker Road did not necessarily support any voluntary truck access out Speaker Road; it is very narrow. He further stated that he thinks that it is 14 to 15 feet wide at that point. Because the comment came on Friday they have not had a chance to meet one-on-one with the Fire Marshall to talk about the two (2) potential options. Right now they do not see the access to 65th Street as a viable option to them or what the 8 or 9 residents south of the Moose Lodge would really prefer. This is a new issue that they are trying to find a solution for.

County Engineer Bill Heatherman stated that he would like to clarify the comment about prior discussions about a road extending over to the east. When there was a proposal for a residential development on that tract the layout had a second roadway being built through that area (not along Speaker Road) and when this project came forward about two (2) years ago that still was held over as a discussion point and in the Project Secretes the Public Works Department would not require that road. Due to the industrial nature of this project and the traffic study the Public Works continued to not make that stipulation. In the discussion of the fire entrance, that would be strictly to satisfy the Fire Marshall for secondary emergency access and that would be a minor thing compared to the scale of building a new road. That is a detail being worked out in the engineering plans.

Mr. Francisco Ramirez, 26 South 65th Street (and his interpreter Mr. Romo) appeared concerning this application. He is concerned with the level of noise that this project will bring about once it is fully developed. He is concerned with the amount of traffic that is coming into this quiet and peaceful neighborhood. Mr. Ramirez has had a concern all along since he heard about this project. What he heard now is the level of traffic that will occur with phase one and he would like to hear what will happen once the other two buildings are built. Also there was not a response to the type of traffic that will be coming in that Mr. Hurrelbrink asked the question about. He said that it will be 320 vehicles but he did not break it down whether it will be medium weight vehicles, etc. The other concern that he has with them saying that it is not in their plan to use the vacant lot right now that goes over to 65th Street from the property but what about later one if the need arises to make that emergency exit.
Mr. Miles stated that with regard to the “finger” that comes out, at the community meeting he gave Mr. Buckner his word that if they got through the Fire Department approvals and did not need the second means of access they would be willing to talk to him and the adjoining property owner to the south about vacating that property to them. They do not have a need for it and it would solidify that they would not change their plan in the future. He stated that they felt that was a fair promise. He stated that he always looks at the level of service and what impact the trucks will have on Riverview Avenue. With regard to noise, the loudest thing that they will have outdoors is a truck backing up and it depends on how many of them there are. There is a residential subdivision that literally sits on the bluff on the Riverside project (in Missouri) above them and they have not had any noise issues brought to their attention or the city’s attention. If you look at the site it is trees but landscaping and the building will sit pretty far from any houses that are impacted. He does not know how much that will play into it. One thing that was brought up at the community meeting by a couple of residents is that it is not any louder than the train. There is a train that runs to the south of this and on the north side is I-70. He stated that someone said at the meeting that they hear noise from I-70 but you get used to it. Mr. Miles further stated that he has not bought a decibel meter so he does not know if you live on Speaker Road how loud the train horn is compared to a truck backing up at the property line.

Planning Commissioner Connelly asked what will be the hours of operation that trucks will be going in and out. Mr. Miles stated that they do not know who their tenants will be because these are speculative buildings. They will build them and then the tenants will come. They own about 3 million square feet in Riverside and 10% of the leasers they have run a 24/7 operation. He stated that he would assume that this development would have similar hours of operation. Typically there may be a 5:00 a.m. (food vendors such as Seattle fish), maybe automotive related to GM and there will probably be one or two 24/7 operations but it is not typical for them. Mr. Lotz stated with regard to traffic they are looking at two intersections that will be created by virtue of the development. At this point it has not been decided again whether the Riverview Bridge will be replaced with an at-grade intersection or whether they will replace the bridge with a new bridge. Regardless of either scenario the alignment of Riverview is likely to be at 90 degree and in doing so they took a look at the two intersections (Riverview/Turner Diagonal and also Riverview and the drive leading into the development) and did some traffic analysis based on their traffic projections. Typically traffic signals are looked at level of service A through F and when they did their analysis they first took a look at Riverview and the drive leading into the development. They determined, based on fully developed, it could operate with a stop control on the driveway coming out of the development and will operate with level of service A (first building) or B (when fully developed.) He further stated that they took a look at the intersection if this goes to an at-grade intersection with the Turner Diagonal/Riverview and at fully developed conditions and that intersection could operate at a level of service C. Typically in most communities a level of service D for the way an intersection operates is very acceptable and it looks like they will be better with the proposed traffic projections for this development. These buildings are more warehouses in nature and they have docks on both sides of the building. With the fully developed situation there will be 721 total parking spaces on the site and 292 dock doors. Until they have tenants in the buildings, they do not know exactly how things will play out because lots of time there are shifts,
etc. A traffic engineer has to use information that is available through the Institute of Traffic Engineers (ITE) and he takes a look at traffic projections and that was the basis for their analysis for the signal and the stop control at the driveway to determine what the level of service would be – A or B and the other a level of service C. Also when doing the traffic analysis you look at the peak flow coming into the site and it is likely to be in the weekday pm period and there is very little traffic on the weekends. There are 205 vehicles coming into the site during the weekday pm peak and approximately 400 leaving the site during the peak hour. As the buildings are leased, things will play out differently as they know the tenants that will be here.

Planner Toy stated that the applicant has worked diligently with the Planning staff and Engineering staff. The staff has acquired the design criteria for the center so there will be a uniform appearance for all of the structures built. They will meet the landscaping and screening code when they come back for final plan review. He further stated that the Commission will see a series of plan review applications. They will be required to comply with all the stipulations of the Public Works Department in the staff report and that does include the KCK Fire Department having a second access. Where that fits into it will be determined by the Fire Marshall working with the applicant. The staff recommends approval subject to the stipulations outlined in the staff report.

On motion by Mr. Carson, seconded by Ms. Huey, the Planning Commission voted as follows to recommend APPROVAL of Master Plan Amendment #MP-2015-3:

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Motion to recommend APPROVAL Passed: 9 to 0

On motion by Ms. Huey, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Change of Zone Application #3092:

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

Urban Planning and Land Use Comments:

General Planning:

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy for any building on the property.

   Applicant Response: This is understood. It is requested that a Temporary Certificate of Occupancy be issued if the interchange completion lags behind construction of the first building.

   Staff Response: Staff’s previous statement regarding the interchange includes the issuance of a Temporary Certificate of Occupancy. A TCO or Final CO will not be issued until the Riverview Avenue interchange is constructed.

2. A design criteria manual for the entire center shall be developed so when each tenant goes through the plan review process, they know the expectations and requirements upfront, making the review process run more efficiently and smoothly. In addition, by having the design criteria in place, the center will have a uniform appearance, giving the overall development an identity. Moreover, the criteria would allow each building to have some individuality and keep the architectural integrity of the center together. The criteria must be approved along with the zoning application and master plan amendment.

   Within the manual, there needs to be greater detail explained and subsequently illustrated for the overall center in terms of distinct architectural elements and features that tie Turner Commerce Center together, creating a consistent appearance.

   Applicant Response: A preliminary copy of the Site Regulations is attached to this response.

   Staff Response: The applicant has revised the design criteria manual and we ask the Planning Commission to have the ability to amend the design criteria, if necessary.

Landscaping and Screening:

1. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed buildings and parking lots.

   Applicant Response: The mature trees have been maintained to the greatest extent possible.
2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property.

Since this property abuts residentially zoned property, please provide fence diagrams around the perimeter of the property.

Applicant Response: The required number of trees (required 541, provided 543) has been calculated and shown on the Landscape Plans. Screening of the buildings was taken under consideration in placement of landscape materials.

The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and found to be acceptable. Any fencing required to supplement landscaping plantings will be provided with the building permit plans.

Staff Response: In order to meet the landscaping and screening code, a six-foot privacy fence with masonry pillars every 32 running feet shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.

3. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six-foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center.

Applicant Response: The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and generally found to be acceptable. It was agreed to place some additional bushes along the main entry drive (proposed 69th Street) off Riverview Avenue.

Staff Response: In order to meet the landscaping and screening code, a six-foot privacy fence shall be constructed around the perimeter to screen the building and site from public view and residentially zoned property. The final development plan shall comply with the code.

4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop
mechanical equipment shall be screened from public view on all sides by a parapet.

Applicant Response: This is understood and additional detailing will be shown with the building permit plans.

Staff Response: The landscape plan for final development plan shall depict the screening for ground, wall and roof mounted utilities and mechanical equipment.

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures.

Applicant Response: This is understood.

Signage:

1. Sec. 27-729(a) In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project.

Applicant Response: This is understood and will be provided at a later time as part of the signage package.

Staff Response: Part of the design criteria includes signage standards for the center. The submitted design criteria manual provides this information.

2. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-O through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:
(1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge.

(2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.

(3) A theater listing may be permitted with planning commission approval as part of a center identification sign.

(4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign.

(5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

**Applicant Response: This is understood.**

3. All tenant signage shall have channel letters.

**Applicant Response: This is understood.**

**Construction Timing:**

1. The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

**Applicant Response: This is understood.**
Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B) Items that are conditions of approval (stipulations):
   1) The Unified Government is currently considering improvements to the adjacent intersection of Riverview Avenue and Turner Diagonal. The current overpass will be replaced with either (a) an at-grade intersection or (b) a new bridge, to be determined by the Unified Government after additional technical analyses and public input. Both options are envisioned to fall on the modified alignment of Riverview Avenue in front of applicant’s property as shown in their plan. Applicant shall design their project and entrance such that it can work in either scenario, (a) or (b).
   2) The applicant’s project will create impacts to traffic at Riverview Avenue and Turner Diagonal that in normal circumstances would have required major offsite improvements to ramps, signage, signalization and which would have influenced the location of their entrance. Public Works judges that mitigations of these impacts can be adequately incorporated into the planned reconstruction project. If the development agreement mentioned before is approved, then these impacts will be factored into the design of the UG-led offsite improvement and the developer’s obligations towards their own impacts would be satisfied by their commitments in that agreement. However, if said agreement is not approved, then the applicant would remain responsible for completing, at their own and sole expense, all offsite improvements and redesign of their entrance as would be found necessary to mitigate their traffic impacts. The scope of such improvements would be decided by the Director of Public Works in consultation with the County Engineer. KDOT/KTA approval or concurrence must also be received. There is no design or decision available at this time for what would be needed in that scenario.
   3) All right-of-way and easements for construction of the improvements along Riverview Avenue and Turner Diagonal shall be dedicated to the Unified Government at no expense.
   4) The access road labeled 69th Street shall be private. A commercial association shall be created to maintain it. The roadway will be built to public standards for industrial collector.
   5) The cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. The final design of the turnaround in later phases will be examined at that time.
   6) Only one access to the site is shown. A secondary emergency access per Fire Department standards is required unless the Fire Marshall makes other determination.
   7) Project shall coordinate construction traffic with UG, KDOT and KTA, keeping in mind the coordination needed with the adjacent public roadway improvements.
   8) Street lighting will be required on the access driveway.
9) Additional detailed analysis of the trip generation and traffic movements is underway. Final traffic engineering comments must be resolved prior to receiving Preliminary Plan approval.

10) The traffic study indicates that a traffic signal at 69th and Riverview is warranted under full development conditions. This signal shall be installed at the time of Phase 2 development and is the responsibility of the developer – including all costs. Costs for this would not be part of any proposed City improvements. The study states that there will be no significant negative interaction between this location and the potential signal at Riverview and Turner Diagonal. Specific design details to coordinate between such two signals would be required.

11) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy.

12) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request.

13) The UG agrees on the upsizing proposal and the 8” line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost.

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 Conclusion:

The applicant has worked with staff to resolve numerous planning related issues and concerns. The design criteria manual will assist in creating a high quality development by incorporating complimentary architecture, building materials, colors, signage, and lighting.

There are significant Public Works comments that shall be addressed during the final plan review process. The applicant is aware of these issues and the final plan review cannot go forward until the comments are resolved. Staff recommends approval of this petition subject to:

1) Staff’s ability to amend, if necessary the developer’s design criteria manual that enhances the development.

2) The landscaping and screening code shall be met in full.
   a) The fencing shall meet the commercial and industrial standard when abutting residential property which is 6’ privacy fence with masonry columns every 32’ on center.

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

With revisions the proposed use is capable of meeting applicable ordinance requirements. No response required.

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 in minimal. No response required.

NEIGHBORHOOD MEETING

The applicant must hold a neighborhood meeting by July 27, 2015. A copy of the sign-in sheet, meeting minutes and neighborhood meeting affidavit must be returned to the Urban Planning and Land Use Department by July 29, 2015 via email, fax, mail or personal delivery. A neighborhood meeting has been scheduled for the evening of Monday, July 27, 2015. The required sign-in sheet, meeting minutes and affidavit will be e-mailed to the UG by July 29, 2015.

KEY ISSUES

Landscaping and Screening
Public Works comments

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy for any building on the property. This is understood. It is requested that a Temporary Certificate of Occupancy be issued if the interchange completion lags behind construction of the first building.

2. A design criteria manual for the entire center shall be developed so when each tenant goes through the plan review process, they know the expectations and requirements upfront, making the review process run more efficiently and smoothly. In addition, by having the design criteria in place, the center will have a uniform appearance, giving the overall development an identity. Moreover, the criteria would allow each building to have some individuality and keep the architectural integrity of the center together. The criteria must be approved along with the zoning application and master plan amendment. A preliminary copy of the Site Regulations is attached to this response.

Within the manual, there needs to be greater detail explained and subsequently illustrated for the overall center in terms of distinct
Resolution amending the UG Commission meeting schedule previously adopted by changing the September 17, 2015, meeting to September 24, 2015.

Action Requested: **ONLY VISIBLE TEXT WILL BE PRINTED**
Adopt resolution
A RESOLUTION amending Resolution No. R-27-15 by changing a meeting date of the Unified Government Commission, and repealing that portion of Resolution No. R-27-15 which conflicts with this Resolution.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

WHEREAS, pursuant to the provisions of Section 3.07 of the Charter for the Unified Government of Wyandotte County/Kansas City, Kansas, the Commission adopted a schedule of regular Commission and Standing Committee meeting dates from May 14, 2015, through April 10, 2017, in Resolution No. R-27-15; and

WHEREAS, the Commission has determined that the meeting of the Unified Government Commission originally scheduled for September 17, 2015, should be changed,

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


2. That such portion of Resolution No. R-27-15 which conflicts with this Resolution is hereby repealed.


__________________________
Unified Government Clerk
architectural elements and features that tie Turner Commerce Center together, creating a consistent appearance. A preliminary copy of the Site Regulations is attached to this response.

**Landscaping and Screening:**

1. The mature stand of trees around the perimeter of the development shall be preserved as a natural screening buffer between adjacent residential properties and the proposed buildings and parking lots. The mature trees have been maintained to the greatest extend possible.

2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. The required number of trees (required 541, provided 543) has been calculated and shown on the Landscape Plans. Screening of buildings was taken under consideration in placement of landscape materials.

   Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property. The placement of trees as shown on the Landscape Plans was reviewed with the City Planning Department and found to be acceptable.

   Since this property abuts residentially zoned property, please provide fence diagrams around the perimeter of the property. Any fencing required to supplement the landscape plantings shall be provided. Any fencing required to supplement landscape plantings will be provided with the Building Permit plans.

3. Sec. 27-700(b)(3) A buffer area shall be provided along the side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six-foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center. The placement of trees as shown on the Landscape plans was reviewed with the City Planning Department and generally found to be acceptable. It was agreed to place some additional bushes along the main entry drive (proposed 69th Street) off Riverview Avenue.

4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. This is understood and additional detailing will be shown with the Building Permit plans.

   All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet. This is understood.

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-
reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This is understood.

All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures. This is understood.

**Signage:**

1. Sec. 27-729(a) In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project. This is understood and will be provided at a later time as part of the signage package.

2. Sec. 27-729(c)(1-6) In planned commercial and industrial districts CP-0 through CP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:

   (1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge. This is understood.

   (2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base. This is understood.

   (3) A theater listing may be permitted with planning commission approval as part of a center identification sign. This is understood.

   (4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign. This is understood.

   (5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum
setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere. This is understood.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development. This is understood.

3. All tenant signage shall have channel letters. This is understood.

Construction Timing:

1. The UG agrees on the upsizing proposal and the 8" line being a public sewer extension subject to local and KDHE approval. The plan will require all right of way and easements from the applicant’s property for the sewer alignment be dedicated to the UG at no cost. This is understood.

Public Works Comments:

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

1) Construction plans shall be reviewed and approved prior to UG final approval and acquisition of Construction Permits. This is understood.

2) The plan states that the Unified Government (UG) will be removing the Riverview Bridge over the Turner Diagonal and Riverview will be realigned as an at-grade intersection. This commitment still requires approval of a developer’s agreement and ratification by the UG governing bodies. This item will require further discussion as well and must be approved prior to publication of the change of zone ordinance. This is understood. The Developers agreement is being taken before the Planning Commission on Monday August 10, 2015.

3) The plan will require all right of way and easements from the applicant’s property for the new alignment be dedicated to the UG at no cost. This should be done via a plat. This is understood.

4) A determination needs to be made on whether the internal access drive is public or private. Road shall be built to public standards either way. This is understood.

5) Cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. Later phases may require changes based on being a public or private street. This is understood.
6) Only one access to the site is shown. May require secondary emergency access per Fire Department standards. The Site is served by the main access drive/street (69th Street) off Riverview. This road is 52’ back to back for approximately 300 feet before it intersects with the first internal road. Internal access roads are provided around the perimeter of all buildings providing clear access for Emergency vehicles.

7) Construction traffic will have a serious impact on the traveling public and will require careful coordination with the public, UG and KDOT. Project should have KDOT/KTA input due to near vicinity of I-70 & Turner Diagonal ramps. This is understood.

8) Street lighting will be required on both the access drive and the relocated Riverview. The relocation of Riverview is an obligation of the UG per the proposed Development Agreement. It is understood that both Riverview and the access drive shall be lighted.

9) The traffic trip generation, turning movement projections and levels of service require further review and discussion. Also, did not see discussion of signalization for both the at-grade intersection and the access road with Riverview. This must be included in preliminary traffic study for change of zone. An updated Traffic Study is attached to this response addressing the realignment of Riverview Avenue and the construction of an at-grade intersection at its intersection with the Turner Diagonal. Proposed intersection improvements and traffic control are addressed in the Traffic Study. It is understood that a Developer’s Agreement needs to be signed in conjunction with the removal of the Riverview Avenue Bridge over the Turner Diagonal and the construction of the at-grade intersection.

10) Current study relies heavily on previous Turner Diagonal Study Report that needs more confirmation of feasibility issues for the proposed at grade intersection. These issues include any proposed changes from the original study, street geometrics including existing super elevation elimination, safety measures, impacts to other users, interaction with I-70 and 65th St traffic and basis of cost. As stated, the current study does rely on the extensive effort and analysis derived by the previous study. It is understood that an at-grade intersection will change the driving characteristics of this existing section of the Turner Diagonal. The current study evaluates the capacity of the proposed at-grade intersections and makes recommendations to the required lane geometrics and traffic control.

11) We welcome the opportunity to meet regarding this project but due to vacations, it would need to be on or after August 5th. Please schedule this meeting through John Cygibel. An e-mail was sent to John Cygibel requesting this meeting.

12) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy. This is understood.

13) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method
chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request. The sewer memorandum reflected how we arrived at 0.28cfs/acre and is consistent with the proposed use for the property.

B) Items that are conditions of approval (stipulations):

1) None

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

1) None

If you have any questions or desire additional information, don’t hesitate to call. I can be reached at 913-642-6642, extension 204.

Sincerely,

Continental Consulting Engineers, Inc.

[Signature]

David S. Lotz, P.E.
Senior Civil Engineer

Encl.

Cc: Eric Watts, NorthPoint Development
July 28, 2015

SUBJECT: Neighborhood Outreach Meeting Minutes

Application Number #CZ-15401-00009 (Ref: 3092)

Date and Location: July 27, 2015 – 6565 State Avenue, Kansas City, Kansas 66102

Meeting called to order at: 5:40 PM

Names of people in attendance:

Brent Miles – NorthPoint Development
Eric Watts – NorthPoint Development
Phil Gibbs, Jr. – Continental Consulting Engineers
David Lotz – Continental Consulting Engineers
Attendee Sign-In Sheet Attached

Introductions:

- NorthPoint Development background
- Brent and Eric introduction
- Dave & Phil with Continental Consulting Engineers introduction
- Overview of project and discussion of speculative buildings
- Review of known issues
  - Sewer routing – gravity drain to North not over the creek
  - Storm water runoff, washout and Speaker Road drainage
  - Access to Riverview and the bridge
  - Appearance of development
  - Noise concerns
- Informed all attendees about Planning Commission meeting on 8/10

Presentation:

- Review building appearance and rendering
- Pictures and discussion of other developments
- Review site layout, number and size of buildings, landscaping and existing undisturbed trees and vegetation
- Landscaping legend review
- Review blow up of buildings and exterior landscaping including area of disturbance
- Line of sight profile discussion with overall area of disturbance

1 of 4
Photographs were displayed from each line of sight profile point, with the exception of profile 3, and elevation changes and distances from building to property were discussed.

Pictures of existing bridge conditions were displayed and the new interchange was discussed. It is currently unknown whether the new interchange will be at grade or a new bridge.

Storm water detention plan was reviewed and discussed. Locations of wet and dry basins were shown and an overview of the storm water design was provided by Continental.

Noise study based on uninterrupted line of sight and anticipated maximum 120db level for back up alarms was reviewed at closest proximity properties.

Questions and answers:

- Marla Austin
  - What are the plans for the bus stop at 70th & Riverview? Currently up to 400 cars pass the bus stop between the hours of 6:30-8:30AM. Majority of traffic heads to BPU and QT.
    - Brent Miles response: We were not aware of this issue and will reach out to the school district and have a response at the Planning Commission meeting.
  - Neighborhood kids play in the creek, what will happen with it?
    - Brent Miles response: The creek will not be disturbed by the development. We will not be taking sewer over the creek as shown on other proposed developments.
  - What happens if 7 or 8 years down the road noise is an issue? How will it be handled? The railroad can be heard currently.
    - Brent Miles & Eric Watts response: You will hear some noise. Our sound study was based on uninterrupted line of sight and does not account for the multiple tree lines that the sound has to travel through. We will go back and look at adding additional tree lines to attempt to further reduce sound. We have looked at screen walls in other developments but most property owners do not like the idea as it produces a “prison” type of feel.

- Bob Bradwell
  - Will the site operate 24/7?
    - Brent Miles response: The building is being built on a speculative basis so it is possible that the site could operate 24/7. Roughly 10% of our tenants operate a second shift or overnight. We can provide an actual percentage of our tenants that do operate overnight if you would like the information.
  - Storm water runs over Speaker and 68th Street. All the additional buildings and paving will create even more runoff. How is this going to be addressed?
Would like something in writing guaranteeing that the overflow of the street and drainage pipe will be addressed.

- David Lotz response: Existing storm water channels in these locations are full of dirt and debris. A section of the 36” pipe that runs under Speaker Road for storm water is crushed. Channels need cleaned out and pipe repaired. All storm water onsite will be contained by the wet and dry detention basins. (David offered to run through the analysis after the meeting.)

  - When will detention basins be built?
    - Brent Miles & Eric Watts response: Only the first building about half the site infrastructure will be built in the initial phase. The first building is in a location that is mostly cut so most of site grading will occur with the first phase including grading of the majority of the detention basins in addition to the Storm Water Pollution Prevention Plan.

- The following questions were asked but names were missed or not provided:

  - Is any of this TIF?
    - Brent Miles response: The TIF has been or will be dissolved. The site would be granted a 20 year tax abatement which would allow us to essentially self-impose a $0.50 per square foot tax on ourselves for repayment of the cost of the new Turner Diagonal & Riverview interchange.

  - How will property value be affected?
    - Brent Miles response: I don’t know. It is difficult to determine how property value will be affected. It could be viewed in positive and negative ways.

  - What is the construction of the buildings?
    - Brent Miles and Eric Watts response: Concrete tilt up which is cast onsite with metal columns and beams. Premanufactured metal joists and metal roof deck. The slide shown earlier was all tilt construction buildings with storefront aluminum and glass systems. These are the template for what will be installed with a slightly different color scheme.

  - Who are the General Contractors we typically use? What about local contractors like JE Dunn & McCownGordon?
    - Brent Miles response: We are currently working with Clayco, ARCO and MillerStauch. MillerStauch is based in KCK. We have worked with McCownGordon before. Our projects would generally not be complex enough for JE Dunn to provide competitive pricing.

  - Will the workers be Union or non-union?
    - Brent Miles and Eric Watts response: There are no union or prevailing wage requirements in Kansas. There are only a few earthwork contractors that are capable of handling a project of this scale. This is a 1,000,000CY cut/fill project so there is a good chance that the earthwork company will be Union. On the majority of our
projects the concrete work is also performed by Union. For example on our Kaw Point project Kaw Valley Companies performed all demolition and earthwork.

Closing:

- Recap of all issues discussed and brought up.
- Offered to discuss any of the topics from the meeting in further detail.
- Reminder of the Planning Commission meeting on 8/10/15 at 6:30PM
- Thanked everyone for coming and reminded them to sign in if they hadn’t and to grab refreshments on the way out.

Meeting adjourned at: **6:45 PM**

Minutes taken by: **Eric Watts – NorthPoint Development**

Respectfully,

[Signature]

Eric Watts | Project Manager
NorthPoint Development
5015 WW Canal St. - Suite 200
Riverside, MO 64150
[www.beyondthecontract.com](http://www.beyondthecontract.com)
Letter of Transmittal

TO: Bill Heatherman
   County Engineer
   Unified Government of
   Wyandotte County/Kansas City, Kansas
   701 N 7th Street Rm 712
   Kansas City, KS 66101

FROM: David S. Lotz, P.E.
       Continental Consulting Engineers, Inc.

RE: Turner Commerce Center
    Riverview/Turner Diagonal
    Preliminary Feasibility Study
    of at-grade Intersection

DATE: August 3, 2015

Dear Bill,

The following is written to provide additional clarification/confirmation for the feasibility of
an at-grade intersection at the Riverview Turner Diagonal Intersection. In writing the
attached, please be advised that we have not been retained by NorthPoint Development
to design the offsite improvements. This information has been provided solely at the
request of the County Engineer for the Unified Government and should be considered
preliminary in nature.

The narrative below provides a timeline for discussions related to the replacement of
the Riverview Avenue Bridge over the Turner Diagonal.

- The Riverview Bridge over Turner Diagonal is deteriorating. The Unified
  Government attempted to repair but side rails became unattached to bridge
  and temporary jersey barriers were placed on bridge narrowing the
  lanes; not in CMIP budget in near term for replacement.

- Former County Engineer, Fred Backus, wondered about the possibility of
  eliminating the long-term costs of bridge maintenance and observed that the
  grades seemed to work for an at grade intersection.

- Project Socrates appears as a potential user for the Turner Woods property
  and would require access improvements be made as part of project.
• The U.G. hires Lochner consulting engineers to undergo analysis of the corridor and issues study of alternative intersection/interchange layouts with pros and cons of each.

• Project Socrates decides to go to Tulsa.

• Commissioner Walker indicates to U.G. staff at a public meeting that Wyandotte County needs more industrial property. The Wyandotte Economic Development Council (WYEDC) begins putting together an inventory of potential properties for projects because there is a shortage of industrial tracts available especially with good access, not brownfield sites; and in a community with a good workforce partnership like with the KCKCC.

• The WYEDC begins evaluating the merits of repurposing currently underutilized property adjacent to the Turner Diagonal corridor. It is determined that development is somewhat limited without the removal of antiquated ramps and access points along the corridor. Refer to CCEI Exhibit I – Corridor Reclassification.

• There are hundreds of acres of ground with poor access due to the intersection of the Turner Diagonal with I-70 being a former Toll Booth interchange. Removal of these ramps and a number of bridges could take miles of pavement off the maintenance list of the KTA/KDOT and potentially place excess right-of-way into adjacent property and on the UG tax rolls.

• The right-of-way from the ramps could make the property in the NE quadrant of I-70/Turner Diagonal developable. A new I-70 intersection with Turner Diagonal could utilize the existing bridges and be converted to a more efficient diamond or diverging diamond intersection. The Turner Diagonal Corridor could then have additional at-grade access to property North of I-70 and South of State via Taurome Avenue.

• Turner Woods and parcels North of I-70 slowly become more attractive for future development due to their proximity to the I-70/Turner Diagonal corridor. There have been several recent projects including Project Talking Bird (CCEI Exhibit II) and later Project Springs (CCEI Exhibit III) that show concept plans master planning/evaluating the long range use of a repurposed Turner Diagonal Corridor.

• NorthPoint Development expresses interest in purchasing the Turner Woods property for a light-industrial/warehouse park but has same concern about access as Project Socrates. NorthPoint Development works with the U.G. to develop a funding proposal using property taxes on the project to improve the Riverview/Turner Diagonal access. Northpoint and the UG enter into a
conceptual agreement. The agreement reportedly agrees to a dollar amount that the Northpoint project will contribute to the Riverview Turner Diagonal Improvements.

- The U.G. is put in charge of the design and construction of the improvements. The UG has concerns about removing a grade separated interchange. The UG requests additional information from Northpoint consultant in support of an at grade interchange.

At Grade Intersection

The proposed at grade intersection for the Turner Diagonal is located in the middle of a large horizontal curve (2292.01’ Radius) with a 6% super elevation. When designing at grade intersections, it is desirable to maintain the cross slope within the intersection between 1% and 3% so that vehicles don’t slide laterally when slowing or coming to a stop in icy/wet conditions.

The following outlines changes in the concept plan for at grade intersection as outlined in the original Lochner 2014 Study and as illustrated on Exhibit E, ALT D attached. CCEI Exhibit 1/1A are provided for a basis of comparison.

- The Lochner plan removes all pavement between tangents both north and south of the Turner Diagonal horizontal curve replacing that pavement with a typical section as shown on referenced Exhibit E. This plan provides a road section that is crowned at the center and slopes away from the crown at 2% in both directions. The CCEI plan contemplates sloping the road at 2% uphill from the east pavement edge towards the west maintaining the 2% cross slope through the intersection as shown on CCEI, Exhibit 2. The CCEI plan has the potential to reduce the amount of pavement that needs to be removed, the volume of earthwork that needs to be handled, and reduces the super elevation through the intersection from 6% to 2% while maintaining the general drainage patterns as they exist today. In changing the roadway super elevation from 6% to 2%, the road design speed can be maintained at 65 mph as calculated per AASHTO standards.

- The Lochner plan (Exhibit E, ALT D) for the Turner Diagonal appears to provide for a curbed section within the median and outside lane edges for the entire length of the improvement. The CCEI plan (Exhibit 2) provides curb medians at inside turn bays and tapers and a 10’ asphalt shoulder along the outside lanes of the Turner Diagonal. The plan by CCEI starts the curbing for Riverview Avenue at the curb returns.

- Both the Lochner plan (Exhibit E, ALT D) and the CCEI plan (CCEI Exhibit 3) provide for curb along the entire section of relocated Riverview Avenue.
• The Lochner Plan appears to provide NB/SB acceleration lanes and tapers for the turn movements from Riverview onto the Turner Diagonal. The CCEI plan, Exhibit 1/1A does not provide for these acceleration lanes. With a traffic signal at the intersection, the need for acceleration lanes aren’t typically required at signalized intersections.

• The Lochner plan provides for bicycle lanes on Riverview Avenue. The CCEI plan Exhibit’s 1/1A and 3 places bicycle traffic on the adjacent 8’ wide hike/bike path.

Safety measures

• The speed limit along the Turner Diagonal is recommended to be reduced from 55 mph to 45 mph consistent with other at grade intersections within the Turner Diagonal corridor and other similar corridors (i.e. @ State Avenue, @ 59th Street, and along the Kansas Avenue corridor). Advance warning devices are recommended be installed to warn vehicles of the lower speeds and traffic signal ahead.

• A grade separated interchange would allow both pedestrians and bicycle’s to flow with traffic across the Turner Diagonal. Riverview Avenue is posted at 30 mph. A Turner Diagonal at grade intersection requires pedestrian and bicycle movements to occur across a major intersection and subjects pedestrians and bicycle’s to cross traffic. The use of Traffic Signals with pedestrian push buttons to promote the movement of pedestrian’s and bicycle’s across the Turner Diagonal would be consistent with speeds and traffic experienced at most major arterial streets. The use of a raised median within the Turner Diagonal could provide a refuge point for bicycles and pedestrians making the east/west movement.

Impact to Other Users

• The 2014 Traffic Study by Lochner does a good job in outlining both the advantages and disadvantages of the various options identified. Exhibit G from that study is included for reference.

• While we generally agree with Lochner Exhibit G, we believe that access to/from BPU will be improved by the installation of a Traffic Signal that provides time to reach posted speed limits in lieu of the existing short ramps with tight radii and inadequate merge distances to reach required roadway design speeds.

• We agree that additional public outreach would provide a more global view of the stakeholders in the area.
• This proposed change to an at grade solution is not unprecedented as this occurred in the 1990’s at State Avenue (Refer to Exhibit IV, google image of old State Avenue/Turner Diagonal Interchange) and has more recently been evaluated at the K-32 intersection between KDOT and the UG.

• There are currently traffic signals along this corridor at State Avenue, 59th Street, 65th Street and eastward along Kansas Avenue.

Interaction w/I-70

• The EB/SB I-70 to Turner Diagonal off-ramp has a posted speed limit of 25 mph and currently has to merge quickly with SB Turner Diagonal traffic with a posted speed limit of 55 mph. The removal of the Riverview Bridge over the Turner Diagonal and replacing it with an at grade intersection at a point further away from the interchange improves the weave that currently occurs between SB Turner Diagonal traffic and EB/SB I-70 traffic as they attempt to exit onto Riverview. Refer to CCEI Exhibit 4 for an understanding of the distances between gore points and the improved distance with the relocated intersection.

• The 65th Street WB/NB on-ramp to the Turner Diagonal does not have a posted speed limit, has tight curve radii, but has a relatively long distance (1300’) between its gore point and the gore point for the NB off-ramp to Riverview. The removal of the Riverview Bridge over the Turner Diagonal and replacing it with an at grade intersection further away from the Riverview off-ramp gore does not materially change the distance at which a vehicle would need to come to a complete stop. Refer to CCEI Exhibit 4.

• Separate meeting’s were held with KDOT Metro Engineer, Paul Gripka and KTA Chief Engineer David Jacobson on Friday, July 31, 2005 to discuss the impact of an at grade intersection on the operation of the I-70 interchange and off-ramps.

• Both KDOT and KTA have provided preliminary indications that the concept of an at-grade intersection as shown on Exhibit 1/1A has the potential to improve any weave problems that are currently being experienced within this section of the Turner Diagonal Freeway generally between I-70 and 65th Street.

Project Costs

A spreadsheet is attached outlining cost associated with improvements for an at Grade Intersection at the Turner Diagonal/Riverview Interchange. The proposed costs are based on the most current design attached. As a basis of comparison, the detailed budget prepared by Lochner consulting is included with as Exhibit E, Alternate D. The
attached budget by Lochner excludes escalators and engineering fees for design and inspection.

If you have any questions or desire additional information, don’t hesitate to call. I can be contacted at 913-642-6642, extension 204 or via e-mail at dl@ccengineers.com.

Sincerely,

Continental Consulting Engineers, Inc.

[Signature]

David S. Lotz, P.E.
Senior Civil Engineer

Encl.

Cc: Eric Watts, Northpoint Development
### Appendix “A” Exhibits

<table>
<thead>
<tr>
<th>CCEI Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCEI Exhibit 1</td>
<td>Turner Commerce Center – Preliminary Site Plan</td>
</tr>
<tr>
<td>CCEI Exhibit 1A</td>
<td>TCC – Preliminary Site Plan/Intersection Geometrics</td>
</tr>
<tr>
<td>CCEI Exhibit 2</td>
<td>Typical Sections – Turner Diagonal</td>
</tr>
<tr>
<td>CCEI Exhibit 3</td>
<td>Typical Sections – Riverview Avenue</td>
</tr>
<tr>
<td>CCEI Exhibit 4</td>
<td>Turner Diagonal Corridor adjacent to Turner Commerce Center</td>
</tr>
<tr>
<td>CCEI Exhibit I</td>
<td>Turner Diagonal Reclassification</td>
</tr>
<tr>
<td>CCEI Exhibit II</td>
<td>Potential Development NE Quadrant (Project Talking Bird)</td>
</tr>
<tr>
<td>CCEI Exhibit III</td>
<td>Potential Development NE Quadrant (Project Springs)</td>
</tr>
<tr>
<td>CCEI Exhibit IV</td>
<td>Google Image (State Avenue/Turner Diagonal, Circa 1991)</td>
</tr>
</tbody>
</table>

- Lochner Alt E, Exhibit D – Turner Diagonal/Riverview Intersection
- Lochner Exhibit G  Advantages/Disadvantages of Various Options

### Construction Estimates

- Lochner Alt E, Exhibit D – Cost Estimate
- CCEI Estimate
<table>
<thead>
<tr>
<th>Option of Project Cost</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bridge Option A (ALT A) - Replacement of the Existing Bridge Structure on the Existing Alignment (initial concept 5A)</strong></td>
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</tr>
<tr>
<td>$8,498,000</td>
<td>Maintains existing access configuration allowing existing users to utilize current routes</td>
<td>Maintains existing subgrade loop ramps and weave on Turner Diagonal</td>
</tr>
<tr>
<td></td>
<td>Allows bicycle and pedestrian access across Turner Diagonal</td>
<td>Increased overall project complexity due to gas/water transmission mains at RCO</td>
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<td></td>
<td>Improves site distance on Riverview Ave across Turner Diagonal</td>
<td>May limit large truck mobility due to sharp radii</td>
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<tr>
<td></td>
<td>Improves acceleration lanes on Turner Diagonal</td>
<td>Does not address roadside safety between NB and SB Turner Diagonal other than bridge pier protection</td>
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<tr>
<td></td>
<td>Improves existing RCB structure in need of maintenance</td>
<td>Maintains existing SPU access points</td>
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<tr>
<td><strong>Bridge Option B (ALT B) - Replacement of the Existing Bridge Structure on an Offset Alignment, Maintain East Ramps</strong></td>
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<tr>
<td>$8,330,000</td>
<td>Removes outdated loop ramps (north-side) on Turner Diagonal</td>
<td>Maintains existing outdated loop ramps (north-side) and weave on Turner Diagonal</td>
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<tr>
<td></td>
<td>Allows bicycle and pedestrian access across Turner Diagonal</td>
<td>Reduces existing SPU access points</td>
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<tr>
<td></td>
<td>Improves constructability due to offset alignment</td>
<td>May limit large truck mobility due to sharp radii</td>
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<td></td>
<td>Improves acceleration lanes on Turner Diagonal</td>
<td>Does not address roadside safety between NB and SB Turner Diagonal other than bridge pier protection</td>
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<td><strong>Bridge Option C (ALT C) - Replacement of the Existing Bridge Structure on an Offset Alignment, Reconstruct East Ramps</strong></td>
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<td>$8,516,000</td>
<td>Removes existing outdated loop ramps on Turner Diagonal</td>
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<td>Allows bicycle and pedestrian access across Turner Diagonal</td>
<td>Minimum AASHTO criteria needed to drill out of loop ramps</td>
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<td>Improved constructability due to offset alignment</td>
<td>Limited sight distance at diamond off ramps/Riverview intersection</td>
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<td>Improves acceleration lanes on Turner Diagonal</td>
<td>Reduces existing SPU access points</td>
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<td>Largest impact to adjacent SPU property</td>
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<td>Does not address roadside safety between NB and SB Turner Diagonal other than bridge pier protection</td>
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<td><strong>At-Grade Intersection Option (ALT D) - Replacement of the Existing Bridge Structure with a Signalized Intersection</strong></td>
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<td>$7,098,000</td>
<td>Removes existing outdated loop ramps and weave from Turner Diagonal</td>
<td>Requires bicycle and pedestrian traffic to negotiate major intersection at Turner Diagonal</td>
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<td>Initiates phased construction of Turner Diagonal into #1 main roadway facility</td>
<td>Requires lower posted speed limit on Turner Diagonal</td>
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<td>Eliminates bridge maintenance and inspection</td>
<td>Requires advance warning speed control measures</td>
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<td></td>
<td>Improved constructability due to offset alignment</td>
<td>Introduces stop condition on Turner Diagonal</td>
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<tr>
<td></td>
<td>Addresses roadside safety between NB and SB Turner Diagonal</td>
<td>Reduces existing SPU access points</td>
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EXHIBIT G
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**SUBTOTAL** | $3,769,418.03

**CONTINGENCY (Entered on Cover Sheet)** | $0.00

**TOTAL CONSTRUCTION COST** | $3,769,418.03
DESIGN GUIDE & SITE REGULATIONS

Table of Contents

Section One
  • Introduction
Section Two
  • Example Developments
Section Three
  • Architectural
Section Four
  • Landscaping
Section Five
  • Signage
SECTION ONE  INTRODUCTION

Turner Commerce Center is a new development that proposes three planned speculative multi-tenant Class "A" warehouse buildings totaling approximately 1,441,000 square feet. It is proposed at the southwest corner of Riverview Avenue and the Turner Diagonal.

The development is planned to be phased with the first phase consisting of the overall mass grading, public street installation, infrastructure and Building 1. Phases 2 & 3 would consist of final grading, additional infrastructure and Buildings 2 & 3. The intent is to complete the first Phase in 2017 with subsequent phases commencing upon successful leasing of Building 1.

The Design Guide & Site Regulations provide an illustration of and guidelines for NorthPoint Development’s vision of the site.
SECTION TWO EXAMPLE DEVELOPMENTS
Riverside Horizons:

[Images of commercial buildings]
Logistics Park Kansas City:
SECTION THREE ARCHITECTURAL

The planned development is composed of three Class “A” warehouse buildings designed for maximum flexibility and compatibility for the end user.

All exterior component of development structures shall be constructed of attractive, high quality materials including concrete (precast and site cast), masonry, glass, metal and all other materials commonly utilized in construction of a Class “A” warehouse facility. Specific materials which will be excluded from use for exterior structure construction include: exposed galvanized metal facades; nondecorative cinder or concrete block; and exposed double T concrete panels.

Exterior mechanical or electrical equipment shall be placed in effort to utilize building characteristics, such as parapet wall, to screen from view. If the function of the building or structure dictates placement of such equipment in a manner or location that the building exterior walls are unable to reasonably screen the equipment from view of adjacent existing or proposed streets or highways, they must be separately screened using materials compatible with the approved building materials with use of an appropriately designed parapet or screen wall or with acceptable landscaping.
Color Legend

Color of materials used on the construction of all buildings, enclosures, and appurtenant structures shall be consistent throughout the entire development.

Colors shall match or compliment all colors shown in the legend. Any deviation from the legend must be approved by Developer and, if applicable, Local Authority prior to use.

COLOR COATING LEGEND

- SHERWIN WILLIAMS: SW7674 "PEPPERCORN"
- SHERWIN WILLIAMS: SW7046 "ANONYMOUS"
- SHERWIN WILLIAMS: SW7038 "TONY TAUPE"
- SHERWIN WILLIAMS: SW7043 "WORLDLY GRAY"
- SHERWIN WILLIAMS: SW7672 "KNITTING NEEDLES"
Parking & Storage

PARKING:
Employee, customer, owner or tenant parking shall be the responsibility of the property owners and they shall provide all necessary parking facilities entirely on their property. Parking on private or public streets within the development is expressly prohibited. All non-public streets, parking areas and drives and access shall be paved with an impervious surface equal to asphalt or concrete and maintained by the owner in a well-kept condition. Each parking space provided shall be designated by lines painted on the paved surfaces and shall be adequate in area, generally spaces will be sized nine feet wide by eighteen feet long (9' x 18') when a curb abuts and nine feet wide by twenty feet long (9' by 20') when not abutting a curb. Adequate off-street parking shall be provided by Owner and each tenant for its customers, employees and visitors. The parking ratios shall meet a minimum requirement of 1 space per 2,000 square feet of usable building space (1:2,000) or as agreed to by Developer and Local Authority.

OUTSIDE STORAGE & EQUIPMENT:
Outside storage is allowed within the development area. Outdoor storage areas will be identified on tenant improvement submittal packages unless specifically identified and approved as part of the final development plan. Outside storage and equipment shall be in accordance with the following standards:
- Submittals: Include a description and photo/sketch of the proposed storage/equipment. The storage area must be clearly delineated on a site plan.
- Location: All outside storage shall be located in either a side or rear building area. No outdoor storage shall be located within ten (10) feet of a street line.
- Screening: All outside storage shall be adequately screened by the buildings or landscaping or fenced.
- Appearance: All outside storage shall have a neat and orderly appearance.
- Setback: Outside storage areas shall comply with all setback requirements.
- Height: The height of stored items shall not exceed the height of the building.

This regulation does not apply to the customary truck and trailer parking activities associated with tenants inside the Planned Development.

Each Owner and tenant shall keep its premises, buildings and improvements and appurtenances in a safe, sightly, clean, neat and wholesome condition, and shall comply in all respects with all governmental, health and local authority requirements. Each Owner and tenant shall remove, at its own expense, any rubbish or trash of any character which may accumulate on its property and shall keep unlandscaped and landscaped areas neat and well-maintained.
SECTION FOUR LANDSCAPING

REQUIREMENTS:

All areas disturbed as part of the Planned Development and identified as landscaped areas within each building site not occupied by buildings, storage, parking, access roads and loading shall be suitably graded and drained and shall be maintained in lawn, trees, and/or shrubs, including lawn irrigation in all such areas. Areas not identified as landscaped or undisturbed by the planned development shall remain unirrigated with existing and/or new native vegetation. Building sites shall be landscaped in accordance with following:

- **Building Frontage at Street:** 1 Shade Tree or Evergreen Tree for every 50 feet of street frontage to be planted along the street right-of-way.
- **Common Area side or Building Rear:** 1 Shade Tree or Evergreen Tree for every 50 feet of frontage on common areas.
- **Parking Lots:** Landscaped islands should be added, where possible, at the ends of all parking rows and should be bermed and planted with either seed and/or sod or landscaping.
  1 Shade Tree or Evergreen Tree for every 200 square foot of parking lot islands.
  Parking lot screening is encouraged where available green space exists.
  Screening should be by shrubs approximately 3’ in height not exceeding 20% of total frontage.
- **Building Foundation:** Building foundations should be landscaped at building entries with groundcovers, shrubs and/or ornamental trees.

The landscape development, having been installed, shall be maintained in a neat and adequate manner, which shall include the mowing of lawns, trimming of hedges and other such similar maintenance. The landscaping shall be implemented and completed within three (3) months of the issuance of a temporary certificate of occupancy of the building; however, this timeframe may be extended to a maximum of six (6) months due to weather concerns.
Legend:

Example Tree & Shrub List:
Final species selections to be determined.

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Quantity</th>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shade Tree - 253</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Autumn Blaze Maple</td>
<td>Acer freemani</td>
<td>2.5&quot; cal</td>
<td></td>
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<tr>
<td>118</td>
<td>Celebration Maple</td>
<td>Acer x freemani Celebration</td>
<td>2.5&quot; cal</td>
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<tr>
<td>20</td>
<td>Regal Prince Columnar English Oak</td>
<td>Quercus x vari. &quot;Long&quot;</td>
<td>1.5&quot; cal</td>
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</tr>
<tr>
<td>Small Tree - 147</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>278</td>
<td>Ketleuver Juniper</td>
<td>Juniperus chinensis Keteleuver</td>
<td>6 ft.</td>
<td></td>
</tr>
<tr>
<td>Evergreen Tree - 316</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>Dwarf Winged Euonymous</td>
<td>Euonymous Alatus Compacta</td>
<td>24&quot;</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>Seagreen Juniper</td>
<td>Juniperus Chinensis Seagreen</td>
<td>24&quot;</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>Morning Light Aliden Grass</td>
<td>Miscanthus Sinensis Morning Light</td>
<td>3 ft.</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Anthony Waterer Spire</td>
<td>Spirea Bunchal Anthony Waterer</td>
<td>24&quot;</td>
<td></td>
</tr>
</tbody>
</table>
Landscaping Planting Details

TOTAL SITE AREA – 124.22 ACRES
1 TREE PER 10,000 SF OF TOTAL SITE
(1,241,023 SF / 10,000 = 124 TREES)

PARKING AREA REQUIREMENTS:
1 TREE PER 20 SPACES – 702 SPACES
(702 / 20 = 36 TREES)

TOTAL TREES
577

Shrub Bed & Parking
Setback Detail

Typical Utility Box Screening Details

Free Standing
Transformer

Free Standing
Small Box

Clustered Boxes

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Example Retaining Wall & Details

OMEGA "STRAIGHT FACE UNIT" PATTERN

PLAN VIEW

SIDE VIEW

FRONT VIEW

SECTION VIEW

PLAN VIEW

SIDE VIEW

FRONT VIEW

SECTION VIEW

CAPPING DETAIL PROFILE

TURNER COMMERCE CENTER
Building 2 Landscape Plan

BLDG2
SECTION FIVE  
SIGNAGE

REQUIREMENTS:

No sign shall be erected, placed or otherwise installed upon a building site or affixed to a building, structure, or other improvement erected on the development site until the plans for such sign have been approved and a sign permit issued. All signs are subject to review and shall be constructed of approved building materials and colors that complement the building design and layout of the site.

- **Monument Signs.** Monument signs shall be located at least five (5) feet from the street right-of-way. The sign face area of the monument sign shall not exceed fifty (50) square feet with a maximum height of ten (10) feet above the average grade unless the monument sign is utilized in lieu of a center identification sign in which case the monument sign face shall not exceed one hundred (100) square feet and two (2) monument signs may be provided.

- **Building Façade Signs.** Building Façade Signs shall be attached to the building to identify individual businesses. Each Individual business may have a maximum of three (3) wall signs per building, with a maximum of one (1) sign per side of building. The maximum sign face per sign shall be two hundred (200) square feet, except for businesses that occupy a single building the maximum sign face per sign shall be two-hundred fifty (250) square feet. For signs with one line of copy, the maximum letter height shall be seventy-two (72) inches per letter. For signs with two lines of copy, the maximum letter height shall be forty-eight (48) inches per letter.

- **For Sale or Lease Signs.** A temporary wood, metal, or plastic sign may be erected on a developed building site to offer the property for sale or lease. One (1) such sign, having a maximum area of four hundred (400) square feet is permitted for each building available for sale or lease.

- **Temporary Signs.** Paper signs, stickers, transfers, signs printed or affixed to, or visible through the windows, doors or exterior walls of a building or other signs of a temporary character or purpose, regardless of the composition of the sign or the materials used therefore, are expressly prohibited.

- **Construction Signs.** Temporary wood, metal, plastic, construction trailer and construction office signs will be allowed during the construction of a building project. Such signs may be either single or double faced with each face having a maximum area of one hundred (100) square feet. All signs permitted under this provision will be removed immediately upon issuance of an occupancy permit for any building constructed on the site.
Monument Sign Elevation

[Diagram of monument sign elevation with specifications and dimensions]
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Proposed ordinance amendment concerning a substitution clause for the sign code (150237)

GENERAL INFORMATION

This is a request of staff to prepare and process the following ordinance amendment to allow some measure of flexibility in terms of commercial and non-commercial speech and prevent a constitutional challenge following the Reed case.

Purpose: To allow the staff to substitute a constitutional interpretation of the current code until the Sign code is revised in 2016

Advertisement: July 16, 2015

Public Hearings: August 10, 2015 and August 27, 2015

Public Opposition: No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

PROPOSAL

Staff proposes the following ordinance modifications to help prevent a potential law suit due to the way some current provisions of the sign code are written:
NEW SECTION 27-745 - SUBSTITUTION CLAUSE; NONCOMMERCIAL SPEECH

Notwithstanding anything in Chapter 27, Division 11 or in this Code to the contrary, noncommercial speech shall be permitted and allowed to appear wherever commercial speech appears, i.e., any sign that would otherwise be permitted or allowed under this Chapter 27, Division 11 may, at the option of the owner, contain a noncommercial message in lieu of any other message. The noncommercial speech may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, in the same manner and with the same frequency in which the commercial message could be changed, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this Chapter 27, Division 11 and Code have been satisfied.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend approval of this ordinance amendment.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Hearing</td>
<td>August 10, 2015</td>
<td>August 27, 2015</td>
</tr>
<tr>
<td>Approval</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STAFF CONTACT: Robin Richardson rrichardson@wycokck.org

MOTIONS

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

**AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:**

**150237 ORDINANCE AMENDMENT** - A new Section 27-740, Planning and Development of Kansas City, Kansas Code of Ordinances, adding a substitution clause to division 11 (signs) of the zoning code.

Planner Toy stated that the text amendment allows the staff flexibility with commercial and non-commercial speech. This stems from the case that Mr. Richardson discussed last month (Supreme Court – Reed versus Gilbert) and their rendered decision will make a lot of cities revise their sign codes. This will also help the city from having a constitutional challenge/lawsuit while the sign code is being amended in 2016. The substitution clause will allow for noncommercial speech/messages to be displayed with or on commercial signage. It could be a church/school or non-commercial business advertising commercial tenants/speech. They can be treated the same as commercial signage as long as they abide by the district requirements that they are in with regard to setbacks, size and height of the sign and get a permit.

No one appeared in support or opposition to this ordinance amendment.

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of this ordinance amendment**:

Carson Aye
Connelly Aye
DeWitt Aye
Ernst Aye
Escobar Aye
Gonzalez Aye
Huey Aye
Hurrelbrink Chairman
Pauley Aye
Schwartzman Aye
Walker Not Present

Motion to recommend APPROVAL Passed: 9 to 0
ORDINANCE NO.____

AN ORDINANCE vacating TRACT 1 - All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 19, 20, 21, 22, 39, 40, 41, 42, and 43, of San Marcos Village Addition, and all that part of Everett Street (platted as El Cajon Street), La Mesa Street, and Santa Rosa Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

commencing at the northwest corner of the Southwest Quarter of said Section 6, thence North 88 degrees 16 minutes 31 seconds East, with the north line of the Southwest Quarter of said Section 6, a distance of 44.00 feet to a point on the east right-of-way of N. 94th Street, said point being the point of beginning; thence North 88 degrees 16 minutes 31 seconds East, continuing with the north line of the Southwest Quarter of said Section 6, a distance of 1030.24 feet; thence South 02 degrees 38 minutes 27 seconds East, and no longer with the north line of the Southwest Quarter of said Section 6, a distance of 1317.49 feet; thence South 58 degrees 10 minutes 44 seconds West, a distance of 186.93 feet; thence South 88 degrees 10 minutes 44 seconds West, a distance of 694.01 feet to the southwest corner of vacated Lot 20, San Marcos Village Addition; thence North 02 degrees 14 minutes 32 seconds West (North 00 degrees 22 minutes 52 seconds West plat), with the west line of vacated Lots 20 and 21, San Marcos Village Addition, a distance of 375.00 feet to the northwest corner of vacated Lot 22, San Marcos Village Addition; thence North 88 degrees 10 minutes 44 seconds East (North 90 degrees 00 minutes 00 seconds East plat), with the north line of said vacated Lot 22, a distance of 215.00 feet to the northeast corner of said vacated Lot 22; thence South 28 degrees 53 minutes 40 seconds East, with the east line of said vacated Lot 22, a distance of 207.93 feet to the southeast corner of said vacated Lot 22, said point being on the north right-of-way line of La Mesa Street; thence with the north right-of-way line of La Mesa Street on a curve to the left having a radius of 100.00 feet, a central angle of 18 degrees 10 minutes 27 seconds, with an initial tangent bearing of North 86 degrees 12 minutes 53 seconds East, an arc distance of 31.72 feet to a point of reverse curvature; thence continuing with the north right-of-way line of La Mesa Street on a curve to the right having a radius of 150.00 feet, a central angle of 18 degrees 08 minutes 18 seconds, an arc distance of 42.25 feet; thence North 84 degrees 10 minutes 44 seconds East, continuing with the north right-of-way line of La Mesa Street, a distance of 55.00 feet to a point of curvature, said point also being on the southwesterly right-of-way line of Everett Street; thence with the southwesterly right-of-way line of Everett Street on a
curve to the left having a radius of 50.00 feet, a central angle of 116 degrees 00 minutes 00 seconds, an arc distance of 101.23 feet; thence North 31 degrees 49 minutes 16 seconds West (North 30 degrees 00 minutes 00 seconds East plat), continuing with the southwesterly right-of-way line of Everett Street, a distance of 45.06 feet; thence North 58 degrees 10 minutes 44 seconds East (South 90 degrees 00 minutes 00 seconds East plat), and no longer with the southwesterly right-of-way line of Everett Street and with the southerly line of Lot 34, San Marcos Village Addition and its southwesterly prolongation, a distance of 249.87 feet (250.00 feet plat) to the easterly most corner of said Lot 34; thence North 31 degrees 49 minutes 16 seconds West (North 30 degrees 00 minutes 00 seconds West plat), with the easterly line of Lots 34, 33, and 32, San Marcos Village Addition, a distance of 360.00 feet to the northeast corner of Lot 31, San Marcos Village Addition; thence North 61 degrees 15 minutes 46 seconds West (North 59 degrees 26 minutes 30 seconds West plat), with the northerly line of Lots 31 and 30, San Marcos Village Addition, a distance of 178.67 feet; thence South 88 degrees 10 minutes 44 seconds West (South 90 degrees 00 minutes 00 seconds West plat) with the north line of Lots 30, 29, and 28 of San Marcos Village Addition, a distance of 340.00 feet to the southeast corner of Lot 5, San Marcos Village Addition; thence North 02 degrees 14 minutes 32 seconds West (North 00 degrees 22 minutes 52 seconds West plat), with the east line of Lots 5, 4, 3, 2, and 1 of San Marcos Village Addition, a distance of 500.00 feet to the northeast corner of said Lot 1; thence South 88 degrees 10 minutes 44 seconds West (South 90 degrees 00 minutes 00 seconds West plat) with the north line of said Lot 1, a distance of 195.00 feet to a point on the east right-of-way line of N. 94th Street; thence North 02 degrees 14 minutes 32 seconds West, with the east right-of-way line of N. 94th Street, a distance of 162.43 feet; thence North 00 degrees 06 minutes 44 seconds East, continuing with the east right-of-way line of N. 94th Street, a distance of 219.11 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing with the east right-of-way line of N. 94th Street, a distance of 140.00 feet to the point of beginning. The above described tract contains 1,306,592 square feet, or 30.00 acres.

TRACT 3 - All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 17, 18, 19, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and vacated Tracts A and B, and all of Lots 14, 15, 16, and 107, and Lot Park, all of San Marcos Village Addition, and all that part of Santa Rosa Street, Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: commencing at the southeast corner of the Southwest Quarter of said Section 6, thence South 88 degrees 10 minutes 44 seconds West with the south line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence North 01 degree 49 minutes 16 seconds West, perpendicular to the south line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the north right-of-way line of State Avenue, said point being the southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the point of beginning; thence South 88 degrees 10 minutes 44 seconds West (North
90 degrees 00 minutes 00 seconds West plat), with the north right-of-way line of State Avenue, and with the south line of vacated Lots 99, 100, 102, 103, 104, Lot Park, and the south line of vacated Tract A, a distance of 1802.97 feet to the southwest corner of said vacated Tract A; thence North 02 degrees 14 minutes 32 seconds West (North 00 degrees 22 minutes 52 seconds West plat), with the west line of vacated Tract A and with the west line of Lot 107, San Marcos Village Addition, and no longer with the north right-of-way line of State Avenue, a distance of 407.42 feet to the northwest corner of said Lot 107, said point also being on the south line of vacate Lot 17; thence South 88 degrees 10 minutes 44 seconds West (North 90 degrees 00 minutes 00 seconds West plat), with the south line of vacated Lot 17 and the south line of Lot 16, San Marcos Village Addition, a distance of 410.42 feet to a point on the east right-of-way of N. 94th Street; thence North 02 degrees 14 minutes 32 seconds West, with the east right-of-way line of N. 94th Street, a distance of 300.00 feet to a point on the north line of Lot 14, San Marcos Village Addition; thence North 88 degrees 16 minutes 31 seconds East (North 90 degrees 00 minutes 00 seconds East plat), with the north line of said Lot 14 and its easterly prolongation, a distance of 2263.68 feet to a point on the east line of the said vacated Lot 92; thence South 31 degrees 58 minutes 44 seconds West (South 32 degrees 22 minutes 20 seconds West plat and South 33 degrees 22 minutes West deed), with the east line of said vacated Lots 92 and 93, a distance of 87.36 feet to the northeast corner of vacated Lot 94; thence South 02 degrees 08 minutes 17 seconds East (South 00 degrees 40 minutes 15 seconds East plat and South 00 degrees 02 minutes West deed), with the east line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the point of beginning. The above described tract contains 1,400,775 square feet, or 32.16 acres.

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

Section 1. That the following described street in Kansas City, Kansas be and the same is hereby vacated:

TRACT 1 - All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 19, 20, 21, 22, 39, 40, 41, 42, and 43, of San Marcos Village Addition, and all that part of Everett Street (platted as El Cajon Street), La Mesa Street, and Santa Rosa Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: commencing at the northwest corner of the Southwest Quarter of said Section 6, thence North 88 degrees 16 minutes 31 seconds East, with the north line of the Southwest Quarter of said Section 6, a distance of 44.00 feet to a point on the east right-of-way of N. 94th Street, said point being the point of beginning; thence North 88 degrees 16 minutes 31 seconds East, continuing with the north line of the Southwest Quarter of said Section 6, a distance of 1030.24 feet; thence South 02 degrees 38 minutes 27 seconds East, a distance of 1317.49 feet; thence South 58 degrees 10 minutes 44 seconds West, a distance of

#R/W-2015-4 Ordinance 3
186.93 feet; thence South 02 degrees 38 minutes 27 seconds East, a distance of 458.87 feet; thence South 88 degrees 10 minutes 44 seconds West, a distance of 694.01 feet to the southwest corner of vacated Lot 20, San Marcos Village Addition; thence North 02 degrees 14 minutes 32 seconds West (North 00 degrees 22 minutes 52 seconds West plat), with the west line of vacated Lots 20 and 21, San Marcos Village Addition, a distance of 375.00 feet to the northwest corner of vacated Lot 22, San Marcos Village Addition; thence North 88 degrees 10 minutes 44 seconds East (North 90 degrees 00 minutes 00 seconds East plat), with the north line of said vacated Lot 22, a distance of 215.00 feet to the northeast corner of said vacated Lot 22; thence South 28 degrees 53 minutes 40 seconds East, with the east line of said vacated Lot 22, a distance of 207.93 feet to the southeast corner of said vacated Lot 22, said point being on the north right-of-way line of La Mesa Street; thence with the north right-of-way line of La Mesa Street on a curve to the left having a radius of 100.00 feet, a central angle of 18 degrees 10 minutes 27 seconds, with an initial tangent bearing of North 86 degrees 12 minutes 53 seconds East, an arc distance of 31.72 feet to a point of reverse curvature; thence continuing with the north right-of-way line of La Mesa Street on a curve to the right having a radius of 150.00 feet, a central angle of 18 degrees 08 minutes 18 seconds, an arc distance of 42.25 feet; thence North 84 degrees 10 minutes 44 seconds East, continuing with the north right-of-way line of La Mesa Street, a distance of 55.00 feet to a point of curvature, said point also being on the southwesterly right-of-way line of Everett Street; thence with the southwesterly right-of-way line of Everett Street on a curve to the left having a radius of 50.00 feet, a central angle of 116 degrees 00 minutes 00 seconds, an arc distance of 101.23 feet; thence North 31 degrees 49 minutes 16 seconds West (North 30 degrees 00 minutes 00 seconds West plat), continuing with the southwesterly right-of-way line of Everett Street, a distance of 45.06 feet; thence North 58 degrees 10 minutes 44 seconds East (North 60 degrees 00 minutes 00 seconds East plat), and no longer with the southwesterly right-of-way line of Everett Street and with the southerly line of Lot 34, San Marcos Village Addition and its southwesterly prolongation, a distance of 249.87 feet (250.00 feet plat) to the easterly most corner of said Lot 34; thence North 31 degrees 49 minutes 16 seconds West (North 30 degrees 00 minutes 00 seconds West plat), with the easterly line of Lots 34, 33, and 32, San Marcos Village Addition, a distance of 360.00 feet to the northeast corner of Lot 31, San Marcos Village Addition; thence North 61 degrees 15 minutes 46 seconds West (North 59 degrees 26 minutes 30 seconds West plat), with the northerly line of Lots 31 and 30, San Marcos Village Addition, a distance of 178.67 feet; thence South 88 degrees 10 minutes 44 seconds West (South 90 degrees 00 minutes 00 seconds West plat) with the north line of Lots 30, 29, and 28 of San Marcos Village Addition, a distance of 340.00 feet to the southeast corner of Lot 5, San Marcos Village Addition; thence North 02 degrees 14 minutes 32 seconds West (North 00 degrees 22 minutes 52 seconds West plat), with the east line of Lots 5, 4, 3, 2, and 1 of San Marcos Village Addition, a distance of 500.00 feet to the northeast corner of said Lot 1; thence South 88 degrees 10 minutes 44 seconds West
(South 90 degrees 00 minutes 00 seconds West plat) with the north line of said Lot 1, a distance of 195.00 feet to a point on the east right-of-way line of N. 94th Street; thence North 02 degrees 14 minutes 32 seconds West, with the east right-of-way line of N. 94th Street, a distance of 162.43 feet; thence North 00 degrees 06 minutes 44 seconds East, continuing with the east right-of-way line of N. 94th Street, a distance of 219.11 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing with the east right-of-way line of N. 94th Street, a distance of 140.00 feet to the point of beginning. The above described tract contains 1,306,592 square feet, or 30.00 acres.

**TRACT 3** - All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 17, 18, 19, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and vacated Tracts A and B, and all of Lots 14, 15, 16, and 107, and Lot Park, all of San Marcos Village Addition, and all that part of Santa Rosa Street, Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: commencing at the southeast corner of the Southwest Quarter of said Section 6, thence South 88 degrees 10 minutes 44 seconds West with the south line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence North 01 degree 49 minutes 16 seconds West, perpendicular to the south line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the north right-of-way line of State Avenue, said point being the southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the point of beginning; thence South 88 degrees 10 minutes 44 seconds West (North 90 degrees 00 minutes 00 seconds West plat), with the north right-of-way line of State Avenue, and with the south line of vacated Lots 99, 100, 102, 103, 104, Lot Park, and the south line of vacated Tract A, a distance of 1802.97 feet to the southwest corner of said vacated Tract A; thence North 02 degrees 14 minutes 32 seconds West (North 00 degrees 22 minutes 52 seconds West plat), with the west line of vacated Tract A and with the west line of Lot 107, San Marcos Village Addition, and no longer with the north right-of-way line of State Avenue, a distance of 407.42 feet to the northwest corner of said Lot 107, said point also being on the south line of vacate Lot 17; thence South 88 degrees 10 minutes 44 seconds West (North 90 degrees 00 minutes 00 seconds West plat), with the south line of vacated Lot 17 and the south line of Lot 16, San Marcos Village Addition, a distance of 410.42 feet to a point on the east right-of-way of N. 94th Street; thence North 02 degrees 14 minutes 32 seconds West, with the east right-of-way line of N. 94th Street, a distance of 300.00 feet to a point on the north line of Lot 14, San Marcos Village Addition; thence North 88 degrees 10 minutes 44 seconds East (North 90 degrees 00 minutes 00 seconds East plat), with the north line of said Lot 14 and its easterly prolongation, a distance of 2263.68 feet to a point on the east line of the said vacated Lot 92; thence South 31 degrees 58 minutes 44
seconds West (South 32 degrees 22 minutes 20 seconds West plat and South 33 degrees 22 minutes West deed), with the east line of said vacated Lots 92 and 93, a distance of 87.36 feet to the northeast corner of vacated Lot 94; thence South 02 degrees 08 minutes 17 seconds East (South 00 degrees 40 minutes 15 seconds East plat and South 00 degrees 02 minutes West deed), with the east line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the point of beginning. The above described tract contains 1,400,775 square feet, or 32.16 acres.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ______ DAY OF __________, 2015

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: ____________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_________________________________
UNIFIED GOVERNMENT CLERK
ORDINANCE NO. ______________

AN ORDINANCE allowing the substitution of noncommercial speech on signs containing commercial speech; adding a new Section 27-745 to Chapter 27, Article VIII, 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. That Chapter 27, Planning and Development, Article VIII, Section 27-745 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby added to read as follows:

27-745 - SUBSTITUTION CLAUSE; NONCOMMERCIAL SPEECH

Notwithstanding anything in Chapter 27, Division 11 or in this Code to the contrary, noncommercial speech shall be permitted and allowed to appear wherever commercial speech appears, i.e., any sign that would otherwise be permitted or allowed under this Chapter 27, Division 11 may, at the option of the owner, contain a noncommercial message in lieu of any other message. The noncommercial speech may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, in the same manner and with the same frequency in which the commercial message could be changed, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this Chapter 27, Division 11 and Code have been satisfied.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF ______________________, 2015.

______________________________
Mark Holland, Mayor/CEO
Attest:

_________________________________________
Unified Government Clerk

Approved as to form:

__________________________________________
Patrick Waters
Legal Department
To: Unified Government Board of Commissioners  
From: City Staff  
Date: August 27, 2015  
Re: Change of Zone Petition #3093 (150229)

GENERAL INFORMATION

Applicant: Blake Watson

Status of Applicant: Applicant
5201 North 97th Street
Kansas City, Kansas

Requested Actions: Change of Zone from A-G Agriculture District to C-3 Commercial District

Date of Application: June 26, 2015

Purpose: To store landscaping materials in conjunction with existing business

Property Location: 5201 and 5204 North 97th Street
Existing Zoning:  A-G Agriculture District

Surrounding Zoning:  
North:  A-G Agriculture District  
South:  A-G Agriculture District  
East:  A-G Agriculture District  
West:  A-G Agriculture District

Existing Uses:  
North:  Single family residences  
South:  Single family residences and farmland  
East:  Farmland  
West:  Farmland

Total Tract Size:  2.34 acres

Master Plan Designation:  The City-Wide Master Plan designates this property as Low-Density Residential.

Major Street Plan:  The City-Wide Master Plan designates 97th Street as a collector street.

Letters to Property Owners – July 14, 2015 and August 18, 2015

Public Hearings:  August 10, 2015 and August 27, 2015

Public Opposition:  No one appeared in opposition at the August 10, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action:  The applicant, Blake Watson, wants to change the zoning of this property from A-G Agriculture District to C-3 Commercial District to store landscaping materials in conjunction with his existing business.


FACTORS TO BE CONSIDERED

1. Neighborhood character.

   The neighborhood is both agricultural and low-density residential in nature.

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

   The surrounding properties are within an A-G Agriculture District. Commercial uses are not typically compatible with agricultural and residential uses. The
proposed use is the storage of landscaping materials—not a commercial retail business with customers coming and going throughout the day, which would increase the incompatibility of the proposed use with the surrounding zoning.

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

This property is suitable for the proposed use. As the applicant plans to landscape and screen the property and the landscaping materials, the proposed use will not detrimentally affect nearby property. The applicant plans to clean-up the existing, overgrown building on site, as well.

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

The property has been vacant for some time.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property. Over time, the perpetuity of a change of zone to a commercial district, versus a special use permit for the temporary use of land for commercial purposes, has the potential to transform the nature of the current area.

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

The proposed use will not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The proposed use does not conform to the proposed use—low-density residential—in the City-Wide Master Plan.

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

This is not foreseen to be an issue if the applicant properly stores all landscaping materials and tools.
9. The extent to which utilities and public services are available and adequate to serve the proposed use.

   a. Water service
       Available
   
   b. Sanitary sewer service
       Not available
   
   c. Storm water control
       To be designed to City Code
   
   d. Police
       Police service is provided by West Patrol, District #223
   
   e. Fire
       Fire service is provided by District #4
   
   f. Transit
       Kansas City ATA does not provide transit service near this property.
   
   g. Schools
       Piper USD 203
   
   h. Streets
       See item #6 above

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

    The proposed use would have minimal impact on the economy.

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

    Upon review of this case, both the applicant and staff have agreed to pursue a special use permit instead of a change of zone. The temporary nature of a special use permit is better suited to this property, as a commercial zoning would not blend into the agricultural fabric of the surrounding properties.
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 landowner is minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 22, 2015 from 5 p.m. to 5:30 p.m. No one was in attendance.

KEY ISSUES

Obtainment of Business License
Filing of Occupation Tax Application
Screening of vehicles and landscaping materials
Work vehicle traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend approval of Change of Zone Application #3093 as a special use permit for two (2) years, subject to:

Urban Planning and Land Use Comments:

1. Customers may not visit this site in a retail capacity.  
   Applicant Response: Agreed.

2. Plant material used for screening of shed and storage of landscaping materials shall provide coverage of at least fifty (50) percent in the first growing season. Total coverage must be accomplished by the third growing season.  
   Applicant Response: Agreed.

3. If the shed is 120 square feet or greater, a building permit must first be acquired, as well as approval by the Building Inspections Department.  
   Applicant Response: Agreed.

4. Where will the palettes of stone be stored on the property? Please provide a visual reference.  
   Applicant Response: Please see Exhibit A attached to this letter for highlighted area.

5. Will any façade improvements be made to the existing building (not the shed)?  
   Applicant Response: No, just clean up around the building.
6. How often and during what hours will work vehicles come and go from the property?
   Applicant Response: Business Hours 7 a.m. to 5 p.m. on week days.
   Activity will be intermittent at the site usually 2-3 days a week and for short periods of time.

7. Will any signs be placed on the property?
   Applicant Response: No.

8. Parking lot must be made to be code compliant.
   Applicant Response: Agreed.

9. If approved, this should be approved as a special use permit.
   Applicant Response: Agreed.

10. Any new fencing must have masonry columns every 32 running feet.
    Applicant Response: Agreed.

Public Works Comments:

   A) Items that require plan revision or additional documentation before engineering can recommend approval:
      1) None
   B) Items that are conditions of approval (stipulations):
      a) Storm water detention is required per UG Guidelines when site improvements are made.
         Applicant Response: Agreed.
      b) Storm water quality BMP’s are required per UG Guidelines when site improvements are made.
         Applicant Response: Agreed.
      c) Drive aisles within stone storage yard shall be paved per UG Guidelines when site improvements are made.
         Applicant Response: Agreed.
      d) Part of the construction site appears to be located within a floodway. Additional documentation shall be required.
         Applicant Response: Please specify additional documentation.
   C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
      1) None

Business License Comments:

We do not find any business registered with our office as existing at either address nor by that business name. If they are currently operating at that address they should file with our office before application approval. If they would be moving to this location from some other locale, they would need to register and file the occupation tax application when operations begin.
Applicant Response: We plan to register the business in Wyandotte County prior to the meeting. The main business is located in Platte City, Missouri and will not be moving to Wyandotte County.

Staff Conclusion:

Staff recommends approval in the form of a special use permit. A temporary use of land for commercial purposes is better suited to this proposal, as a permanent commercial business does not align with the agricultural nature of the surrounding properties.

Staff recommends approval for two (2) years subject to the following:
1. All proposed palette storage areas and mechanical equipment must be screened from public view from both K-5 Highway and North 97th Street.
2. Installation of privacy fencing with masonry columns every thirty-two (32) running feet around palette storage area
3. Landscaping around perimeter of all storage areas, entrance to property, and fencing shall meet the Commercial Design Guidelines.
4. Landscaping must be irrigated.
5. Compliance with the floodplain ordinance.
6. Application for a building permit and communication with DRC Coordinator for any future site improvements
7. All vehicles, tractors, and mechanical equipment must be stored inside the shed and screened from public view.
8. Hours of operation will be from 7 a.m. to 5 p.m. Monday through Friday.
9. Obtainment of Kansas City, Kansas Business License and filing of Occupation Tax application

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Petition #3093 subject to all comments and suggestions outlined in this staff report.
ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Zoning Map
Aerial Map
Vicinity Map
Site Pictures
Site Plan
Preliminary Grading Plan
Landscape Plan
Neighborhood Meeting Documents (Minutes, Sign-in Sheet, and Affidavit)

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Board of Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Hearing</td>
<td>August 10, 2015</td>
<td>August 27, 2015</td>
</tr>
<tr>
<td>Rezoning Approval</td>
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</tbody>
</table>

STAFF CONTACT: Taylor Plummer tplummer@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3093 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 #3093, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150229 CHANGE OF ZONE APPLICATION #3093 – BLAKE WATSON/NATURE’S TOUCH LANDSCAPING, LLC - SYNOPSIS: Change of Zone from A-G Agriculture District to C-3 Commercial District for storage of landscaping materials in conjunction with existing business at 5201 and 5204 North 97th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated July 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Matt Watkins, Reece Commercial, 11130 Whispering Lane, Kansas City, Kansas, 66109, representing the applicant, appeared in support of this application. He stated that this is the applicant’s busiest time of the year and he could not be present this evening. They have applied for a change of zone which has been augmented to offer a special use permit. He stated that the applicant runs Nature’s Touch Landscaping which is a stone and landscape company out of Platte City. They build high end back yard living rooms and pools; they deal in high end rock and stone for a lot of those facilities. He works all over the metropolitan area mostly in Overland Park, Mission Hills and Leawood. Since his business is in Platte City this offers a great location for him to be right off the highway and creates opportunity to expand his business and possibly into Wyandotte County. The property is the former Wolcott Grade School off I-435 and K-5 and was assumed into the Piper School District a number of years ago. It was purchased by the current owner Mr. Jacobi and he is in favor of this application. He is proceeding to closing following the action tonight. It has had tenants in the past, mainly a cabinet company along with some other businesses that were not able to make it. They are proposing to convert the property to what the staff has called a stone yard and a business facility for his client to operate under normal business hours and use it roughly two to three days a week at intermittent times. He appreciates the details and conversations with the staff in working through this. They initially had talked about doing a special use permit but then moved through the direction of a change of zone. Through their conversation and review, they have come back to the idea that the surrounding properties are more agriculture based than commercial based and really the right answer was to do a special use permit. He further stated that they have completed an extensive application through the normal process to change the zone so they have provided a site plan, landscaping, screening and grading plans to show the amount of effort his client is willing to go through on this property. He stated that his client supports a special use permit with one special request. Based on the significant
investment by his client which is the purchasing, updates to the property and hauling the
stone in and out which is an intensive process, they would ask for a five (5) year special
use permit as opposed to a two (2) year special use permit. He stated there were no
attendees at the neighborhood meeting and he knocked on some doors around the
neighborhood. He talked with Sandra Watson across the street who probably receives
most of the traffic and she expressed some excitement that there was something that
was going to happen to the property. He spoke to Sherman Wiehe’s counsel this
evening and they are both in favor of this moving forward. He stated that they will get
the normal permits needed and getting all this done and the business up and running
could take 4 to 6 and maybe 8 months and in investing that kind of dollars and
resources they would be back before the Commission within 18 months asking for
renewal of the special use permit. He would ask that the special use permit be
approved for five (5) years.

Planning Commissioner DeWitt asked if the purpose of the property is based on
whether a two-year or five-year permit is approved. Mr. Watkins stated that the initial
contract was written based on the change of zone. They would appreciate a five-year
special use permit. If the zoning was changed, they would not have to come back
before the Commission. If they were to do a special use permit a five-year period to
allow for those significant investments to move forward would be appreciated. Dr.
DeWitt stated that he agrees that a special use permit is more appropriate on
agricultural property than a change of zone for commercial right in the middle of an
agricultural property.

No one appeared in opposition to this application.

Planner Toy stated with regard to two years versus five year special use permit when
people are making large investments such as a casino, Schlitterbahn, and Family Tree
Nursery to the north, are operating under an indefinite special use permit. With other
special use permit of similar size, it is initially two years or one year. In this case it is
two years as the initial base starting point and after that, it can be approved for five or
possibly ten years depending on the investment, issues with neighbors, etc. Rezoning
would be spot zoning in this case as there is no commercial near it. It is all A-G or R-1
so a special use permit is really the only option. With that the staff recommends
approval of this application for two (2) years.

Chairman Hurrelbrink asked if the Commission can overrule the staff and approve it for
five (5) years. Planner Toy stated according to ordinance, no, it can only be approved
initially for two (2) years.

Planning Commissioner DeWitt asked if this is held over for 30 days to allow full legal
exploration of five (5) years versus two (2) years special use permit, what type of
hardship would that imply. Mr. Watkins stated that it would set them back with closing
as they are set to close the end of September. He would have to talk with the seller and
buyer. They have been working on this issue since February to get it in this direction.
He was not aware of that stipulation and it is not something that he has come up with.
He stated that he does not have an answer now.
Planning Commissioner Carson asked if a two (2) year permit is approved tonight, is his client willing to go forward with the purchase. Mr. Watkins stated that he believes so but coming back to the Commission in two (2) years with the chance that this could go away becomes significantly more concerning for him. Mr. Carson asked if it affects his financing. Mr. Watkins stated no.

Planner Toy stated that he would like to make a clarification. According to 27-593, Subsection A, 27 reads, “Temporary Use of Land for Commercial or Industrial uses provided however that any building or structure constructed thereon which is not otherwise permitted in this district in which such land is situated shall be temporary and any stored equipment or material shall be removed upon the date of expiration of the special use permit which permit shall not be approved for more than two (2) years.” Planning Commissioner DeWitt asked if it said lease or purchase of the land. Planner Toy stated no, it makes no reference, just the use.

On motion by Mr. Ernst, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Change of Zone Application #3093 as a special use permit for two (2) years:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Carson</td>
<td>Aye</td>
</tr>
<tr>
<td>Connelly</td>
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<tr>
<td>DeWitt</td>
<td>No</td>
</tr>
<tr>
<td>Ernst</td>
<td>Aye</td>
</tr>
<tr>
<td>Escobar</td>
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</tr>
<tr>
<td>Gonzalez</td>
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<tr>
<td>Huey</td>
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<tr>
<td>Hurrelbrink</td>
<td>Chairman</td>
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<tr>
<td>Pauley</td>
<td>Aye</td>
</tr>
<tr>
<td>Schwartzman</td>
<td>Aye</td>
</tr>
<tr>
<td>Walker</td>
<td>Not Present</td>
</tr>
</tbody>
</table>

Motion to recommend APPROVAL Passed: 8 to 1

Subject to:

Urban Planning and Land Use Comments:

1. Customers may not visit this site in a retail capacity.

   Applicant Response: Agreed.

2. Plant material used for screening of shed and storage of landscaping materials shall provide coverage of at least fifty (50) percent in the first growing season. Total coverage must be accomplished by the third growing season.

   Applicant Response: Agreed.

3. If the shed is 120 square feet or greater, a building permit must first be acquired, as well as approval by the Building Inspections Department.

   Applicant Response: Agreed.
4. Where will the palettes of stone be stored on the property? Please provide a visual reference.

   Applicant Response: Please see Exhibit A attached to this letter for highlighted area.

5. Will any façade improvements be made to the existing building (not the shed)?

   Applicant Response: No, just clean up around the building.

6. How often and during what hours will work vehicles come and go from the property?

   Applicant Response: Business Hours 7 a.m. to 5 p.m. on week days. Activity will be intermittent at the site usually 2-3 days a week and for short periods of time.

7. Will any signs be placed on the property?

   Applicant Response: No.

8. Parking lot must be made to be code compliant.

   Applicant Response: Agreed.

9. If approved, this should be approved as a special use permit.

   Applicant Response: Agreed.

10. Any new fencing must have masonry columns every 32 running feet.

    Applicant Response: Agreed.

Public Works Comments:

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

   1) None

B) Items that are conditions of approval (stipulations):

   a) Storm water detention is required per UG Guidelines when site improvements are made.

      Applicant Response: Agreed.

   b) Storm water quality BMP’s are required per UG Guidelines when site improvements are made.
Applicant Response: Agreed.

c) Drive aisles within stone storage yard shall be paved per UG Guidelines when site improvements are made.

Applicant Response: Agreed.

d) Part of the construction site appears to be located within a floodway. Additional documentation shall be required.

Applicant Response: Please specify additional documentation.

C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

Business License Comments:

We do not find any business registered with our office as existing at either address nor by that business name. If they are currently operating at that address they should file with our office before application approval. If they would be moving to this location from some other locale, they would need to register and file the occupation tax application when operations begin.

Applicant Response: We plan to register the business in Wyandotte County prior to the meeting. The main business is located in Platte City, Missouri and will not be moving to Wyandotte County.

Staff Conclusion:

Staff recommends approval in the form of a special use permit. A temporary use of land for commercial purposes is better suited to this proposal, as a permanent commercial business does not align with the agricultural nature of the surrounding properties.

Staff recommends approval for two (2) years subject to the following:

1. All proposed palette storage areas and mechanical equipment must be screened from public view from both K-5 Highway and North 97th Street.
2. Installation of privacy fencing with masonry columns every thirty-two (32) running feet around palette storage area
3. Landscaping around perimeter of all storage areas, entrance to property, and fencing shall meet the Commercial Design Guidelines.
4. Landscaping must be irrigated.
5. Compliance with the floodplain ordinance.
6. Application for a building permit and communication with DRC Coordinator for any future site improvements
7. All vehicles, tractors, and mechanical equipment must be stored inside the shed and screened from public view.
8. Hours of operation will be from 7 a.m. to 5 p.m. Monday through Friday.
9. Obtainment of Kansas City, Kansas Business License and filing of Occupation Tax application
MINUTES:

Application Number #3093

July 22, 2015 – 5201 N 97th Street, Kansas City, KS 66109

Meeting called to order at: 5pm

Names of people in attendance:
   Blake Watson – Natures Touch
   Matt Watkins – Reece Commercial

Presentation by applicant team consisted of exhibits attached for review.

NO questions or comments

Meeting adjourned at 5:30pm

Minutes taken by:

Matt Watkins
Public Meeting – Sign in Sheet
Change of Zone Petition#3093

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blake Watson</td>
<td>816-935-1593</td>
</tr>
<tr>
<td>Matt Watkins</td>
<td>913-908-9447</td>
</tr>
</tbody>
</table>

Waited until 5:30 - no additional attendees

Matt visited w/ Sandra Walker on 7/20 to discuss project and thing
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS
COUNTY OF WYANDOTTE

) ) SS:

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

1. That I am the petitioner for Petition #3093.
2. That I conducted a neighborhood meeting on July 22, 2015 at 5pm.
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.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of July, 2015.

My commission expires 25th of April, 2019.

[Signature]
Notary Public

[Seal]
To: Unified Government Board of Commissioners

From: City Staff

Date: August 27, 2015

Re: Petition #SP 2015-23 (150231)

GENERAL INFORMATION

Applicant: Susan Prucka

Status of Applicant: Owner
2610 South 27th Street
Kansas City, Kansas

Requested Action: Approve Special Use Permit

Date of Application: March 27, 2015

Purpose: To keep six (6) dogs on the property

Property Location: 2610 South 27th Street

Existing Zoning: R-1 Single Family District
Existing Surrounding Zoning:  
- **North:** R-1 Single Family District  
- **South:** R-1 Single Family District  
- **East:** R-1 Single Family District  
- **West:** R-1 Single Family District

Existing Uses:  
- **North:** Single family residences  
- **South:** Single family residences  
- **East:** Single family residences  
- **West:** Single family residences

**Total Tract Size:** .69 acre

**Master Plan Designation:** The City-Wide Master Plan designates this property as Low-Density Residential.

**Major Street Plan:** The City-Wide Master Plan classifies 27th Street as a Class C Thoroughfare.

**Advertisement:** The Wyandotte Echo – April 16, 2015  
Letters to Property Owner – April 14, 2015, May 4, 2015, May 29, 2015, July 1, 2015 and August 18, 2015

**Public Hearings:** August 10, 2015 and August 27, 2015

**Public Opposition:** There were two (2) neighbors that spoke in opposition (and two (2) that did not speak) at the August 10, 2015 City Planning Commission meeting.

**PROPOSAL**

**Detailed Outline of Requested Action:** The applicant, Ms. Susan Prucka, wants to keep six (6) dogs on their .69 acre property located at 2610 South 27th Street.

**City Ordinance Requirements:** 27-592 through 27-606. Three (3) dogs are allowed per revisions to the ordinance in 2015.

**FACTORS TO BE CONSIDERED**

1. **The Character of the Neighborhood.**

   The neighborhood is exclusively residential in nature.

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

   The zoning and uses of nearby properties are set out above. The keeping of an additional 3 on .69 acres may become a problem for adjacent properties based upon noise, odor and animal waste.
3. **The suitability of the property for the uses to which it has been restricted.**
   *Will removal of the restrictions detrimentally affect nearby property.*

   The removal of the restrictions will not detrimentally affect nearby property.

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

   The property is not vacant.

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

   Special use permits are not addressed in the Master 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.**

   This is not an issue.

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 keeping of six (6) dogs is not reasonably necessary for the convenience and welfare of the public. The proposed use will not substantially 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.**

   If the dogs are left outside to their own devices in the evening and throughout the night, their barking will be an issue for adjacent property owners.

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

   This should not be an issue, provided the applicants pick up animal waste and properly dispose of it on a regular basis.

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

    This is not an issue.

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. If this application is denied, the applicant will not be able to keep the three (3) dogs.
12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This should not be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 5, 2015. No one was in attendance.

KEY ISSUES

Noise
Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application #SP-2015-23 for six (6) months, subject to:

Urban Planning and Land Use Comments:

1. How frequently do the dogs go outside? For how long are they in the yard? Are they supervised while outside?
   
   Applicant Response: 6 times daily for 20 – 30 minutes.

2. How frequently do you pick up the dog waste in the back yard?

   Applicant Response: Bi-weekly.

If approved, the applicant must meet the following stipulations:

1. The applicant’s property specifically where the dogs are free to roam when outside, is currently fenced. The fence must be properly maintained throughout the extent of the special use permit.
2. The number of dogs living on the premises shall never exceed six (6). This permit is for the existing dogs only, they may not be replaced.
3. All dogs must be supervised while in the yard.
4. The yard must be cleaned weekly to avoid odor problems.
5. Approval is for six (6) months.
Public Works Comments:

No Comments

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2015-23 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

August 10, 2015 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Photographs submitted by the applicant

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Hearing</td>
<td>August 10, 2015</td>
<td>August 27, 2015</td>
</tr>
<tr>
<td>Special Use</td>
<td>Approval</td>
<td></td>
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</tbody>
</table>

STAFF CONTACT:

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-23 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. ________________________________________________________.
I move the Unified Government Board of Commissioners DENY Petition #SP-2015-23, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

AUGUST 10, 2015 CITY PLANNING COMMISSION MINUTES:

150231 SPECIAL USE PERMIT APPLICATION #SP-2015-23 – SUSAN PRUCKA -
SYNOPSIS: Special Use Permit for a kennel for six (6) dogs at 2610 South 27th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2015;
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 dated April 16, 2015;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Ms. Susan Prucka, 2610 South 27th Street, Kansas City, Kansas, applicant, appeared in support of this application. She stated that she is present to address nothing more than the ability to keep possession of her six (6) pets. She stated that she started out owning one (1) animal and she babysat someone else’s animal and that person deserted the dog. She acquired a Rottweiler at that time and she had a German Sheppard of her own. So then she had two (2) dogs. The people that rented the home that she owns next to her abandoned in the home three (3) little pups and they became her animals. A neighbor across the street left a little dog on a chain and never brought it in so she stole the dog and it is now her dog. She has these beautiful animals that are like her children. Her husband is 83 years old with dementia and these little dogs have helped him so much with his mental disability and they are like his children (he talks to them.) These are not outside animals; they are children that run around and play and keep them happy; they are just two (2) old people. She further stated that they have spent a fortune on the property trying to keep it so the dogs are happy. There is plenty of room for them on the property and there is a big pool that they can jump in and play. She stated that they are willing to do what the Commission says so they can keep their dogs.

Planning Commissioner Ernst stated that if she keeps the dogs the way she keeps her property, which he has gone by several hundred times, there should be no issues.
Ms. Melissa Moon, 2603 South 28th Street, appeared in opposition to this application. She stated that she lives directly behind the applicant and she witnessed her beating her “children” (dogs) outside. They were inside the house barking and she was on her deck and she could hear them barking very loudly inside the home. She saw Mrs. Prucka drive up and go in the house and let her children out and they started jumping on the door. She came out and yelled very loudly and she does not know if it was a fist or hand but constantly beating them. She does not need six (6) dogs and she lives directly behind her and does not need that. She has a dog herself and used to have a cat so she loves her animals. Seeing someone beat their animals (their children) should not be allowed to have them. She stated that she also has the notice she received for the neighborhood meeting; the letter was dated May 15, 2015 (postmarked May 18, 2015) for the meeting held on May 5, 2015. The meeting had already happened (she submitted it for the record.)

Planning Commissioner Connelly asked if she was referencing dogs or children. Ms. Moon stated dogs but the applicant calls them her children so that is why she went along with it. Mr. Connelly asked if the dogs was bleeding; was it abuse or discipline. Is there a code that you cannot hit your dog? Ms. Moon stated that she knows that there is a code that you can only have two (2) animals. Mr. Connelly asked if there is a code against hitting your dog. Ms. Moon stated that she does not know but there is animal cruelty.

Planning Commissioner Escobar asked if she called the police or Animal Control when she saw what the applicant was doing. Ms. Moon stated no because Animal Control only works Monday through Friday, 8:00 a.m. to 5:00 p.m. and they have been told that many time. If she calls the police they will tell her to call Animal Control. Mr. Escobar asked if that is the only instance she has seen that behavior. Ms. Moon stated yes; she has seen the prior dogs out in the cold. The dogs get out all the time and her mother is at home all the time and she would call the applicant and tell her the dogs were out. Her mother has stopped calling because the applicant is very rude to them so they backed off. Mr. Escobar asked if she has observed the dogs being outside the wrought iron fence. Ms. Moon stated she has not but her mother has.

Planning Commissioner Gonzalez stated that he remembers driving past this property and doing a double-take because of how well maintained the yard is and the things she has done to her yard. He asked if the applicant cleans up after the dogs. Ms. Moon stated that she works Monday through Friday and she has never seen the applicant pick up poop but she is not out there all the time. Mr. Gonzalez stated that he had a neighbor that did not clean up after his dogs and he would be very embarrassed when family was over and they were in the back. Mr. Gonzalez asked if there is any smell from the property. Ms. Moon stated that she does not go over that way because of past history. Mr. Gonzalez asked if the incident she witnessed was a one-time incident or does that happen once a week or month. Ms. Moon stated that she hears the applicant yelling at the dogs all the time and this is the only time that she actually saw her beating them.

Planning Commissioner Connelly asked if there is a different code for service dogs because the applicant says that they help them. Planner Toy stated that he is unaware
of that. He is sure that there is a set of criteria that service dogs have to meet and be certified but he does not know what that entails or that criteria.

Ms. Dorothy Kelly, 2607 South 28th Street, Kansas City, Kansas, appeared in opposition to this application. She stated that the applicant lives in back of her and she thinks that as close as they are it is not good to have that many dogs. She does hear a lot of barking in the late afternoon when she is out in the yard. She is against this application because of the closeness. She does not know if she cleans up or not because she does not go over there. Planning Commissioner Schwartzman asked if the dogs are inside or outside the house when she hears them barking. Ms. Kelly stated that they are outside in the yard.

Ms. Prucka stated that this group is the same group that she has addressed any time she has been before the Commission. She does not know what the problem is with the two (2) ladies in back of her. Ever since they have been making the house beautiful this same group has had her up here many times. She has never spoken to the old woman that is her mom. She has never called her. As far as beating her dogs what she has is a white fly swatter that she spans her dogs with. When it is time for them to come inside from going out to potty she calls them individually and they run into the house. Anything that she has been requested to do she has done at the request of this committee. She is never going to please this group but she does own a home next door that she will gladly put three (3) dogs over there and keep the house to shut them up and leave her alone.

Planner Toy asked if the house to the south is the one that she is talking about that she owns. Ms. Prucka stated yes and the other one has been improved beautifully. Planner Toy asked if that house is currently vacant. Mrs. Prucka stated yes. Planner Toy asked if she plans on having any renters. Mrs. Prucka stated that if these women are able to keep the dogs from her she will keep the house herself and make that the biggest dog house in the neighborhood. Planner Toy asked the ages of the dogs. Mrs. Prucka stated that they are all four (4) years old and have life insurance. They have all their shots so for that woman to make fun of them like they are not her children she should learn to speak a little bit better because she does not know what she is talking about.

Planner Toy stated that considering there has been quite a bit of opposition from the neighbors surrounding this property, it may be good for the applicant to reduce the number of dogs that she has. He stated that he understands that she has a German Sheppard, a Rottweiler and four (4) smaller dogs and with them all being four (4) years old, it will take time before she can get the number down to three (3). The staff recommends approval of the six (6) dogs for six (6) months as that will give time to see if there is a continual issue with the neighbors.

Planning Commissioner Carson stated at that time the Commission will know if there have been Animal Control issues. That would be more information that would be beneficial to the Commission.

Planning Commissioner Connelly stated that he has heard her reference the dogs as children and they are beneficial to her elderly husband so he cannot understand why
this cannot be approved for two (2) years. Chairman Hurrelbrink stated that it can but the staff is only recommending six (6) months.

Planner Toy stated that staff would make a change to stipulation number four to state: The yard must be cleaned weekly (instead of regularly) to avoid odor problems.

On motion by Mr. Ernst, seconded by Mr. Schwartzman, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2015-23 for six (6) months:**

- Carson  Aye
- Connelly  Aye
- DeWitt  Aye
- Ernst  Aye
- Escobar  No
- Gonzalez  Aye
- Huey  Aye
- Hurrelbrink  Chairman
- Pauley  No
- Schwartzman  Aye
- Walker  Not Present

Motion to recommend APPROVAL Passed: 7 to 2

Subject to:

**Urban Planning and Land Use Comments:**

1. How frequently do the dogs go outside? For how long are they in the yard? Are they supervised while outside?

   *Applicant Response: 6 times daily for 20 – 30 minutes.*

2. How frequently do you pick up the dog waste in the back yard?

   *Applicant Response: Bi-weekly.*

If approved, the applicant must meet the following stipulations:

1. The applicant’s property specifically where the dogs are free to roam when outside, is currently fenced. The fence must be properly maintained throughout the extent of the special use permit.
2. The number of dogs living on the premises shall never exceed six (6). This permit is for the existing dogs only, they may not be replaced.
3. All dogs must be supervised while in the yard.
4. The yard must be cleaned weekly to avoid odor problems.
5. Approval is for six (6) months.

**Public Works Comments:**

No Comments
Resolution amending the UG Commission meeting schedule previously adopted by changing the September 17, 2015, meeting to September 24, 2015.

Action Requested: **ONLY VISIBLE TEXT WILL BE PRINTED**

Adopt resolution
RESOLUTION NO. _________

A RESOLUTION amending Resolution No. R-27-15 by changing a meeting date of the Unified Government Commission, and repealing that portion of Resolution No. R-27-15 which conflicts with this Resolution.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

WHEREAS, pursuant to the provisions of Section 3.07 of the Charter for the Unified Government of Wyandotte County/Kansas City, Kansas, the Commission adopted a schedule of regular Commission and Standing Committee meeting dates from May 14, 2015, through April 10, 2017, in Resolution No. R-27-15; and

WHEREAS, the Commission has determined that the meeting of the Unified Government Commission originally scheduled for September 17, 2015, should be changed,

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


2. That such portion of Resolution No. R-27-15 which conflicts with this Resolution is hereby repealed.


Unified Government Clerk
Staff Request for Commission Action

Tracking No. 150241

Revised

On Going

Type: Standard
Committee: Full Commission

Date of Standing Committee Action: 8/27/2015
(If none, please explain): NA

Proposed for the following Full Commission Meeting Date: 8/27/2015
Confirmed Date: 8/27/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
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<tr>
<td>8/24/2015</td>
<td>Bridgette Cobbins</td>
<td>573-8039</td>
<td><a href="mailto:bcobbins@wycokck.org">bcobbins@wycokck.org</a></td>
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Item Description:
The following dates are submitted for the proposed 2016 holiday schedule:

- New Year’s Day: Friday, January 1
- Martin Luther King, Jr. Day: Monday, January 18
- Presidents Day: Monday, February 15
- Spring Holiday: Friday, March 25
- Memorial Day: Monday, May 30
- Independence Day: Monday, July 4
- Labor Day: Monday, September 5
- Veterans Day: Friday, November 11
- Thanksgiving Day: Thursday, November 24
- Friday, November 25
- Christmas: Monday, December 26

Action Requested:
Request approval

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
- Included In Budget
- Other (explain)
IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 281

Re: Calendar Year 2016 Holidays

Pursuant to K.S.A. 2014 Supp. 35-107, Section 8.9 of the Kansas Court Personnel Rules and the executive memorandum issued by Governor Sam Brownback on May 22, 2015, the following dates have been approved for calendar year 2016 holidays:

<table>
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<tr>
<th>Holiday</th>
<th>Date</th>
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<tbody>
<tr>
<td>New Year's Day</td>
<td>Friday, January 1, 2016</td>
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<tr>
<td>Martin Luther King, Jr. Day</td>
<td>Monday, January 18, 2016</td>
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<tr>
<td>Presidents Day</td>
<td>Monday, February 15, 2016</td>
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<tr>
<td>Memorial Day</td>
<td>Monday, May 30, 2016</td>
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<tr>
<td>Independence Day</td>
<td>Monday, July 4, 2016</td>
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<tr>
<td>Labor Day</td>
<td>Monday, September 5, 2016</td>
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<tr>
<td>Columbus Day</td>
<td>Monday, October 10, 2016</td>
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<tr>
<td>Veterans Day</td>
<td>Friday, November 11, 2016</td>
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<tr>
<td>Thanksgiving Day</td>
<td>Thursday, November 24, 2016</td>
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<tr>
<td>Christmas Day</td>
<td>Friday, November 25, 2016</td>
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<tr>
<td></td>
<td>Monday, December 26, 2016</td>
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Observance of these holidays by a district court may be deferred whenever observance of the holiday would interfere with judicial proceedings in progress.

At the discretion of the chief judge and approval of the judicial administrator, a district court may remain open on any of the above designated holidays when the local county courthouse is open for business and observe as a substitute holiday a county designated holiday not otherwise observed by the Judicial Branch.

BY ORDER OF THE COURT this 26 day of May, 2015.

[Signature]

Lawton R. Nuss
Chief Justice
The County-owned amphitheater, currently titled Cricket Wireless Amphitheater, has been in operation since 1984. New West Presentations has operated the facility since 2008. The facility is in need of major capital improvements to address basic safety issues as well as to enhance the appearance of the grounds and buildings. The renovation project outlines a budget of $865,000 to address the needs of the facility. The Unified Government and the City of Bonner Springs will provide $115,000 in cash to begin the project and the remaining $750,000 is being requested through 10-year PBC financing. The annual financing cost will be paid by New West Presentations and these terms will be included in their agreement. The resolution authorizes the improvements and requests that the Public Building Commission issue revenue bonds for the purpose of paying a portion of the costs.

Action Requested:
Adopt resolution approving the project and request Public Building Commission financing.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
- Included In Budget
- Other (explain) The initial $80,000 cash contribution by the Unified Government will require a budget revision.
EXEMPLARY MINUTES OF A MEETING OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS HELD ON AUGUST __, 2015

The Commission (the “Commission”) of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), met in regular session at the Commission Meeting Room at 7:00 P.M. The Mayor/CEO presided and the following members of the Commission were present:

_______________________________________________________________.

The following members were absent: ________________________________________.

*******

(other matters)

*******

Thereupon, Commissioner _____________ moved, seconded by Commissioner _____________, that the Commission adopt the following resolution:

A RESOLUTION AUTHORIZING THE IMPROVEMENTS TO CRICKET WIRELESS AMPHITHEATRE INCLUDING REPLACEMENT OF SEATS; ASPHALT REPAIR; PARKING LOT IMPROVEMENTS; CONCRETE REPAIR AND REPLACEMENT; REPAIR AND IMPROVEMENT OF RESTROOMS, CONCESSION AREAS, VIP CLUB, AND BACKSTAGE AREA; INSTALLATION OF IRRIGATION; CONSTRUCTION OF BACKSTAGE PAVILION; FENCING AND GATE IMPROVEMENTS; ELECTRICAL, PLUMBING, LIGHTING, INSULATION AND OTHER IMPROVEMENTS TO THE STAGE; AND OTHER RELATED AND NECESSARY IMPROVEMENTS TO THE AMPHITHEATRE FOR WYANDOTTE COUNTY, KANSAS; AND REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS THEREOF.

The motion was approved and the Resolution was adopted by the following roll call vote:

Aye: ________________________________________________________________.

Nay: ________________________________________________________________.

Thereupon, the Resolution having been adopted by a majority vote of the members of the Commission, was given No. ________________, was directed to be signed by the Mayor/CEO and attested by the Unified Government Clerk; and the Unified Government Clerk was further directed to cause a copy of the Resolution to be delivered to the Secretary of the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas.
CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(Seal)

______________________________
Unified Government Clerk

County Request Resolution Minutes
RESOLUTION NO. R-___-15

A RESOLUTION AUTHORIZING CERTAIN IMPROVEMENTS TO CRICKET WIRELESS AMPHITHEATRE FOR WYANDOTTE COUNTY, KANSAS; AND REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS THEREOF.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, acting as a county (the “Unified Government” or the “County”) hereby deems it advisable to make improvements to Cricket Wireless Amphitheatre including replacement of seats; asphalt repair; parking lot improvements; concrete repair and replacement; repair and improvement of restrooms, concession areas, VIP Club, and backstage area; installation of irrigation; construction of a backstage pavilion; fencing and gate improvements; electrical, plumbing, lighting, insulation and other improvements to the stage; and other related and necessary improvements to the amphitheatre (the “Project”); and

WHEREAS, the Unified Government under the authority of K.S.A. 12-1757 et seq., as amended by Charter Ordinance No. CO-1-98 and Charter Resolution No. CO-1-98 of the County (jointly the “Act”), has previously created the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation of the State of Kansas (the “PBC”); and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of paying all or a portion of the costs of the Project; and

WHEREAS, the Unified Government deems it advisable to request that the PBC provide for the financing of the Project.

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

SECTION 1. Authorization of Project. It is hereby deemed and declared to be necessary to authorize the various components of the Project at the estimated design, construction and equipping costs of $865,000.

SECTION 2. Financing of Project. In order to pay the costs of the Project, it is necessary and desirable for the PBC to issue revenue bonds in one or more series in an aggregate principal amount not to exceed $750,000 plus the cost of any related reserves and financing costs (the “PBC Bonds”). It is hereby requested that the PBC issue the PBC Bonds, in accordance with the provisions of the Act and all other laws of the State of Kansas supplemental thereto or amendatory thereof.

SECTION 3. Leases. The Unified Government hereby declares an intent to enter into a lease or lease-purchase agreement with the PBC pursuant to the Act to provide for the source of repayments of the PBC Bonds and other related expenses of the PBC.

SECTION 4. Reimbursement. The Unified Government hereby declares an intent to be reimbursed for expenditures for the Project made on or after the date which is 60 days before the date of this Resolution, from the proceeds of the PBC Bonds described herein, pursuant to Treasury Regulation 1.150-2.

SECTION 5. Effective Date. This resolution shall be effective from and after its adoption.
ADOPTED AND APPROVED by the Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, on August __, 2015.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

(Seal)

Mayor/CEO

ATTEST:

Unified Government Clerk

APPROVED AS TO FORM:

Chief Counsel
CITY COUNCIL AGENDA
Monday, July 27, 2015

Workshop – 6:30 p.m.

WS-1 Property Maintenance Code Amendments and Governing Body Policy
WS-2 Cricket Wireless Amphitheater Renovation and Financing Proposal
WS-3 Budget Workshop - Final Review

Council Meeting – 7:30 p.m.

1. Citizen Concerns About Items Not on Today’s Agenda. (Copies of written material presented to the City Council also needs to be provided to the City Clerk.)

   CONSENT AGENDA - If a Councilmember has a simple question about an item, it can be asked before the Mayor calls for the vote on the Consent Agenda. An item only needs to be removed from the Consent Agenda if it warrants discussion.

2. Minutes of the July 13, 2015 City Council Meeting

3. Special Budget Workshops Meeting Minutes


REGULAR MEETING AGENDA


7. 2015 Concrete Repair Program Bids

8. 2015 Pavement Preservation Repair Program Bids

9. 2015 Street Program Bids

10. Acceptance of the Westlink Phase II Water and Sanitary Sewer Improvements

11. Ordinance to Establish City Manager Salary & Contract Amendment

12. City Manager’s Report

13. City Council Items

14. Mayor's Report
ITEM NO. WS-2

City Council Workshop Agenda
Monday, July 27, 2015 – 6:30 p.m.

<table>
<thead>
<tr>
<th>Council Present</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Tom Stephens</td>
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<td>Bob Reeves</td>
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<td>Dani Gurley</td>
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<td>Joe Peterson</td>
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<td>Mike Thompson</td>
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<td>Mark Kipp</td>
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<td>Rodger Shannon</td>
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<td>Mayor Jeff Harrington</td>
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Staff Present:______________________________

AGENDA ITEM: Cricket Wireless Amphitheater Renovation and Financing Proposal

NARRATIVE: The enclosed memorandum discusses the background and financial impact of Cricket Wireless Amphitheater's Renovation and Financing Proposal.
City of Bonner Springs, Kansas
Memorandum

DATE: July 23, 2015
TO: Mayor and City Council
THRU: Jack Helin, City Manager
FROM: Marcella Harrington, Community and Economic Development Director/Tourism Director

SUBJECT: Cricket Wireless Amphitheater Renovation and Financing Proposal

Recommendation: The Economic Development Task Force recommends consensus to support the New West Presentations, Inc. proposal and agree to participate in the $15,000 annual fee in lieu of Amusement Tax revenue and that the City participate with a one-time, up-front fee of $30,000, which would be paid from the 2015 Budget with $15,000 from the General Fund budget using unused IT/PIO position funds and $15,000 from the Tourism Budget so long as the UG is willing to participate as well.

Background: Cricket Wireless Amphitheater, formerly known as Sandstone, has been an entertainment attraction in Bonner Springs since the early 1980s. Like any business, it has had its ups and downs with the economy and competition being two major factors. One other major factor is that the facility has not kept pace with necessary upgrades and maintenance to hold onto its competitive edge with other Kansas City metro entertainment venues. Jack Helin attended a meeting of the Unified Government (UG) Development and Finance Committee meeting in December 2014 where they discussed the current condition of the amphitheater and needed renovation work to maintain it as a viable entertainment venue. Renovation work is necessary to attract large touring shows and to compete for top talent and for the basic safety, amenities and ambiance for the audience, which ultimately sells more tickets.

The UG owns the facility and grounds. UG Parks and Recreation provides some maintenance items, such as first $5,000 of repairs, winterizing restrooms, parking lot maintenance and pole lights. Chris Fritz, President of New West Presentations, Inc. (New West) has been the facility operator since 2008 and they are the exclusive manager with respect to the presentation, production, promotion and financing of all events. Their current agreement ends in December 2015. New West pays an annual user fee to the UG, which in 2014 was $85,000.

In October 2014, County Administrator Doug Bach and Assistant County Administrator, Joe Connor, met with Jack and me to discuss needed improvements to the amphitheater. In April 2015, Joe Connor and Chris Fritz met with us to discuss proposed renovation work, cost plan and financing option. Jack and I then met with the Economic Development Task Force (EDTF) to discuss the proposal. Since that time, Chris submitted a new proposal based upon projected and estimated concerts and revenue. Both Joe and Chris will be at the meeting to make a presentation and to discuss the proposal.

Discussion: The latest proposal from New West is attached to this memo. It reflects renovation expenses in the amount of $865,000. New West Presentations (New West) requests an up-front contribution of $115,000 from the UG and City of Bonner Springs (City) with New West borrowing the balance of $750,000 with bonds. The bond payments and interest will be an estimated $92,500 per year as part of a 10-year agreement. New West proposes to make an annual management fee payment to the UG of $50,000 and an annual user fee to Bonner Springs of $15,000. Therefore, their total annual payments would be $157,500. New West proposed payments are based on revenue from 52,500 tickets sold at
$3.00 per ticket. Also, after 52,500 tickets are sold, New West will pay an additional .75 per ticket to the UG and .25 per ticket to the City.

**Recap of Cost, Financing and Payment Plan**

<table>
<thead>
<tr>
<th>Financing Method</th>
<th>Annual Payment Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cricket Wireless Amplitheater Renovation Costs</td>
<td>$865,000</td>
</tr>
<tr>
<td>New West Request for UG &amp; City up-front participation</td>
<td>-$115,000</td>
</tr>
<tr>
<td>New West bond amount</td>
<td>$750,000</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>After 52,500 tickets, New West pays .75 to UG for every ticket sold</td>
</tr>
<tr>
<td></td>
<td>After 52,500 tickets, New West pays .25 to City for every ticket sold</td>
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</tbody>
</table>

The UG anticipates issuing temporary financing this fall and issuing permanent financing in March 2016. The first interest payment would be due February 2017 and a principal and interest payment due in August 2017. The UG is planning on the reduced payments starting with the 2016 season, with both the UG and City on the reduced payment schedule at the same time. Financing for the project is included in the UG’s 2015 Amended and 2016 Budget Proposal, which is scheduled to be finalized on July 30, 2015. Specific project approval by the commission is necessary and will be presented in August 2015. Assuming commission approval, New West plans to begin work after the 2015 season is completed. The UG has not taken any action on this item yet. They are waiting for a decision from us regarding the proposed split contribution of $115,000 and our agreement to the annual $15,000 payment in lieu of the Amusement Tax revenue.

As a side note, we have conveyed that it is important to the City that “Bonner Springs” is listed as the location of the venue on all media, material, etc. New West Presentations is planning on using “Bonner Springs” as the location of their venue on all media, materials, etc.

**Financial Impact:** The City of Bonner Springs receives sales tax, liquor tax and a .50 per ticket Amusement Tax from the amphitheater. The last five years of revenue from 2010-2014 have totaled $465,430. However, in 2012, the Amusement Tax was not paid to the City, so this is being paid over a 36-month period ending May 2016. We related to the UG that there are still back payments owed the City from a 2013 Memorandum of Agreement (MOA) that we would expect those payments to be completed in accordance with the MOA. The UG has stated that New West is aware of this issue and will address its completion.

The Sales and Amusement Tax revenues are dedicated to the General Fund and three special ¼ cent sales taxes: Emergency Services, Library and Capital Improvement. The Liquor Tax is split evenly between the Special Parks and Recreation Fund, Drug and Alcohol Fund and General Fund. During the last five
years, the annual Amusement Tax payments have averaged $23,450. Therefore, if the City agrees to the annual payment of $15,000 in lieu of the Amusement Tax, we could realize a reduction of approximately $8,450 annually. The distribution of the $15,000 from New West would go directly to us as is the current arrangement for the Amusement Tax. The timing of distribution of the base user fee will be in two installments, on or before August 31st and by December 31st.

The UG states that the current agreement between the UG and New West, which includes Bonner Springs’ conditions, has been sufficient to satisfy both entities. The UG would continue to include the City’s conditions in their new agreement and we would need to concur with the agreement.

If both entities don’t agree to participate in this proposal, New West may make the decision to not renew their contract at the end of this year. Unless the UG can find a new operator quickly, we may be faced with a closed facility with the City receiving $0 in revenue. Or, if New West does decide to renew their contract without the needed renovation work, they may not be able to attract bands that attract larger crowds, thus resulting in a decline in City revenues. In light of this proposal from New West for $865,000 of needed repairs and upgrades, two decisions are necessary:

1. Is the City willing to forego the annual Amusement Tax payments for the life of the bond (10 years) to receive a $15,000 annual fee paid to the City, and

2. Of the $115,000 that New West is asking up front from the UG and City, is the City willing to participate in that amount and how much?

The Economic Development Task Force recommendation is to agree to participate in the $15,000 annual fee in lieu of Amusement Tax revenue and that the City participate with a one-time, up-front fee of $30,000, which would be paid from the 2015 Budget with $15,000 from the General Fund budget using unused IT/PIO position funds and $15,000 from the Tourism Budget so long as the UG is willing to participate as well.
Friday, June 12, 2015

Unified Government of Wyandotte County
Joe Connor
701 N. 7th Street
Suite 945
Kansas City, KS 66101

Dear Joe,

Please see enclosed revised budget for the proposed 2015/2016 Amphitheater Renovation Project. The total we are requesting to borrow has been reduced to $865,000. New West is requesting a contribution of $115,000 from the Unified Government and the City of Bonner Springs, with New West borrowing the balance of $750,000 through the issuance of a bond. Below are our thoughts regarding repayment of this bond:

- The bond payment will be $75,000 per year as part of a 10-year renewed management agreement with an estimated annual interest rate of $17,500.
- New West will pay a management fee of $50,000 per year to the Unified Government and a $15,000 user fee to the City of Bonner Springs, making New West’s total annual liability to the Unified Government and City of Bonner Springs $157,500.
- New West will remit their $3 facility fee for every paid ticket to the Unified Government. At 52,500 paid tickets annually, the bond payment, all management fees, user fees and interest will be paid in full. After 52,500 paid, the deal reverts to $1 for every paid ticket, with .75 per paid ticket going to the Unified Government and .25 per paid ticket going to the City of Bonner Springs.

Thank you,

Chris Fritz
## Capital Improvements List

<table>
<thead>
<tr>
<th>Expense</th>
<th>Project</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$200,000</td>
<td>Seats</td>
<td>Replace lower seating and VIP boxes, refurbish upper seating: 1,200 regular seats - $130,000; 224 VIP seats - $30,000; refurbishment of 3,156 upper seats - $40,000</td>
</tr>
<tr>
<td>$100,000</td>
<td>Asphalt Repair</td>
<td>Repair entrances, walkways, plazas, employee lot and backstage lot</td>
</tr>
<tr>
<td>$30,000</td>
<td>Sealing</td>
<td>Seal and stripe over all asphalt, Brenner Drive, reserved parking lot, employee lot, backstage</td>
</tr>
<tr>
<td>$120,000</td>
<td>Concrete Work</td>
<td>Repair issues in seating areas and steps, lawn walkways and mixing booth</td>
</tr>
<tr>
<td>$120,000</td>
<td>Concession Stands/Restrooms (exterior)</td>
<td>Replace awnings, counters and windows, paint, add stone and trim</td>
</tr>
<tr>
<td>$35,000</td>
<td>Awnings</td>
<td>Replace all concession and merchandise stand awnings</td>
</tr>
<tr>
<td>$5,000</td>
<td>Landscaping/Irrigation</td>
<td>Install irrigation system near VIP Club and in back corners of lawn</td>
</tr>
<tr>
<td>$30,000</td>
<td>Backstage Pavilion</td>
<td>Create backstage party space for sponsors and artists</td>
</tr>
<tr>
<td>$10,000</td>
<td>Signage &amp; Lighting</td>
<td>Update signage and replace lighting</td>
</tr>
<tr>
<td>$20,000</td>
<td>Fencing/Gates</td>
<td>Repair and stain fencing, repair and replace gates</td>
</tr>
<tr>
<td>$35,000</td>
<td>VIP Club</td>
<td>Reseal floor, paint, replace furniture and update bathrooms</td>
</tr>
<tr>
<td>$30,000</td>
<td>Public Restrooms (interior)</td>
<td>Repair and paint stalls and floors, replace walls and mirrors</td>
</tr>
<tr>
<td>$10,000</td>
<td>Backstage</td>
<td>Replace catering and kitchen floor, paint</td>
</tr>
<tr>
<td>$20,000</td>
<td>GA Pit/Walkway</td>
<td>Repair and epoxy finish in GA Pit; stain walkways near seating areas</td>
</tr>
<tr>
<td>$45,000</td>
<td>Stage</td>
<td>Electrical, plumbing and lighting work, repair insulation and interior walls, paint</td>
</tr>
<tr>
<td>$55,000</td>
<td>Concessions Coolers</td>
<td>Replacement of concessions compressors and eliminate R-22 coolant</td>
</tr>
<tr>
<td><strong>Total:</strong> $865,000 **</td>
<td>**</td>
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NOTICE OF PENDING APPOINTMENT

DATE: August 7, 2015

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: George Breidenthal, Jr.

TERM EXPIRATION DATE: October 1, 2017 (Deceased)

APPOINTING COMMISSIONER: Commissioner Jane Philbrook

REVIEW DATE: August 17, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: John J. Jurcyk

ADDRESS: 10 E. Cambridge Circle, KCK 66103

CELL NUMBER AND EMAIL ADDRESS: 913-371-3838

TERM OF OFFICE: August 27, 2015 TO May 30, 2017

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.
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Monday, July 27, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. Murguia, Commissioner Third District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Lew Levin, Chief Financial Officer; Wilba Miller, Community Development Director; Reginald Lindsey, Budget Director; Debbie Jonscher, Asst. Finance Director; Robin Hicks, Legislative Auditor’s Office; Mike Tobin, Interim Director of Public Works, Emerick Cross, Commission Liaison; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Jason Banks, Asst. to the Mayor/Manager; Lindsay Behgam, Executive Coordinator to the Mayor; Budget staff; and Patrolman John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Monday, July 27, 2015, at 5:00 p.m. in the Commission Chambers of the Municipal Office Building for a final budget public hearing for the UG and CDBG.

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.

Doug Bach, County Administrator, said this is the final public hearing after we’ve gone through a process where we start our budget process in the fall of the year. We go through Strategic Planning. We started our first public hearing as you can on this in February of the year. That’s the time we really look for people to come in or groups to come in and tell us what’s important to them as I reach out to departments. In the month of March we’ve reached out to the citizens to find out what they’re looking to build into our budget. We spend the next several months working through proposals that have been submitted to us determining what’s important and what’s going to rise up to be the highest level of need.

July 27, 2015
Then advance that to the Commission where it is submitted through July and then we submit it this month working in workshops to determine and kind of finalize different matters that were presented in the proposed budget.

I will note in the 2016 Highlights for the budget submitted we have no mill rate change to what our exiting budget was. We’re able to build upon our Fund Balances from previous years which has been a strategic goal of the Commission. We have been able to repay some special funds which we had to borrow from in years past in order to balance our budget. Enhancements somewhat to our Parks & Recreation Fund which has really seen a lot of impact since the recession in 2007 and 2008. Address Employee Compensation in this budget which really is the first time we’ve done that well in the last five years. Put more in Capital Investment looking to cash that we have in-hand which largely was the result of some of the economic development projects that we’ve done in the western part of our community putting money back into our

July 27, 2015
budget. A new initiative for Urban Redevelopment to put money into distressed areas. Invest more money towards Animal Control and what we’re doing in Open Data & Innovation with the unveiling when we proposed our budget about our new OpenGov System which makes it very easy for anybody to get in and look through our budget to see where we’re spending our money.

With that I’m going to turn this over to Reginald Lindsey, Budget Director, who is going to talk specifically about some of the numbers we have in this before we open the public hearing.

Reginald Lindsey, Budget Director, said the 2016 Proposed Budget of $323M is balanced on the Expenditure side and the Revenue side. Our main source of revenue is our property tax which comes in at 27% which is $3.6M more than 2015 budget. Coming in at a close second, third, and fourth are the sales tax, charges for services, and franchise taxes. Sales Tax is forecast to come in at $2.3M more than 2015.
On the Expenditure side of the budget, this is where our funds go out; we can see Public Safety is our largest category of spending at 39% and the Expenditure side of the budget funds over 200 services and funds over 30 State Certified funds. Capital spending in the Expenditure Budget is up $7.4M over the 2015 budget.

Wilba Miller, Director of Community Development, said the Unified Government of Wyandotte County receives an annual allocation of Entitlement Funds from the U.S. Department of Housing and Urban Development for three programs: Community Development Block Grant, HOME Investment Partnership Program, and the Emergency Solutions Grant Program.

In order to receive these funds the Unified Government must submit a Five-Year Consolidated Plan which includes an Annual Action Plan for that particular fiscal year. The Five-Year Plan includes an assessment of housing needs for both affordable and special needs

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housing, a housing market analysis, housing priorities and strategies to address those priority needs, a Five-Year Strategic Plan and an Annual Action Plan.

This Annual Action Plan consolidates the three grant programs into a single application. The application must include a description of the projects and activities expected to be undertaken using grant funds in any expected program income.

The current slide shows examples of eligible activities under the CDBG Program. The plan also includes actions that the Unified Governments expects to take during the program year to address the strategies described in the Five-Year Plan.

The Unified Government must also hold two public hearings to inform the community about the plan, the plan process, and to collect community input. As noted before the first public hearing was held on February 23, 2015 prior to developing and publishing the draft Five-Year Plan.

We have developed a new Five-Year Plan for fiscal years 2015-2019 which includes the Annual 2015-2016 Action Plan. In addition, the Citizen Participation Plan was also amended during this process. The draft plan was published on June 25th and citizens were given 30 days to comment. We are fulfilling the second public hearing requirement tonight.

The plan process is guided by the CDBG Budget Committee. This committee met several times to development the Revised 2015 and Proposed 2016 Budgets. Subsequently, revisions were made to the budget and those changes were discussed in a Committee of the Whole meeting held on June 25th and the Unified Government Budget Workshop held on July

July 27, 2015
16th. No changes have been made to this budget since those were agreed to and discussed at the budget workshop meeting. The changes and any narrative changes will be incorporated into the draft documents and made final for submission to HUD.

The 2015-2016 Annual Action Plan is summarized by the following slides and is shown by categories and activities:

For instance, this slide is for Community Development Block Grant Funds $2,335,066 which includes $310,253 in prior year funds.

The HOME Grant budget is $517,343.
The Emergency Solutions Grant budget $183,324 for a total of over $3M in total funding.

The Five-Year Consolidated Plan must be submitted to HUD 45 days prior to our fiscal year that starts October 1st which means submission must be and cannot be absolutely no later than August 15th. Failure to submit the plan by August 15th will automatically result in a loss of funds.

**Mr. Bach** said that concludes our presentation tonight.

**Mayor Holland** said alright we will move forward with our public hearing. Before we do I want to recognize two fellow public officials who are here: MaryAnn Flunder from the KCK Community College and Dr. Evelyn Hill, President of the District 500 School Board.

**Bridgette Cobbins, UG Clerk**, stated the procedures for the public hearing.

**Marcia Rupp, 2816 No. 46th St.,** said I want to start with that we had some diversity meetings this year about hiring but I guess we forgot all about hiring. When our Mayor was brought into office, Mayor Holland, with him was also brought a little bit more power on the Mayor’s side and some was taken away from the Commission and the Administrator. I believe the buck stops there. He’s not just at fault. You’re all a team. I believe there are two people that go to the meetings and on a committee at the Sheriff’s Department, two of the commissioners. Is that still true Mayor? **Mayor Holland** said there are numerous committees that the commissioners are involved in including with the Sheriff’s Department. **Ms. Rupp** said I would like to see
something where the commissioners are involved with the Fire Department and the Police Department to kind of oversee them to let Mr. Bach know and our Mayor know how short they are. We are 23 short right now in the Police Department, we’re 14 short in the Sheriff’s Department, and 21 short in the Fire Department. We’re going to be short 41 in the Fire Department in December and in December we’re going to be 36 short I heard in the Police Department. I don’t know what’s going to happen in the Sheriff’s Department. These are the three most important departments in this government. Every department is important, but these three are the most important because they’re life-saving units. There about the value of human life and I know our Mayor understands that. He’s a minister also and I know he understands the value of human life. We need to get something done here that we’re keeping all three of these units up-to-date, not only on personnel, but equipment and technology we’re way behind. There are three things that make a city a great city: a great Fire Department, a great Police Department and schools. We have two of them, but you guys are tearing them apart.

Mayor Holland said I will just set the record straight. The Charter that was set out in 1997 with the role and responsibility of the Mayor has remained unchanged since 1997.

Dr. Evelyn Hill, Heartland Habitat for Humanity, said I have on a different hat. I am standing in for Tom Lally, President/CEO of Heartland Habitat for Humanity. He is on vacation and asked me if I would just come in and share some of the great things that have been happening with the partnership that Heartland Habitat has had with the UG.

The mission of Heartland Habitat for Humanity is to strengthen families and communities by increasing the number of quality, affordable homes for single-family residents in the greater Kansas City area.

Since 1987 Heartland Habitat for Humanity has built, rehabbed or repaired more than 450 homes in our five county service areas which include Wyandotte, Johnson, and Leavenworth Counties in Kansas and Clay and Platte on the Missouri side. Our services are new home construction, a brush with kindness which is minor exterior repair; veteran’s housing initiative which includes both exterior and interior repairs for those homes and homeowner education.

Since 2004 Heartland Habitat for Humanity has partnered with the Unified Government to receive federal HOME Funds to build new housing for low to moderate income individuals and families. Forty-four new homes constructed using HOME Funds, total HOME Funds used
equals $1,673,213; average $38K per home. Private funding leverage through HOME funding $3,696,000 and Community Economic Benefit $478,500 in real estate taxes paid.

**MaryAnn Flunder, 12600 Delaware Parkway**, said I know I usually attend most of the meetings but I was ill in February and March and I was not aware of the deadlines that came about. Since I’ve been out of the hospital and been home I’ve received 13 calls. One of them was on the transparency that you spoke about at the Standing Committee meeting and it’s very, very hard because we don’t have a *Kansan* newspaper, but to depend on just your commissioner I guess getting you the information. My suggestion is that we need to use the few papers that we do have, *The Call, The Globe, Dos Mundos, and Wyandotte West* at least so that when you have proposals to go out that you will receive more than one and then you won’t be in that predicament. You have to be more transparent both with Community Development and with the Argentine Betterment Association.

The second thing I want to talk to you about is that if there are any changes in Community Development forms that some kind of way through the neighborhood groups they be able to receive that. A lot of us do attend those and also attend the meeting at Indian Springs, the Neighborhood Resource Center.

Is it possible for the Purchasing Department to give businesses the list of Black, Mexican/American and women-owned contractors.

If you have any money left over, I have an excellent program called the STEM Program that I would like use.

**Charles Davis, 1863 No. 40th St.,** said first of all I want to thank you for what you did last year about allowing me to work with the city to work with the court system to see if we could do anything about dropping down the deficit as far as individuals who owe tickets, fines, and getting them to come to court and start paying on their tickets and their fines. Our program which is called DRW which stands for Doing Real Work, Inc. you funded this program last year with a $50K grant from this Block Grant Department. We successfully completed that grant, we successfully completed what we said we were going to do and we are now in front of you again for the 2016 Budget. I left a package so you can read it. I know I only have three minutes to
speak and I know it would take longer than three minutes for me to actually give you a whole proposal of what I’m asking, but I can do it in two minutes, well actually 1.5 minutes.

What I’m proposing is to continue to work for the city and the court along with the District and Municipal Courts and working with individuals who are afraid to come to court because of rumors that if they show up to court they are going to jail. This has been proven that this does not happen. Judge Ryan and Judge Lampson have really taken their time working with me along with several other judges in our court system to allow me to work with them to help lower the proceedings in court which is costing a lot of money. One of the main things I do want to say is that we did save the city a lot of money in courts as far as fines, as far as manpower, and as far as warrants.

We started off at a position where it took about two months for me to actually get started in the program that didn’t actually start the way it was supposed to and that was because of our contract that we had, but other than that everything worked out perfect.

We had Ms. Wilba come over to do an oversight of our organization. She found it to be in an excellent condition so I’m asking today if it’s possible to continue to let me work with the city and work in this program.

Daniel Welch, 6221 Armstrong, said those of you who know me know I come to talk about parks. The proposed 2016 UG Budget for Parks is a breath of fresh air. It’s generally satisfactory. A few weeks ago I heard Mayor Holland mention that Kansas City, Kansas was one of the most diversed cities in the United States. Some of you may recall a few years ago at a budget hearing I mentioned Olive Claffer experience with diversity at Splitlog Park in 1916 and how years later it helped change the world. This year we celebrate the centennial of two parks: Kensington Park and Edgerton Park. Both arrived in the era of Jim Crowe, but a third park, Heathwood, suffered the most turmoil. It was a very dark year. Over the years and our parks have seen these two worlds of thinking, bright and dark, but there has been one constant idea apparently unique. Through all of these years in Kansas City, Kansas everyone needs a park. This helps to explain why we have so many parks. In recent years a few of our parks have seen a renaissance showing renewed popularity. I wish there were more parks in this category, but it does show what is possible.
Now we have the proposed Parkway Project. Many 100-year old parkway project ideas were stalled long ago to satisfy demands of a different era. It’s time for all of our parks to move us ahead again and lead us into a new era.

**Dennis Harris, 5926 No. 123rd**, said I’m here on behalf of the Wyandotte County Fair Association. I’ve appeared here before and I’m just here again this year to ask you to please consider the increases in the budget that we’ve asked in our presentation in a written form. We’re operating now entirely by volunteers. We have no salary employees. We have beautiful grounds that have a want for development. We can’t grow if our budget remains the same. Basically with the budget we get from the Unified Government we can pay our liability insurance on an annual basis, we can pay our utilities on an annual basis, and we can pay our part-time contract labor during the fair. The rest of the year we are at a loss as to growing the fairgrounds because we do not have the funds to develop it. We did receive a grant from two commissioners from their Hollywood Casino funds this year, a grant for the shooting sports facility and we certainly appreciate that and we’re going to get to work on that in the immediate future. As you can see $77K plus the reimbursed statutory reimbursables does not go very far on the fairgrounds.

We have a few fair participants here and I think most of them are trying to recuperate from last week that was a long period of time. There are a few members of the Fair Board and kids. (Mr. Harris asked the people to stand).

We certainly ask you to consider the budget as we presented it. These kids have worked hard on the project and we would like to work harder and develop a ground that would be suitable for them in the future.

**Brenda Shivers, 2702 S. 46th Terr.,** said I’m a board member with the Northeast Economic Development Corporation, a CDC in KCK located at 1301 Quindaro Blvd. NEDC has been in existence since 2008 primarily serving the northeast area of Kansas City, Kansas. We are the infants of the Kansas City CDCs. I’m very proud of what has been accomplished about community housing and also ANDA. I remember when they were in their infancy. I have given the same opportunities and any NEDC would do the same.

July 27, 2015
Today I would like to address what I perceive to be an unfair process that is occurring based on your decision regarding the proposed use of CDBG funds.

In 2014 NEDC almost lost $140K because the funds had not been utilized. Unfortunately, for some reason the Board was not made aware that these funds were available to us. Through a technicality and the efforts of Commissioner Townsend and Commissioner Maddox we were able to retain those funds. District 6 was awarded $500K for the Highland Crest Project at the same time. However, based on NEDC’s experience some felt a precedence and process had been established. You have to spend the funds you have been awarded prior to being awarded additional funds.

As you are aware, NEDC did not apply for funds this year based on that precedence, but the CDBG Budget Committee recommended that ABC/District 6 get an additional $400K without spending any money that they had previously been awarded. Although ABC/District 6 was the only applicant for the brick and mortar project it does not necessarily mean that you should fund them in their entirety.

Mr. Mayor, I would put forth the following recommendations: All CDC’s be held to the same requirements. You must spend the funds that you already have prior to being awarded additional funds. The $400K that is being proposed for destination to ABC/District 6 be reduced to $200K resulting in a total of $700K being given to them. The remaining $200K be given to the Emergency Home Repair Program and the Handicap Accessibility Program.

The Department of Community Development does an excellent job of putting forth efforts to accommodate the wishes of the Community Development Budget Committee. I am sure they will appreciate your assistance in making things right based on their day-to-day experiences.

Randy Willbanks, 1227 E. 199th, Grandview, MO., said I appreciate the opportunity to come and speak before you on behalf of Wyandotte County Builders & Developers. I am a builder and developer in Wyandotte County. We currently have three main areas that we’re building and developing in: Newberry at Piper, Pavilions at Piper, and Highlands at Piper. We appreciate the consideration for 2015 and I know that we reinstated some of the moratorium on fees late spring and that was a very positive step. We currently since then have pulled about 25 building permits as a result of that. We currently have about $4M worth of projects under construction. The

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economic impact to that will generate once those projects are completed about $80K a year in tax so for the next ten years those projects will result in about $800K worth of money coming into the Unified Government.

As far as our position goes we think in an era of budget shortfalls and ANX over trying to figure out budget issues, which I know you all wrestle with all the time, we think this represents an investment. Over a ten year period if we continue to waive the—for this next year we continue to waive the permit fees a $5K waiver will result in about $80K coming into the counties coffers, Unified Government coffers, over a ten year period. It’s a $5K investment and $80K ultimate return. Part of the reason that we need this is to level the playing field. Currently the taxes in our region are roughly about 30% more than they are in Overland Park in Johnson County and so to level the playing field we are at about a 30% disadvantage.

I would like to respectfully request that for 2016 that we continue on with what we put in in the spring of 2015. It has meant a lot to us. We have put our money where our mouth is. Like I said we have about $4M under construction ourselves and we plan to do considerably more in the balance of this year and into the rest of 2016.

Rusty Roberts, 11212 Rowland, said I’m a fourth generation Wyandotte County builder/developer and I’m here to talk about the moratorium on the fees. I have 24 real estate agents in my office and we see what happens on the frontline every day. You know the people that want to live here and don’t want to live here. We see some of the Cerner people that will come here and some that won’t come here. As Randy talked about it earlier we’re 30% higher than Overland Park on taxes and that equates to about $100 a month on a payment. They look at the numbers and they do the math. 435 is just awesome. They can get on it and go north or south and go to Platte City, they can go to Parkville, they can go to Shawnee, Lenexa; and we lose out buyers all the time simply because of that. We see it but the numbers really tell a story when Kansas City is this big, the whole Kansas City area, and we have about 8% of the population and when Kansas City is this big we only have 4% of the new homes that are getting built and sold. We’re kind of falling behind and anything we could do to help out would really be helpful.
Robert Hughes, Hughes Development Company, 1021 N. 7th, said I’m on the NEDC Board. I’m not here to speak about NEDC specifically. I’m on the SMMID Board. Mr. Lynn hasn’t spoken about our application for SMMID but I’m here to talk about what some of these other developers have talked about, they’re out west. I’m trying to do something in the northeast area. I can’t say about how many homes we’ve built. Peregrine Falcon we started in the early 2000s and we got moving over a long period of time and put the first house in the ground in 2008 and then the bubble burst. We didn’t have a bubble burst, but we got burst in that bubble. Peregrine is relinquished. One of the things we did find out in our efforts to sell the five homes that we were able to get constructed was that even with all the great location, proximity to employment centers, accessibility that there were problems trying to convince our potential homebuyers that this area was coming back because they would ask what else is happening in the area. We couldn’t answer that question. We had a lot of ideas and so I’m here to suggest to you that with all that good location we need a greater comprehensive plan.

I presented to the Economic Development staff a proposal. I presented that to Commissioner Townsend, Commissioner Johnson and I sent a copy to Commissioner Bynum and we’re saying that we need to get a little smarter in how we address development in the harder areas to develop. I’m developing market rate housing, trying to bring market rate interest back to the northeast area to be a catalyst to create other goods and services coming back to the area. It’s a private/public partnership that can make this happen. If you look across the river at the Beacon Hill area, it started about the same time and it languished until the local government political force and the local administrative force in the local government said this is a priority. It had all the great location. Now that area is attracting all kinds of developers. They are building major multi thousands of dollar houses. They have universities coming to build dormitories; they have people wanting to build grocery stores. It’s a catalectic affect because now the adjacent areas are getting private developers. We are as smart as they are. We can do the same thing.

I was on the development team that made an application for that redevelopment project. They put some big names behind that. Names called Dunn and called Zimmer, but it still took all that time so I’m not discouraged about the amount of time it has taken. I just need us to get that back on the table and make it happen.

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Richard Mabion, P.O. Box 4412, said actually I think I’m at the wrong meeting, but I’m here. I came in because of this concern that has been going around about the CDBG money and cutting of the Emergency Home Repair Bills. My concern was that as soon as I saw that Emergency Home Repair Bill it made me think of energy efficiency and that’s what we do in these homes because really that’s what’s missing and needed in the homes. To me it’s time for us to start facing the fact. I was coming to you to suggest that you consider collaborating with us environmental folks out here. You’re environmental groups don’t talk to me. All of you know who I am. I’ve never had a message from not one of them. I’ve never been asked any advice. I’ve never been asked one thing by all these healthy neighborhood groups that you’ve got in Wyandotte County so I’m coming to you because I want to start meeting with you. I’m sitting here—I just got a press release just day before yesterday on Actions to Build Resilience to Climate Change Impacts in Vulnerable Communities and when I started reading into it after seeing this thing about the home repairs bills for the Emergency Home Repair Bill, they have a brand new program that’s been set up by the Kresge Foundation that’s offering $10M, $2M which has been spent for doing just that working in low-income communities, influencing local and regional climate/resilience planning, policy development, and implementation to better reflect the priorities and needs of the low-income community.

Let’s just be honest about it. When you have to come up from where we’re coming up as a city, like most cities are, the low-income can be lost in the shuffle. Everyone I talk to this day, no one has talked about before and so I’m saying that we need to have a direct way that we can come in and sit down and talk to you. I don’t care if it’s nobody else but me. I’m developing a system of a collaborating group out here that’s going to nothing but be able to work with our poor and find ways to find additional money so that we don’t have be haggling with you on the budget because I know when you take money from one part and put it somewhere else that means something else is going to lose.

Ms. Cobbins said, Mayor, that’s all that signed up this evening. The Clerk’s office did receive an email today and requested it be read into the record. It states “CHWC supports the CDBG funds for affordable housing in Wyandotte County and applauds the Unified Government Commission for budgeting the use of CDBG funds in a manner that truly begins to rebuild our neighborhoods. However, CHWC has noticed a visible shift in this year’s application process.
For the first time in many years the Unified Government now seems willing to invest a much larger dollar amount into affordable housing via the CDBG Program when compared to previous years. In CHWC’s case, we opted to not apply this year because we have not been awarded CDBG funds since 2011. In 2011 we received $71,100 in CDBG funds for minor home repair projects for low-income homeowners. Minor Home Repair is an ongoing need for low-income families due to the age of the housing stock in our community and remains an important tool in our community development tool box for ongoing revitalization efforts. CHWC has conditioned our organization not to rely on CDBG funds for new housing since it had been quite some time since this funding was relevant to our organization and our community programs. Now that it has been made apparent to us that bricks and mortar projects are a high priority use for CDBG funds, CHWC will make application next year to assist our organization with the construction of new affordable housing. Sincerely, Donnie E. Smith, Executive Director of CHWC.”

**Mayor Holland** said I want to thank everyone for coming out tonight. We will have a budget workshop upstairs. We have a number of items. I will say that there is a budget workshop scheduled for 5:00 p.m. on Thursday. That is an open meeting but I am now adding CDBG to that agenda.

After the meeting last Monday Commissioner Murguia requested of the Ethics Commission—Ethic Administrator request for a review of the policy in terms of whether or not she could participate and vote on ABCs application because ANDA was listed on the application which is the organization that pays her salary.

My office and the commissioner’s all received a letter from the Ethics Administrator just today, about 4:30 p.m., it was brought up to the office that clarified actually my point that Commissioner Murguia should not have voted in the subcommittee or even in the straw poll for the decision that we made last Monday. That puts it up in the air because it was six votes and without that vote it would five votes which is not enough to move it forward so we’re going to need to reevaluate that on Thursday by virtue of that ruling and we will take it up at that time.

**Commissioner Kane** said well the Ethics lady in conclusion said having reviewed the video of July 16, 2015 the underlying documents and applications and prior documents the office of the Ethics Administrator finds that no intentional violation of the Ethic’s Code by anyone with
respect to CDBG process. If ANDA’s name remains on the application because of lack of clarity with the application form and who receives the funding, Commissioner Murguia would be disqualified from voting from the ABC Project and ANDA would be prohibited from receipt of UG Funds from ABC Project approval. The preferred practice would be the application form would require specific disclosure in the role and interest financial and otherwise in participating agencies. Absence of such disclosure the appearance is they would be sharing the funds.

I was under the understanding that if they scratch off ANDA, that would be okay. Mayor Holland said well I think we need to have a discussion with that on ANDA by the Commission. We have another budget workshop to work through that. I think we need to take time as a body. Each commissioner I would invite you to read the ruling by the Ethics Administrator and we can come to a discussion on Thursday about how we want to handle that. I think it’s premature. I’ve had this document for 30 minutes prior to this meeting and I think based on that we need to bring it back to the Commission for full consideration.

Mayor Holland said we will reconvene upstairs in 15 minutes at 6:00 p.m.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 5:47 P.M.

Bridgette Cobbins

 Unified Government Clerk

July 27, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, June 25, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District (arrived at 7:02 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. McKiernan, Commissioner Second District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Patrick Waters, Legal Department; Bridgette Cobbins, Unified Government Clerk; Joe Connor; Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; George Brajkovic, Director of Economic Development; Emerick Cross, Commission Liaison; Rob Richardson, Director Urban Planning and Land Use; Byron Toy, Planner; Janet Parker, Administrative Assistant; Bill Heatherman, County Engineer; Chris Slaughter, Land Bank Manager; Bill Hurrelbrink, Assistant to the Mayor; Jack Webb, Public Works; and Captain Scott Breshears, Sergeant-At-Arms.

**MAYOR HOLLAND** called the meeting to order.

**ROLL CALL:** Philbrook, Bynum, Walker, Townsend, Johnson, Kane, Markley, Walters, Holland.

**INVOCATION** was given by Commissioner Johnson, Pastor Faith Deliverance Family Worship Center, COGIC.

**Mayor Holland** said after eight years of pinch-hitting for the prayer, I’m delighted to have a fellow clergy to help with that task.

**Mayor Holland** said we have two distinct parts to our meeting tonight. The Planning and Zoning portion of the meeting will be handled first followed by our regular commission meeting.
Mayor Holland asked if there were any revisions to the agenda. Bridgette Cobbins, UG Clerk, stated a blue sheet has been distributed. Under the Non-Planning Agenda, we have the Commissioners’ Agenda. It’s a new item; Item No. 1-2015 Casino Grant Funds. Also, #SP-2015-35, under the Change of Zone Application, that item is being withdrawn tonight at the request of the petitioner. Mayor Holland said that is Item #B-9 on page three. It has been withdrawn at the request of the petitioner.

Ms. Cobbins asked if members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning & Zoning Agenda. Commissioner Markley said on Non-Consent Agenda Item #SP-2015-22, I have had contact with proponents.

Mayor Holland said I would—just before we asked a question about removal, I do want to recognize a fellow elected official who is here tonight, Mr. J.D. Rios with the Kansas City Kansas Community College. We also grieve this week. We lost another fellow public official, Mr. George Breidenthal, who’s a member of the school board passed away this week and his services will be next Tuesday. I did want to recognize other elected officials at this time.

Mayor Holland asked does anyone on the Commission or anyone in the audience today wish to set-aside any item from the Planning & Zoning Consent Agenda. If an item is not set-aside, it will be voted on in a single vote. A member of the audience said I’d like to set-aside #SP-2015-29. Mayor Holland asked is that Item B-4. The reply was yes. Mayor Holland said it will be set-aside. Any item not set-aside will be voted on in a single vote.

Eric Morrison, 3200 N. 115th St., said I just want to make sure that #SP-2015-35 has been set-aside and removed. Mayor Holland said yes, #B-9. You have requested to set that aside to pull it off the agenda. Mr. Morrison said pull it off; remove it. Mayor Holland said it has been pulled off the agenda. Rob Richardson, Director of Planning, said, Mayor, for the record, on that one, that one has officially been withdrawn. There will be no more action on that item.

A member of the audience said I believe this is Item 5, #SP-2015-30, the K-9 Club at 221 S. 22nd St. I live at 228 Pacific Ave. Mayor Holland asked #SP-2015-30, B-5, at the top of page three, you’d like to set-aside. Answer was yes. Mayor Holland said we’ll set it aside and will deal with it individually in a moment.

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A member of the audience said I’d like to request to set-aside Item #8, #SP-2015-34. Mayor Holland said alright, it will be set-aside.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the remaining items on the Consent Agenda, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 150030...CHANGE OF ZONE APPLICATION #3088-BEN WILLIAMS/JULI, LLC

Synopsis: Change of zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a restaurant with drive-through (Zaxby’s) at 2035 N. 109th St.

and

ITEM NO. 2 – 150030....PLANNED REVIEW APPLICATION #PR-2015-12 – BEN WILLIAMS/JULI, LLC

Synopsis: Preliminary and final plan review for a restaurant with drive-through (Zaxby’s) at 2035 N. 109th St., submitted by Rob Richardson, Director of Planning. The applicant wants to build a 90-seat, 3,847 square foot Zaxby’s drive-thru restaurant at this location. The Planning Commission voted 10 to 0 to recommend approval of Change of Zone Application #3088 and Plan Review Application #PR-2015-12, subject to:

Urban Planning and Land Use Comments:

General

1. Trucks, trailers, cars or temporary storage boxes of any type are not allowed to be parked on the property overnight.

   Applicant Response: See note added to sheet 4 in lower left side of sheet.

2. Sec. 27-576(i) Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing
residential structure; all means available should be taken to minimize the impact on adjacent residential structures.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

Building Architecture

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

The north, west, and south facades as one turns the corner around the drive-thru is void of any detail. There are no windows (glass or faux) or architectural detail that is similar to the front along Village West Parkway.

Glass or faux windows is a simple yet inexpensive architectural feature that can tie the rear of the building to the front.

2. Sec. 27-576(e)(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glass. The director may approve other high-quality materials.

3. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

   a. Split shakes, rough sawn, or board and batten wood
   b. Vinyl siding
   c. Smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels
   d. Field painted or prefinished corrugated metal siding
   e. Standard single-tee or double-tee concrete systems or
   f. EIFS at the ground level or comprising more than 15% of any façade.

Staff has attached photographs of other Zaxby’s stores across the country, which illustrates some of the features that are described in our Commercial Design Guidelines. For example, EIFS is an accent material used around the roof line and cornices. The type of stone cannot be determined by the photographs, but that is the primary material used on each façade.

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Please look at the commercial buildings adjacent to this property in Plaza at the Speedway. They all meet the Commercial Design Guidelines and had more additional standards based on the Plaza at the Speedway Design Criteria, which included using building tile and roof tile in the design.

Please revise the buildings elevations to incorporate the materials listed above and reduce the amount of EIFS on each façade to 15 percent.

4. Sec. 27-576(e)(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

5. Sec. 27-576(g)(3) Slopped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

Corrugated metal is not permitted. Please revise the building elevations and all other sheets referencing that material and change it to standing seam. No new commercial development has been permitted to use corrugated metal as a roofing material.

6. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.

**Landscaping and Screening**

1. Shade trees shall be at least 2” caliper when planted. Evergreens shall be between 6’ – 8’ in height when planted. Shrubs shall be at least 5 gallons when planted.

   *Applicant Response: See updated note and plant chart for revision.*

2. All landscaping must be irrigated.

   *Applicant Response: See irrigation plan on sheet 16 and note 7 on sheet 15.*

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3. All utility connections must be screened with landscaping or an architecturally designed screen wall. Building and ground mounted mechanical units, utility meters, transformer, switching and control boxes and other service equipment must be properly painted to match the building and/or screened from view.

Applicant Response: See note 8 on sheet 15.

4. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six 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.

Applicant Response: See note 9 on sheet 15 and added dumpster callout on sheet.

5. Since this building has high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers should be designed so that they are reasonably screened and all downspouts shall be internalized.

6. All roof mounted units must be screened by the parapet.

Signage

1. Staff stipulates that the only detached sign on the property is a monument sign.

Applicant Response: See note added to sheet 4 in lower left side of sheet. Also, note the removal of all signs except the proposed Zaxby’s sign.

2. Window graphics must be scenic pictures only. No text, special ads, or painted messages are allowed. All graphics must be at least six inches back from the glass in a window framing.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

3. Sign reviews are done under a separate sign permit application.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

4. Banners are not allowed to be hung from the building or on the structure of the outdoor eating area. Attention attracting devices such as streamers, pennants, inflatables, and wind catchers
are prohibited. The applicant is still eligible to use these devices for special events on a temporary basis by applying for a temporary banner sign permit.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

Lighting
1. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.

   Applicant Response: See note added to sheet 17.

2. Exterior parking lot lighting shall have 90 degree cutoff fixtures.

   Applicant Response: See note added to sheet 17.

Public Works Comments:
1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Change of Zone Application #3088 and Plan Review Application #PR-2015-12, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

SPECIAL USE PERMIT APPLICATIONS
ITEM NO. 1 – 150153...SPECIAL USE PERMIT APPLICATION #SP-2015-25 – JEFFERY STEINBERG/APEX CDL INSTITUTE

Synopsis: Special use permit for a commercial driver’s license training facility and job placement program for graduating students at 6801 State Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to operate a commercial driver’s license
training facility and a job placement program for graduating students at the former Raceway Auto Group car lot at 6801 State Avenue. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-25, subject to:

Urban Planning and Land Use Comments:
1. A wall of evergreens shall be planted the length of the eastern edge of the rear parking lot.

2. The hours of operation for training (truck maneuvering) shall be Monday through Friday from 6:00 AM to 4:00 PM. All trucks shall cease operation at 4:00 PM.

3. No truck idling.

4. Per the Business License Department: a. #SP-2015-25. If approved, they will need to register and file the occupation tax application with this office. If the training education program is held by a 501(c)3, they would file as an exempt entity and would need to provide copy of IRS recognition status letter.
   
   Applicant Response: Apex is not a nonprofit, so we will be filing for a business license.

5. Per the Building Inspection Department:
   b. This is a change of occupancy. This will be a DRC project.

   For assistance, please contact Trey Maevers, Development Review Planner at (913) 573-8664.

   Applicant Response: I will contact the Development Review Committee today regarding building permits.

6. The letter as provided does not mention truck and trailer parking, but where will this equipment be parked after 4:00 PM?

   Applicant Response: We currently own seven trucks and trailers, four of which are used for backing training. They will remain on the rear lot for training and parking. Two of the trucks are for our road training, one is for testing. They will be parked at the rear of the west side lot, approximately 250 feet away from the road.

7. Will the light poles be removed in the rear parking lot?
Applicant Response: Yes, we had planned on removing the light poles from the rear lot to allow truck training.

8. How many trucks will be maneuvering in the rear parking lot?
   Applicant Response: Four trucks will be on the rear lot at any given time.

9. How many trainees will be in each class?
   Applicant Response: Apex CDL Institute averages approximately 5 – 6 students per week.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2015-25 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 080216...SPECIAL USE PERMIT PETITION #SP-2015-26 – ANTHONY ARNOLD

Synopsis: Renewal of a special use permit (#SP-2013-25) for boarding of four horses (applicant amended application to two horses) at 5539, 5549 and 5531 Sloan Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting to use 2.38 acres of property as pasture land for his four horses. Mr. Arnold only owns 5539 Sloan, which is 1 acre. Previously, neighbors Cheryl Buell (5549 Sloan, 0.5 acre), and Zachary Atwell (5531 Sloan, 0.86 acre) had submitted affidavits stating that Mr. Arnold can use their property. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-26, subject to:

Urban Planning and Land Use Comments:
A special use permit was renewed for four horses on May 30, 2013. Please provide an update to the following:

Applicant’s Comment: I would like to amend my request for only two horses, as that is all that I have had on the property since I began requesting my permits. The two horses are regularly rotated, however, they do stay overnight on the site.

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1. Ownership of Horses – Are the horses that are boarded on the land owned by the applicant?
   
   Applicant’s Response: The two horses are owned by the applicant.

2. Transport of Animals – Are the animals still transported via trailers, loaded off-street in driveways, etc.?
   
   Applicant’s Response: When transported, the horses are loaded in driveways or across the street where trailers are located.

3. Number of Animals on Lots – Are all four horses on a lot at any one time? Are they there for three or four days and then rotated back to 3438 North 55th Street?
   
   Applicant’s Response: Again, I have never had four horses on the property; only two would amend my request for only two. They are rotated on a regular basis.

4. Are there any structures (shelter) for the horses on the lots in question?
   
   Applicant’s Response: No structures.

5. Fencing – Please provide digital pictures showing the fencing and gate where the horses graze.
   
   Applicant’s Response: I do not have a digital camera, but will take pictures with phone and send via computer.

6. How many months a year do the horses graze on the three lots?
   
   Applicant’s Response: Off and on for nine or ten months, subject to the weather.

7. What is done to ensure that the land does not become overgrazed and adequate ground cover is present?
   
   Applicant’s Response: We maintain property on a month-to-month basis.

8. The properties in question are 5531 Sloan Avenue 5539 Sloan Avenue and 5549 Sloan Avenue. Please provide current affidavits signed by the property owners.
   
   Applicant’s Response: Affidavits were signed and submitted with my initial submission.

June 25, 2015
Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2015-26 for three years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 070415...SPECIAL USE PERMIT APPLICATION #SP-2015-28 – MARC AND PAMELA ROWE

Synopsis: Renewal of a special use permit (#SP-2013-29) for live entertainment in conjunction with existing vineyard and winery at 11255 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. This is a request to host live entertainment events at 11255 Leavenworth Road in conjunction with an existing special use permit for a farm winery. The 9.6 acre site includes the applicant’s residence, a pond, an outbuilding, and about three acres of vineyard at this time. The special use permit renewal for the continuation of the farm winery, #SP-2013-29, was approved by the Planning Commission on May 13, 2013. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-28, subject to:

Urban Planning and Land Comments:
Overall, staff does not have much of an issue with this proposal. This type of business, if planned and managed properly, could fit on this property with little issue, however, the reason for most live entertainment special use permits is to increase revenue by drawing patrons through music and events. Because of the potentially larger number of people that attend events, traffic and parking could be significantly impacted. Below are staff’s concerns. We are asking the applicant to please address these issues.

1. Subject to approval, this special use permit petition shall be valid for five years.

2. For live entertainment:
   a. In 2013, Mr. Rowe indicated that he did not foresee events being held on any other days than Saturday and Sunday (for a private event). Have there been any changes to this schedule?
      Applicant Response: No events continue to be on the weekends.
   b. What time will these events begin and conclude?
      Applicant Response: Events are in the afternoon or early evening.

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c. What months are you hosting these events?

*Applicant Response:* Events are all year with winter events being held inside.

d. How have you continued to advertise your business and event space? Will you be advertising or promoting your event space, and if so, how?

*Applicant Response:* Advertisement is through Facebook, the website, by word of mouth, and online event sites.

3. Is there any proposed signage on-site or off the property? If so, a sign permit is required for this type of business.

A banner sign may be displayed on the property for no more than seven days within one six-month period. If the banner sign is attached to a building, the banner sign may be displayed up to 30 days within any six-month period.

*Applicant Response:* None are planned beyond the current open/closed sign.

4. Staff agrees with your parking improvement determination that an improved parking area is needed for this use. This will follow similar cases such as #SP-2010-50, Cider Hill Family Orchard. That applicant applied for a special use permit to operate an orchard, in conjunction with a bed and breakfast, gift shop and event space (wedding, fundraisers, etc.) at 3341 N. 139th St. The special parking ratio of 1 parking space per every 4 people was used and a 40 space paved parking lot was stipulated as part of the approval. According to the information provided by the applicant, 50-60 is the maximum number of people that would come to an event. Using the same parking ratio, 15 paved parking spaces would be required. Please show the actual parking spaces on your drawing. For your convenience we are providing the city parking standards for your use.

Sec. 27-669. Dimension of parking areas.

(a) Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. For standard parking lots the minimum cross dimensions shall be as follows:

(1) Ninety-degree pattern, single loaded aisle: 44 feet.
(2) Ninety-degree pattern, double loaded aisle: 60 feet.
(3) Sixty-degree pattern, single loaded aisle: 37 feet with one-way drive.

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(4) Sixty-degree pattern, double loaded aisle: 57 feet with one-way drive and 60 feet with two-way drive.
(5) Forty-five degree pattern, single loaded aisle: 33 feet, with one-way drive.
(6) Forty-five degree pattern, double loaded aisle: 49 feet with one-way drive; 52 feet with two-way drive.
(7) Parallel space: Nine by 23 feet, each space.

(b) If vehicles can overhang wheel stops or curbs on one or both of the single or double loaded module, the dimensions set out in subsection (c) of this section can be reduced to two feet for each side where vehicles can overhang. Obviously, this is not possible where there are walls, tall curbs, or adjoining parking spaces.

Sec. 27-675(b)(1) Parking, loading and maneuvering areas for new single-family residences or for replacement or expansion of existing asphalt or concrete areas shall be improved with a permanent asphalt or concrete pavement to the standards set out in subsection (a) of this section. Based on the 2014 aerial photograph, it does not appear that the 2,700 square foot paved parking addition has been constructed as proposed in May 2013.

What are your plans for paving the parking lot expansion?

Applicant Response: We added the parking as agreed to in the 2013 special use permit. We are in disagreement with the assessment comparing Rowe Ridge Vineyard & Winery to Cider Hill Orchard. We are an agro-tourism business and their main business is a bed & breakfast/wedding venue. Rowe Ridge’s business focus is different from Cider Hill’s.

Staff Response: Any new parking must be code compliant.

5. Per the Building Inspection Department: a. Permit #11300-00292 was issued for new 2-story storage/accessory building. Project was never completed. Renew permit and request a final inspection. For assistance, please call (913) 573-8620.

Applicant Response: The permits were for framing and electrical and inspections were done when the work was completed.

Public Works Comments:

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A. Items that require plan revision or additional documentation before engineering can recommend approval: None.

B. Items that are conditions of approval (stipulations): None.

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2015-28 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

**ITEM NO. 4 – 150154...SPECIAL USE PERMIT APPLICATION #SP-2015-29 – RAFAEL CASTILLO-CARRERA**

**Synopsis:** Special use permit for the temporary use of land to park a work vehicle in the driveway of the home at 2903 Shearer Road, submitted by Robin H. Richardson, Director of Planning. The applicant wants to park his work vehicle in the driveway of his home during the week. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-29, subject to:

**Urban Planning and Land Use Comments:**
1. Approval for two years.
2. Property owner increase shrubbery along west side of driveway to shield truck from public view.
3. A business license must be obtained for this business.
4. What is the proposed timespan of this action?
   
   *Applicant Response: Within this year.*

5. What landscaping screening measures are in place to screen truck from public view?
   
   *Applicant Response: I asked all of the neighbors if they were bothered by having the truck parked in the driveway of my home at 2903 Shearer Road. All of them said that they were not bothered by the truck being parked in the driveway since it did not inconvenience them. One of them even said that they wouldn’t be bothered by having the truck parked in the street.*

**Public Works Comments:** None.

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Tony Gutierrez, 2814 S. 36 St., said I’m helping him out. I’m speaking on his behalf, Rafael Castillo. The reason we’re up here is because he wants to park his truck. He only uses it on the weekends not every weekend, but he uses it every other weekend. He does not have a business and he does not sell out of his house. We’re just asking for permission to park his vehicle there in the driveway. Mayor Holland asked what type of vehicle is it. Mr. Gutierrez said a box truck. It’s a box truck and he asked all the neighbors around him. At the last meeting, nobody showed up and in this meeting I guess we have one person here.

Mayor Holland asked, staff, do you have any comments in terms of the nature of the…Rob Richardson, Director of Planning, said there are pictures of the truck being passed around to the Commission. This truck sits back away from the street so it doesn’t block any of the views along the street. It’s a large box truck. It’s a food truck basically. There was no neighborhood opposition to this. It’s been recommended for approval.

Mayor Holland said I’ll open the public hearing. If there’s anyone who is a proponent in favor of this application, would you please come forward at this time. Let the record show no one is coming forward to speak in favor.

Mayor Holland asked is there anyone who would like to speak in opposition to this, please come forward at this time.

Marsha Rupp, 2816 N. 46th St., said I’m a neighborhood watch leader for a group called The 46’ers. We’ve been going for about 17 years. I think we were here before on this same issue. Not the same kind of truck but the same kind of code violation and about really start buckling down to clean up our neighborhoods. These kinds of vehicles, of course—I don’t live in that neighborhood. I don’t know if there’s a neighborhood watch in that neighborhood, but this is the broken window theory where you see one of these, you’re going to see another one, then another one. This is what we’re trying to cleanup. I thought maybe we put an end to this and I thought maybe the Mayor even blessed this and now it’s back up again.

Mayor Holland asked does anyone else wanted to speak in opposition. I don’t see anyone stepping forward to speak in opposition. The applicant does have an opportunity to make a summative response if you would like.

June 25, 2015
I’ll now close the public hearing and open it up for discussion or a motion from the Commission.

**Action:** Commissioner Murguia made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-29 for two years, subject to the stipulations.

**Commissioner Townsend** said I believe what Ms. Rupp was referring to was a situation that this Commission addressed several months ago with respect to a truck that looked very different than this, but nevertheless would have required a special permit and that we want the neighborhoods to look a certain way.

That situation is somewhat distinguishable from this only because the neighborhood came out very strongly in opposition to that circumstance, the other one. This was the— I think it was a tow truck…**Mayor Holland** said it was a tow truck. **Commissioner Townsend** said the person was, by their employer, expected or otherwise required to be at a certain place within a certain time. Nevertheless, the message that was sent from that neighborhood and that many of us agreed with is, you have X amount of time to get that truck out of a residential neighborhood. My impression was we didn’t want to go back so I understand Ms. Rupp’s concern. The distinction here as I read this is that no one in this neighborhood complained but we still have to be on guard I think for whether or not this is a retrenchment. I would not oppose it but I am interested in what the owner’s long term plan is for this. Two years from now the neighborhood may not be as accommodating.

**Rob Richardson, Director of Planning,** said the other distinguishing factor in the previous case was it was a very narrow street. It was not even quite 16 feet wide I don’t believe and did not have sidewalks. This is a street constructed to modern standards with curb, gutter and sidewalks. The street is also a distinguishing factor here. The homes are set back further so that the truck is farther off the street as you move down the street.

I agree that we don’t want to have a proliferation of trucks in neighborhoods, but this one is—they’ve got two years and they’ll come back and see what the neighborhood says about how they’ve conducted themselves in that two years.
Mayor Holland asked how long has it been parked here already. Do you know? Mr. Gutierrez said he just moved into the neighborhood about two months. He just moved in.

Mayor Holland asked is this associated with a personal business or is this a larger business that you do this with. Mr. Gutierrez said no, he was going to start a business and then he just does on the side—he has like soccer fields where he just sells ice cream bars and all of that from the truck. He takes it to the site every other weekend and that’s where he uses his truck at.

Mayor Holland said I do agree. I’d like to see these things parked somewhere else besides in our neighborhoods, but also it’s hard to argue with the logic that the neighborhood didn’t come forward and object to it.

Roll call was taken on the motion for approval and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murgaia, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 070414...SPECIAL USE PERMIT APPLICATION #SP-2015-30 – JILL SCHULTZE WITH K-9 CLUB

Synopsis: Renewal of a special use permit (#SP-2013-27) for a dog day care at 221 S. 22nd St., submitted by Robin H. Richardson, Director of Planning. The applicant wants to continue to operate a dog day care out of a vacant residential home. She wants to continue to provide door-to-door service as clients are not allowed to drop off their dogs. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-30, subject to:

Urban Planning and Land Use Comments:
1. The opinions of surrounding property owners are critical. Are there significant complaints made by surrounding property owners?
   
   Applicant Response: I am unaware of any complaints in 8 years made by any neighbors surrounding the K-Club property located at 221 S. 22nd, Kansas City, KS 66102.

2. What is the disposal process for dogs’ waste? How often is the waste disposed of?

   Applicant Response: Employees pick up dog waste on a daily basis. There is a dumpster on the property that remains closed with the dog waste inside until Deffenbaugh takes it away once a week.

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3. How many times a day do vehicles drop off and pick up the dogs? What is the drop off and pick up process?

   Applicant Response: Employee vans are the only vehicles that enter and exit the K-9 Club property. They enter one time a day and exit one time a day.

4. What are the current hours of operation?

   Applicant Response: Monday through Friday approximately 11 am to 2 pm. always depending on inclement weather.

Staff recommends approval for five years subject to property owner maintains daily disposal of dogs’ waste and hours of operation are 9 am to 5 pm.

Public Works Comments: None.

Jill Schultze, Owner of K-9 Club, 221 S. 22 St., said I’ve owned K-9 Club for 12 years. It’s been at this location for 8 years. When I moved in, there was a lot of not great stuff going on at the location. It was vacant. I’ve cleaned it up and had a good rapport with the neighbors and I know who’s opposing me but he never called me. He has my phone number and so this is the first time I’ve been opposed so I don’t know what I’m doing.

Mayor Holland asked do you live at this residence. Ms. Schultze said no. We’re just there three hours a day max, Monday through Friday. Mayor Holland said it’s a business Monday through Friday three hours a day. Ms. Schultze said yes, and I maintain the property. I may have it mowed. I have a disposal like a container whatever that they come and take away and everything. Like I said, I’ve been there 8 years and thought I had a really good rapport with the neighbors.

Mayor Holland said we’ll open up the public hearing. Is there anyone who would like to speak in favor of this application? If you’d like to speak in favor, please come forward at this time. Let the record show no one moving forward to speak in favor.

Mayor Holland asked for anyone who is speaking against this proposal, please come forward at this time.
Tim Schlagle, 2028 Pacific Avenue, said I have no problem with any smell. It’s always been kept real clean. She does a real good business. I have no problem with that. The problem is they want to extend the hours to 5:00 pm. A lot of times 2:00 pm rolls around, it gets quite in the neighborhood. I have neighbors, friends that come over and go do you have to listen to this all day. I go no it ends about 2:00 pm. That’s why I compromise. I don’t make complaints about the noise because I know it’s going to end around 2:00 pm. They want to extend to 5:00 pm and that means the entire evening is going to end up having barking and noise.

Mayor Holland asked is there anyone else who would like to speak in opposition to this application. No one else came forward.

Ms. Schultze said that’s not correct, it says—I think it even says like 9:00 am to 5:00 pm on there because I think you were like giving me permission that I could do it from 9:00 to 5:00 pm, but we are only there from maybe 10:30 to the latest 2:30 pm. If inclement weather, we might be there until 3:00 pm but we don’t want to extend the hours. The dogs can’t be out longer than what we take them anyway. I don’t want to extend the hours and have no plans to do that in the future.

Mayor Holland said we will now close the public hearing. Staff, do you have any comment? Rob Richardson, Director of Planning, said on page five of the staff report under staff recommendation for five years subject to maintaining the property and then we could change the hours of operation to 10:30 to 3:00 pm. I think that would satisfy the neighbor’s objection and allow her to keep operating as she has been. Mayor Holland said if that motion is made otherwise…Commissioner Kane said move for approval with staff’s recommendation.

Action: Commissioner Murguia made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2015-30 for five years with staff’s recommendation, subject to the stipulations.

Mayor Holland said move for recommendation for hours of 10:30 am to 3:00 pm? Ms. Schultze said 3:30 pm at the latest if—whatever, we’ll get out of there. Mayor Holland said we have a motion and a second to amend. How many votes does it take to pass an amended—is it eight votes? Are we clear on the time? We’re doing 10:30 to 3:30 pm. What was your June 25, 2015
recommendation? Mr. Richardson said 3:30 pm. Mayor Holland said 10:30 to 3:30 pm. Does the second understand it that way? Alright, 10:30 to 3:30 pm, Monday through Friday.

Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 6 – 130177...SPECIAL USE PERMIT APPLICATION #SP-2015-32 - DANIEL CHANG WITH EVERGREEN DAYCARE INC.

Synopsis: Renewal of a special use permit (#SP-2013-24) for a day care center at 1030 Orville Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a renewal for a special use permit to operate a daycare out of an old elementary school. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-32, subject to:

Urban Planning and Land Use Comments:

1. What are the maximum number of children and employees?
   
   Applicant’s Response: We are licensed to care for 12 children maximum for now and we have 4 employees including myself.

2. What are the hours of operation?
   
   Applicant’s Response: Monday thru Friday 6:30 am - 6:00 pm.

3. What are the current-drop off and pick-up procedures?
   
   Applicant’s Response: Parents drop-off and pick-up children from Orville Avenue entrance.

4. Are there any signs currently on the property?
   
   Applicant’s Response: We have banners posted on the wired fence and 3rd sign posted on the inside fence of kiddie playground.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP-2015-32 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrooke, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

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ITEM NO. 7 – 980324...SPECIAL USE PERMIT APPLICATION #SP-2015-33 – DR. KELLI MATHER WITH USD #500

Synopsis: Special use permit for a second modular classroom at 1610 N. 8th St., submitted by Robin H. Richardson, Director of Planning. USD 500 wants to use an additional modular classroom at Sumner Academy. There is currently one modular classroom on site. The unit is currently on a parking area on the north side of the property. The proposed units would be placed just to the west of the existing unit. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-33, subject to:

Urban Planning and Land Use Comments:

1. This type of special use permit, temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for the modular classroom unit?

   Applicant Response: Dr. Mather will reassess the classrooms; future solutions will be dependent upon available funds.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP-2015-33 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 150155...SPECIAL USE PERMIT APPLICATION #SP-2015-34 – DR. KELLI MATHER WITH USD #500

Synopsis: Special use permit for two new modular classrooms to replace the existing four modular classrooms at 641 N. 57th St., submitted by Robin H. Richardson, Director of Planning. USD 500 wants to use two modular classrooms at Lindbergh Elementary School. There are currently four modular classrooms on site; those will be removed and these two proposed will replace them. The units are currently on a parking area on the north side of the property. The proposed units would be placed closer to the main school building on the west side and in between the buildings. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-34, subject to:

Urban Planning and Land Use Comments:

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1. This type of special use permit, temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for the modular classroom unit?

   Applicant Response: Dr. Mather will reassess the classrooms; future solutions will be dependent upon available funds.

2. A soft playground must be created and new playground equipment installed that matches the standards of the newly built school playgrounds.

Public Works Comments: None.

Dr. Kelli Mather, 2010 N. 59th St., said the reason I asked for the set-aside on this particular item certainly was not the movement of the two modular units. We appreciate that. The request was based on the stipulation to add new playground equipment simultaneously in that site.

   We had not planned financially for that nor had I asked the Board of Education for approval for new playground equipment at that time as we moved modular units into Lindbergh. We are actually trying to replace four very old probably 30+ year old modular units and replace them with two newer ones for increased enrollment growth in our school district. The fortunate part is we’re growing. We’ve been growing about 2.5% annually every year, about 500 kids, so we have to prepare for our kids unfortunately with having space in the modular units.

   The problem that we have is right now the playground equipment. I do want the Board of Commissioners to be aware that we do have a playground at Lindbergh Elementary School and some soft play space. Could it be updated and replaced at some point? Absolutely. I’ve had the pleasure in working with Mr. Richardson and understand his position.

   We continue every time we have brand new construction sites when we’re fortunate enough to put brand new playground equipment in and that’s an agreement we’ve made and I think that’s something we can certainly stand by. I’ll be willing to also try to upgrade Lindbergh slightly as we try to do every single year, but the request and the stipulation that was put into this particular application to put brand new playground equipment in, that would probably have a fiscal impact of nearly $50,000 is problematic for us at this time. That’s primarily my request for the set-aside.

Mayor Holland said so describe the work that’s going to be done. You have the four modular units on the north side. Dr. Mather said that is correct. They will be demolished and we’ll bring the two new modular units closer to the facility itself. We’ll have one that will go on the
west side. It will run east and west actually a little further over, kind of run east and west. Then we’re going to put the other modular unit probably running north and south right there down the middle. We wanted to try to put both of them down there but we didn’t have room on either side to do that.

We will remove the four existing modules up top. The playground is in the north east corner back there with some playground equipment right back in there and some soft play space; not a lot, a lot of asphalt as well on this site.

Mayor Holland asked you’re asking for the stipulation for the playground equipment to be removed. Dr. Mather said yes. I have spoken with Mr. Richardson and I think we’ve come to an agreement so I certainly would defer to him and allow him to speak to, Mayor, if that’s something you’d like to do. Mr. Richardson said what the school district has agreed to do, is to upgrade the playground area with new mulch and some new equipment. I would just do the budgetary impact before they come back for their next renewal on this. This is a new special use permit and so they would come back in two years for renewal and then they would get a much longer timeframe on that. If this school—they’d also indicated that if this school or other elementary schools are ever replaced, they would do a new play system like they have done at Hazel Grove, McKinley and Mark Twain.

Then as the school district comes forward with other sites and interim improvements like this, we’ll continue to look at the playgrounds in a similar fashion as we move forward. The stipulation will be modified to say that they would add kind of revamp the current system and add some new equipment to it, but not totally rebuild it, the whole system. Mayor Holland said there is a recommended modification that we would need to approve. Mr. Richardson said correct. Mayor Holland said the recommended modification is to upgrade the system, but not all new, with the understanding that as you continue to improve your facilities you would come back and do this as well. Mr. Richardson said yes sir.

**Action:** Commissioner Philbrook made a motion to approve with changes.

Mayor Holland said I do need to open the public hearing. We had to get all of this squared away. Commissioner Philbrook said that’s fine. Sorry about jumping the gun.

June 25, 2015
Mayor Holland said I will now open the public hearing. Is there anyone in attendance tonight who would like to speak in favor of this application? Let the record show no one is moving forward.

Mayor Holland asked is there anyone who would like to speak in opposition to this application, please come forward at this time. Let the record show no one has come forward. I will now close the public hearing.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP-2015-34 for two years, subject to the stipulations and the changes as recommended by Mr. Richardson. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 9 – 040308...SPECIAL USE PERMIT APPLICATION #SP-2015-35 – BRANDON AND JANELLE PETERSON

Synopsis: Special use permit for a bed and breakfast at 3200 N. 115th St., submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a special use permit in order to operate a bed and breakfast out of the four-bedroom home. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-35, subject to:

Urban Planning and Land Use Comments:

1. How many guests will be staying at one time?

   Applicant Response: A maximum total of 10 guests will be able to be accommodated at one time. This count encompasses:
   a. One-bedroom suite – two guests in bedroom and two guests on sofa bed
   b. Studio apartment – two guests on king bed, two guests on sofa bed, and option for two additional guests on roll-away when additional space may be needed for children.

2. Please provide images of the property (separate from the presentation or business plan)

   Documents are in file.

   Comments and Stipulations:
   • No Signage
   • No on-street parking

June 25, 2015
• Owners must maintain residence in the home
• Approval would be for two years
• Before expanding into the room above the detached garage, the special use permit would need to be modified for the bed and breakfast.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP-2015-35 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

VACATION APPLICATION
ITEM NO. 1 – 150082...VACATION APPLICATION - #A-2015-3 – MANUEL FLORES-MARTINEZ

Synopsis: Vacation of an alley at 1022 Merriam Lane, submitted by Robin H. Richardson, Director of Planning. Mario Leon of Martell and Leon is requesting to vacate 115 foot wide alley adjacent to a portion of Lot 40 and Lots 41-45 of Rosedale Park. The Planning Commission voted 10 to 0 to recommend approval of Alley Vacation Application #A-2015-3, subject to:

Urban Planning and Land Use Comments:
1. Retention of necessary utility easements.
2. Please provide an explanation and plans for proposed use if vacation is approved (why is this vacation being requested). (Information in file.)
3. All future increases to paved areas must meet design criteria for parking and loading in C-3 Commercial zones and stormwater criteria, as stated in the Code of Ordinances.

Public Works Comments:
A. Items that require plan revision or additional documentation before engineering can recommend approval: None.

B. Items that are conditions of approval (stipulations): None.

June 25, 2015
C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Alley Vacation Application A-2015-3, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

**PLAN REVIEW APPLICATIONS**

**ITEM NO. 1 – 150116...PLAN REVIEW APPLICATION #PR-2015-11 – JANENE ERVIN/KDC CONSTRUCTION, INC.**

**Synopsis:** Preliminary and Final Plan Review for an office and maintenance shop in conjunction with a trucking company at 7030 Kaw Drive, submitted by Robin H. Richardson, Director of Planning. The applicant wants to build a 16,500 square foot trucking company and maintenance facility for Clarke Power Services, Inc. on 6.85 acres at 7030 Kaw Drive. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application #PR-2015-11, subject to:

**Urban Planning and Land Use Comments:**

1. How many employees will be employed at this business?
   
   *Applicant Response: We will have 25 employees.*

2. Landscaping shall be irrigated.
   
   *Applicant Response: The landscaping plan was revised to indicate landscaped areas are to be irrigated.*

3. All utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment (including satellite dishes) shall be completely screened from public view on all sides by a parapet.
   
   *Applicant Response: The landscaping plan was revised to show additional screening as necessary.*

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4. Sec. 27-469(c)(2) No equipment, materials or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed no closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

**Applicant Response:** Only passenger vehicles will be parked within the front parking lot, therefore, no additional screening is necessary.

5. Sec. 27-469(g) Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property. Since the west property abuts property that is zoned RP-5 Planned Apartment District, there must be a privacy fence screening the yard. Secondly, because the property is industrially zoned, the fence may be 8’ in height. Lastly, due to the fact that development may not occur for many years and there is not a current tenant, the fence along the west property line shall have masonry columns every 32’ on center.

Please submit a fence elevation of the fence along the west property line and the entry gate into the facility.

**Applicant Response:** A masonry and wood screen fence will be provided along the west property line. See the landscaping and civil plans for location and details.

**Public Works Comments:**

A. Items that require plan revision or additional documentation before engineering can recommend approval: None

B. Items that are conditions of approval (stipulations):

1. Provide a right turn lane with adequate deceleration lane for vehicles entering the facility from the east.

2. Relocate the existing median break farther east to provide a left-turn lane with adequate storage space for trucks entering the facility the west. The left-turn storage should be a minimum of two large truck length plus corresponding taper.

3. Subject to KDOT’s review and approval in coordination with the UG.

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C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Plan Review Application PR-2015-11, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 150030...PLAN REVIEW APPLICATION #PR-2015-12 – BEN WILLIAMS/JULI, LLC
Synopsis: Preliminary and Final Plan Review for a restaurant with drive-through (Zaxby’s) at 2035 N. 109th St., submitted by Robin H. Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Petition #3088.

ITEM NO. 3 – 150156...PLAN REVIEW APPLICATION #PR-2015-14 – MATT SLICHT
Synopsis: Preliminary and Final Plan Review for a new auto dealership at 1900 N. 100th Terr., submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval to build a 30,425 square foot Nissan auto dealership at this location. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application #PR-2015-14, subject to:

Urban Planning and Land Use Comments:
An erosion control plan including silt fences is suggested. See Conservation District comments attached, (in file).

Urban Planning and Land Use Stipulations:
Landscape
- The building foundation must be landscaped. At least 75% of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. (Sec. 27-577 d.1)
- There must be 25 feet of landscaping between the public street and the parking lot. 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. (Sec. 27-577 b.1)

- Trees cannot be located in the site triangle on driveway
- The applicant will work with staff within the Development Review Committee process to have the majority of building foundation landscaping.
- Architecture
- North Elevations - Metal cladding may only be 17% of the façade area.
- All downspouts must be internalized
- All roof-mounted units must be screened by the parapet
- All signs must be approved and permitted separately by the Planning staff

**Lighting**

- Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.
- Exterior parking lot lighting shall have 90 degree cutoff fixtures.

Public Works Comments:
Please refer to all other communication on this issue.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Plan Review Application PR-2015-14, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

**MISCELLANEOUS – ORDINANCES (Final action on previously approved items)**

**ITEM NO. 1 – 150081…ORDINANCE**

**Synopsis:** Ordinance rezoning property at 2947 N. 91st St. (#3084) from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, Director of Planning.

**Action:** ORDINANCE NO. O-29-15, “An ordinance rezoning property hereinafter described located at approximately 2947 N. 91st St. in Kansas City, KS, by changing the same from its present zoning of R-1 Single Family District to A-G
Agriculture District.” Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 150024…ORDINANCE

Synopsis: Ordinance rezoning properties on 6th Street from Taurome Avenue to Splitlog Avenue (#3085) from C-3 Commercial District to TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, Director of Planning

Action: ORDINANCE NO. O-30-15, “An ordinance rezoning property hereinafter described located at approximately 6th Street from Taurome Avenue to Splitlog Avenue, in Kansas City, KS, by changing the same from its present zoning of C-3 Commercial District to TND Traditional Neighborhood Design District.” Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 150110…ORDINANCE

Synopsis: Ordinance rezoning property at 4014 Strong Avenue (#3086) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Robin H. Richardson.

Action: ORDINANCE NO. O-31-15, “An ordinance rezoning property hereinafter described located at approximately 4014 Strong Avenue in Kansas City, KS, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.” Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

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ITEM NO. 4 – 130076…ORDINANCE


Action: ORDINANCE NO. O-32-15, “An ordinance vacating a tract of land being part of the dedicated right-of-way of 37th St. (platted as Boeke Street) and the dedicated right-of-way of Strong Avenue abutting Lots 13, 14 and 15, Block 14, West End Addition to Argentine, a subdivision in Kansas City, Wyandotte County, KS, located at approximately 1404 S. 37th St.” Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1- 150152…#SP-2015-22 – GEORGE AND PEGGY STUART

Synopsis: Special Use Permit for the Temporary Use of Land for a storage container at 7259 Gibbs Road, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 5 to recommend denial of Special Use Permit Application #SP-2015-22 as a storage container is not appropriate in a residential area.

Peggy Stuart, 7259 Gibbs Road, said we have a storage container on our two and half acres that is temporarily housing lawn equipment that our grandson is helping us to maintain the property. Also, you know you have to keep everything under lock and key and that’s why we have these things settled down like that.

We will be moving that at some point and time. Is that the picture? Can you see it? I don’t see where it is. We have, since we came here the last time, we have torn down a chicken shed that was there. You actually can not see that container from the street even in the winter time because it sits way back off the street. There aren’t any traffic issues because it’s off of the street. We don’t have anybody coming in and out to use it, it’s just us. It’s new, it’s clean. There’s no reason to think there would be any noise or dust or anything like that. No pollution because of it. There’s lots of space around where this is sitting.

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We have a lot to mow and that’s why we have Eric helping us. My husband doesn’t do that so well anymore. We would like to keep it at least for a couple of years until Eric can find some place else to take it and deal with it there. Any questions?

**Mayor Holland** said there may be you might stay close. I’m going to open the public hearing and then we will go from there. If there is anyone in attendance tonight who would like to speak in favor of this application, please step forward at this time.

**Eric Fuller** said I’m Peggy and George’s grandson. I’m their neighbor also. I live directly across the street. This is the same street I grew up on. I’ve been a Kansas City, Kansas resident for 35 years. I don’t see a problem with it either. It’s not interfering with anybody’s life. We live out there and it’s like the country basically and there are a lot of worse things to look at out there than that for sure. I second that I think it actually should be passed.

**Mayor Holland** asked if there’s anyone else who would like to speak in favor, please step forward at this time.

**Mary Wilson, 10019 W. 52 St., Merriam, Kansas.** I’m the administrator for the estate of 7241 Gibbs Rd. which is right next door to them. I’m not opposed but I’m not for it either. I’m still concerned in regards to the weight of the container sinking into the ground possibly when the ground becomes wet; the movement of the container. I don’t see it on rock, concrete or anything like that.

My other concern at this point now is with the weather getting hot it is a solid steel container. If the weather’s 100 degree outside, inside those containers they approximately go up 50 to 75 degrees. If they’re keeping equipment in it, my next concern is the gas that’s in that equipment. That’s my only other concern. Other than that it’s fine where it is. It is away from the roads it is out in the back where it would not bother anybody; just a few concerns.

**Mayor Holland** asked if anyone else wanted to speak in favor. Let the record show no one else is coming forward. Anyone who would like to speak in opposition to this application? Let the record show no one is coming forward. We’ll close the public hearing.

I will offer though the applicant to make a closing comment if you would like.

**Ms. Stuart** said we could add some ventilation. I don’t know does it have any ventilation? **Mr. Fuller** said it’s only been maybe 100 degrees in there and I’ve never known it to be more that 10.
to 15 degrees higher. **Ms. Stuart** said but we could add some ventilation in case there would be anything like that happen. **Mr. Fuller** said these things come standard with vents. It has four vents. Actually it has more vents than normal containers because the container was just made last year. It’s a brand new container. It has four vents on each side instead of two. It’s already vented. **Ms. Stuart** said we’re not talking about forever, we’re just talking about a couple of years. If we can get that we’d be happy as clams. It sits way back off the road. I’ve talked to numerous of my neighbors. I had the meeting about the container being in the yard and everyone that came said they could not even see it so there was no opposition. It does have a gravel drive up and it’s concrete up most of the way of our driveway and about 20 feet of gravel to the entrance to the container.

**Mayor Holland** said, staff, do you have any comment?

**Mr. Richardson** said this is somewhat unusual case. It has been recommended for denial but even if the commission were to approve it they still have one and possibly two other outstanding issues that would require further action on the part of the city. The staff report says they have four accessory structures but if the chicken coop has been removed it would be three accessory structures plus the container which would require a variance from the accessory uses that where only one accessory structure is allowed. If they’re keeping chickens on a property less than five acres, they would then also need a special use permit for that as well. It has been recommended for denial, but if it were to be approved there are still other issues and if it’s denied there are still additional issues that may come back before this body or the Board of Zoning Appeals.

**Mayor Holland** said I will express my long standing opposition to containers as storage facilities in our community. I just don’t think it’s a best practice. I think we’re making an effort to cleanup accessory buildings generally. This one may be off the road and out of sight. This might be the nicest container ever but I can tell you there are 50 more out there that don’t meet our criteria. When we start approving one I’m just concerned we’re going to start building a lot. I would much rather see someone improve their property with a new accessory building and be able to take care of equipment that way, but I will just reiterate my mantra generally of opposing these containers/facilities as storage in our city.

**Commissioner Markley** said you know I agree in terms of containers. I will give a little bit of background. This is part of my Morris Neighborhood. It is a very rural area and until recently June 25, 2015
when we had a change in codes personnel there’s been pretty much zero codes enforcement here for decades. What I do like about what I heard today is that they were told they had codes violations. They’ve already in that short period taken down one of the accessory structures that was an issue. I didn’t get to come to their neighborhood meeting, but I’ve heard from other neighbors that they want to be in compliance and they have a lot to deal with in terms of getting to that point as Rob pointed out.

My suggestion would be that we give them a year with the container so that they can work through the issues collectively, because I don’t think we can expect them to bulldoze down all their accessory structures and take the storage container out and find a place for all of their stuff tomorrow. I’d like to give them a chance. I think they want to comply. Their house is lovely I will say it’s a nice property. They take very good care of it. I want to give them a chance to continue in good faith to work at getting in compliance on all of their issues.

**Commissioner Philbrook** said I agree with everything you just said and want to emphasis that these communities have been around a long time and we get used to living a certain way. Then when all of a sudden we realize oh crud there’s been code changes and all that stuff that we don’t know about. It makes it very hard to comply with all those changes. I would make the same suggestion.

**Commissioner Townsend** said if the recommendation is to give the citizens an opportunity for a limited period with the purpose of coming into compliance so that that container is no longer used for storage, I would be accepting of that. The caution is just as recently as Tuesday night at the second stop on the Mayor’s Listening Tour I was approached by one of my constituents who wants to use a similar structure/container for the same type of thing. We have to be careful about continuing to carve out exceptions. I told them to look for something else. Go for Home Depot because this is not how the Commission’s going. Since these citizens already had this and they’re trying to, Commissioner Markley is saying to do this to give them time to come into compliance and get rid of this, I would go with that, but I’ve already told one of my constituents as early as this week, there would be a lot reasons that people could come up with. Certainly upkeep of property and storage is great, but we don’t want to continue to carve out exception after exception when these things should not be used for storage whether city, county, whatever it is.
Mayor Holland said one of the issues we run into too and we ran into this with the carports and I hesitate to even bring that topic up because it was an impressive lengthy discussion. What we have is we have companies that sell and install carports who know full well we don’t allow them and sell them and install them in our community anyway. We have companies that know we don’t allow storage containers like this who sell them and probably delivered it...Mr. Fuller said exactly...Mayor Holland said who will continue to sell and deliver them in our community every time we allow it. One of the issues is we have companies that are not scrupulous who are prepared to sell things into areas that are not allowed. It puts the homeowner in a bind but it also puts the city in a bind. I have very little patience for companies that are making their money selling equipment that they know they can not legally be delivered to our site, but they’re doing anyway.

I would ask Mr. Richardson and our legal team to look into recourse with companies who are delivering equipment to our city that’s not legally allowed to be in our city. I think that is problem and I think that they’re taking advantage of people and they are taking advantage of our city. I think that’s an issue that we need to look into, but I guarantee you we’ve not allowed carports for a long time and carport companies are selling and installing them in houses left and right with absolutely no scruples about the code and zoning requirements that they have to follow. I have layers of problems with this. We need a motion. I don’t see any further comment, is there a motion?

Action: Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve for one year.

Mayor Holland said in keeping with and I just want to be clear with, and you were agreeing with Mr. Richardson, keeping with them moving towards compliance generally on their property, what is the vote requirement. It will take eight votes to overturn the denial and allow for one year. I see no further comment.

Roll call was taken and there were eight “Ayes,” Philbrook, Bynum, Townsend, Murguia, Johnson, Kane, Markley, Walters and one “No” Walker.
REGULAR SESSION

MAYOR’S AGENDA

No items of business.

NON-PLANNING CONSENT AGENDA

Mayor Holland said I would ask if anyone would like to remove an item from the Non-Planning Consent Agenda to please step forward at this time. Anything that is not set-aside will be voted on in a single vote by the Commission.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda.

Mayor Holland said let the record show no one moved forward to set an item aside. It is properly moved and seconded.

Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 1 – 150142...RESOLUTION: SAFE ROUTES KCK WALKING SCHOOL BUS GRANT

Synopsis: A resolution authorizing the UG to enter into an agreement with the State of Kansas for the acceptance of a $120,000 MARC grant to implement and expand the Safe Routes KCK Walking School Bus Expansion, submitted by Lideana Laboy, Public Works/Engineering. The required local match is included in the budget. On June 1, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: RESOLUTION NO. R-37-15, “A resolution to receive a Transportation Enhancement/Transportation Alternatives Grant from Mid-America Regional Council (“MARC”) in the amount of $120,000.00 to fund the implementation and expansion of Safe Routes KCK Walking School Bus Expansion; and requires the Unified Government to provide a local match; and the Unified Government wishes to accept the grant; and the terms of the grant, the Unified Government

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and the State of Kansas must enter into an agreement that further sets forth the requirements relating to the grant.” Commissioner Kane made a motion, seconded by Commissioner Murguia to adopt the resolution. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 150168…ORDINANCE: SAFE ROUTES GROUP D PROJECT CMIP #3334

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project, submitted by Lideanna Laboy, Public Works/Engineering. On December 4, 2014, the full commission adopted Resolution No. R-108-14, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: ORDINANCE NO. O-33-15, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Safe Route to School, Group D Project – CMIP 3334, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – APPOINTMENTS: BOARDS AND COMMISSIONS

Synopsis: Reappointment of Dixie Kaster to Law Enforcement Advisory Board, 6/25/15 to 5/30/19, submitted by Commissioner Bynum.

Appointment of Carroll O’Neal to Wy/Leavenworth Area on Aging Advisory Board, 6/25/15 to 5/30/15, submitted by Commissioner Bynum.

Appointment of Elaine Ward to Advisory Committee on Disabilities issues, 6/25/15 to 5/30/19, submitted by Commissioner Markley.

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Action: commissioner Kane made a motion, seconded by commissioner Murguia, to approve the appointments. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – MINUTES
Synopsis: Minutes from regular sessions of May 14 and 28, 2015; and special session of June 1 and 4, 2015.

Action: commissioner Kane made a motion, seconded by commissioner Murguia, to approve. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL
Synopsis: Weekly business material dated June 4, June 11 and June 18, 2015.

Action: commissioner Kane made a motion, seconded by commissioner Murguia, to receive and file and authorize fund transfers. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

PUBLIC HEARING AGENDA
ITEM NO. 1 – 150143…RESOLUTION: AMENDED SILVER CITY URBAN RENEWAL PLAN
Synopsis: Hold public hearing to consider an amendment to the Silver City Urban Renewal Plan, submitted by Marlon Goff, Economic Development.

Doug Bach, County Administrator, said several months ago our staff through evaluation and getting comments of interest for property in our community began to evaluate the Silver City Park area which has not been used for a park for some time. Through looking at it we determined it does have economic value in our community and that there is potential for development in this area where it is not being utilized at all today. We’re bringing this forward.

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tonight as part of our process we go through for a public hearing. I’ll recognize George Brajkovic, Director of Economic Development, to present the item and then we’ll leave it for a public hearing.

George Brajkovic, Director of Economic Development, said thanks for the opportunity tonight to talk about what we see as a redevelopment opportunity at Silver City Park.

As we brought the resolution to you earlier this year to set this public hearing tonight, we had, I believe, Commissioner Bynum and others had some questions about just generally where are the parks in our community, what’s the process we use to dispose of those that are declared surplus and kind of a laundry list of other questions. We had prepared an executive summary and submitted that as part of your packet tonight that I believe addresses all of those questions.

I’m not going to spend a lot of time addressing those questions in the presentation other than to offer this map that our Parks and Rec Department put together. Actually I need to recognize Jeremy Rogers and Jack Webb with Parks. They really provided us all of this information so we could have it ready tonight.
As we look at the parks we actually have three regional parks, four community parks and 46 total neighborhood parks.

On this map if you can see it, I believe Silver City Park is number 30 on the map. It’s just to the right of the letter C before you get to G. It’s kind of in a cluster with numbers 6, 10, 17 and 27. What does that look like? I tried to show on an aerial picture so number 30 is Silver City Park, 27 is Ruby, 37 is Vega Park, 10 is Emerson, 6 is Clopper and I think that’s it. There’s another park, Matney Park, that’s just to the south, it’s just outside of this picture. In talking to the Parks

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Department, of these parks that are in close vicinity to Silver City, between 2014 and this year we’ve spent about $140,000 in park improvements in those parks that are closest to Silver City.

Silver City itself then it’s really one of those situations that looks like one thing on a piece of paper, but when you actually look at the physical location of the property it’s something different. When you look at it on paper, looks like almost 40 plus acre site. When you actually get there because of the severe topography in the area it’s really about 4.5 acres of useable space at the very top of the hill. In the past I think back in 2009 as we were preparing a list of what we thought was surplus property in the community, we had actually highlighted Silver City Park at that time for a variety of reasons.

Public Use and Accessibility

- Park was closed for public use prior to consolidation in 1997.
- No plans or budget authority to add park equipment or improvements to the grounds.
- Recent improvements to a park less than 1/4 mile away. (Ruby)
- Parks & Rec responsible for mowing the open green space to control noxious weeds, pests and blight.
- Economic Development staff evaluating this park’s redevelopment potential.
- Presentation before the Parks Board April & May 2015

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I’m probably going to get ahead of myself in the presentation a little bit, but really it’s because the park had been closed before consolidation.

We talked to the Park Department and they didn’t have any long-term plans for it. We looked at the deed by which this property was acquired, there weren’t any deed restrictions limiting it to park use, however, and why we’re here tonight is there was this Urban Renewal money used during the ‘70s to acquire it, therefore, the Urban Renewal Plan actually calls this out as park use property.

Kind of just a summary of what I’d mentioned previously, really no plans to improve that. Between myself and Marlon Goff on staff, we went to the Parks Board meeting both in the month of April and the month of May to try to get an opinion from the Parks Board of would they declare this surplus property. Unfortunately neither month a quorum was present to actually take a vote at the meeting and really we kind of had a mixed bag. One month it was very supportive and the next month there were more questions. A determination was made to just come back through standing committee and ultimately the full commission for consideration on this.

This is the park entrance. Like most parks, like really inviting. It’s a gate with a chain and big stop sign. You can actually slip through near that front post to get access to the property.
Current conditions, it does have what I guess could be considered a walking trail. It’s not much of one and the surface is in bad condition.

Just to the left, kind of go back down the trail a little bit, there is a shelter so it looks like it does get some use by graffiti artist and variety of other people. It’s a boarded up park, we don’t have any long-term plans for it and this is what it looks like now. I’m sure Jack or Jeremy can tell you what we spend just mowing the property every year.

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What are we here for tonight? Well, it was acquired with Urban Renewal property funds so it does require, per that statute, a change in the Urban Renewal Plan.

Actually, Commissioner Walker, we threw this in for you because I think you had said as a younger Mr. Walker you attended Easter ceremonies and so we actually had someone from the park, I think there you are just to the lower right. It does show—actually the picture is great because it’s kind of fuzzy, but you can see the elevation and it does have some great views from top of the hill and we just think it can be repurposed into something a little more appropriate. Commissioner Walker said well that is me.
Just highlighting, so even if you take action to change the Urban Renewal Plan, there’s still underlying zoning that doesn’t conform for any sort of residential use here. If we do change the plan and then we start to market this property and we attract a developer that wants to do a project, they’re still going to have to come through P & Z to get the underlying zoning squared away.

Why we think residential might be the best use is for all of those reasons. There’re new grocery stores in the area, its proximity to the schools and really just the general nature of the property kind of also limits the use.
Again, what we’re here for tonight is the resolution approving the change or the amendment to the Urban Renewal Plan.

**Mayor Holland** said I’ll open the public hearing first and then we’ll open it up to the Commission for questions and comment. I’ll begin by opening the public comment period so if anyone would like to speak to the action of resolution tonight that’s being considered is to remove this, correct me if I’m wrong, amending it to un-designate it as a park and designate it as residential. That’s the action we’re contemplating tonight.

I’ll break it up this way, if you are in favor of this action of moving it from park to residential, would you please come forward at this time. I’ll open it up for people who are in favor of this proposal. (inaudible comments) **Mayor Holland** said I’ll do that as well. If you don’t want to talk, after we’re done, we often do this, is the people who want to speak come to the microphone and then we will ask people who are in favor to stand and the people who are opposed to stand so we can see those of you in the crowd who don’t want to necessarily speak to the issue, but want your opinion to be seen by the Commission.

**J. D. Rios, 1009 N. 92 St.,** said I had the honor of being principal at Silver City Elementary, Argentine Middle School and J. C. Harmon High School, the three schools that surround this property.

As principal I can tell you that the property is a problem. Each site I was principal at I had to go to that park to take care of some situations. I think it would be a fantastic opportunity for this Commission to rezone this property. I also think that it would probably be quickly
looked upon for development. Several years ago it was in the ‘90s, El Centro actually looked at trying to gain this park property for residential development for homes in the plan and called for $150 to $200,000 homes at that time. Because of the view, it is a scenic area if it’s approached in the proper way. I would just, as an educator, be supportive of having upgraded homes right across from the elementary school. For young families it would be ideal. I think a welcome addition and so I just want to speak in favor of moving forward with this.

**Marcia Rupp** said I am in favor of this. Anytime a lady commissioner wants to put houses that the city has to take care of and mow, I am all for it for any lady commissioner. I am for us supporting one another and helping one another in doing this because we need more revenue in this county to raise our credit rating.

**Julia Hernandez** said I’m 17 years old. I’m a student who lives right next to there. I live by J. C. Harmon and I feel like if the land isn’t being used, then we should utilize it for something that could turn out to be good for the community overall, so I’m for it.

**Leslie Mahone, 1060 Kimball**, said what I would like to say is I don’t live in the area I shop there. I do a lot of my business there because I’m from the northeast end where there’s nothing, hardly. I don’t particularly care about going way out by the Legends because it’s too busy and it’s more homey when I go the other direction; Argentine, Turner. I follow Commissioner Murguia because she’s always doing something positive and it draws other people. It draws me. It drew me out of my area because I was looking for something we never had and I’m 57 years old. I attended Northeast, Sumner, Junior College and I tried my best, I have property in Kansas City, Kansas, 1060 Kimball.

The only thing I’m saying is whatever is good for the community at large, the state of Kansas, I know that from where I live I call it dead and desolate so I’m through with the northeast end personally in my heart I’m done, but I had to find someplace else to replace it and do Argentine all the time. Whatever she’s got going, I’m in it. I’m for it 100%. If this property can be used for something positive, and I might even be interested in purchasing a home there myself, then I’m all in favor sir.

**R. J. Samuels, Jr., 38th & Metropolitan**, said until about three weeks ago I didn’t know that park was up there until I was chatting with a friend of mine over here and he was talking about

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this park up the street from us. We drove up there just to look at it and I was shocked to see this gate with chains, but obviously people had been going in there. It was real obvious. Just last evening I found out about they want to change this from a park to possibly housing and I thought that would be a terrific idea and to get more folks living in Argentine. We have grade schools and now we’ve got shopping going on down there with a couple of grocery stores and to bring more people living down there, I think it’ll be great. I live at 38th & Metropolitan and I’ve been there for 15 years. My whole family—my father was born in the house across the street from where I live so I know Argentine pretty well and I think it’ll be great.

**Mayor Holland** said I will ask everyone who is here in favor of this project, would you please stand to be recognized. It has been noted. Anyone who’s neutral?

**Dan Welch, 6221 Armstrong**, said once upon a time we only had a few parks. Then came our Metropolitan City Park along with it came the magic personality of George Kessler to lay it out. Kessler soon had 13 parks on the drawing board. In the process of funding these, the first of these, Waterway Park, Kessler waved his magic wand and saved Huron Cemetery. Politics changed and the newly hired father and son team of Hare and Hare set many of these early parks on their current course. Within a few years still more parks were born to greet the new age of automobiles. Citizens demand more than picnic grounds and military parades and impressed us. Swimming ponds arrived to help sponsor fundraisers for World War I soldiers. The pond dams collapsed so often that six swimming pools replaced them in the late ’20s. Yes, six swimming pools all operating at once: Armourdale, Clifton, Edgerton, Klamm, Rosedale and St. Margaret’s.

By the late 1930’s the swimming pools all leaked and were abandoned. Arlene Bartholomew, the contract era of George Kessler, who remained on the local planning board kept her seat for 40 years lead the van into this new park era. In the late 1920’s organized recreation based on the plans of Demi Tilton arrived. Kensington led in recreation spreads all over town and into the school yards too.

The Depression did more than offer federal recreation financing, it brought improvements as well as it brought the lake park. Big Eleven Lake, Klamm, Mount Marty and Westheight gained notably. Although World War II stopped work in our parks, it brought more federal recreation. As the automobile grew became—(inaudible), Eisenhower’s ramrod for the interstate highway system continued his local planning association. Always concerned with traffic,
Bartholomew presided over the rival of Jersey Creek Park, the splitting of Shawnee Park and the obliteration of Carpenter Place, Perry Square and St. John Park as well as chiseling of chunks from the City and Quindaro Parks. Then came New York’s Jane Jacobs to affect our urban renewal. We acquired several new parks including, Fisher, Jersey Creek, Ruby, Silver City and Vega as well as relocated St. John’s Park.

By (inaudible) and recreation waned. During the 1950’s at least 74 paid recreation leaders led a large and varied summer program. During the last century our parks have seen many funding crisis. One year the budget was spent, the preceding year and all the projects ceased and only six park employees left the payroll. Kensington Park waited at least seven years and the teams were improved while Rosedale Park waited seven years in the ‘50s.

We’ve given away parks, leased parks, lost parks and abandoned parks, not to mention delayed improvements and deferred park repairs. The Unified Government has helped some here and there. New playground equipment has appeared all over town, building roofs leak less and water features play. Refurbished parks reveal new renewed popular areas neighborhood gathering place.

It is now time to make a decision on Silver City and live happily ever after.

Mayor Holland said everyone else who is neutral on this issue would you like to stand and be recognized.

We will now ask anyone who is in opposition to this proposal please come forward at this time. Is there anyone in opposition? Let the record show no one is coming to speak in opposition. Anyone who is here in opposition who’d like to stand and be recognized you’re welcome to do that.

We’ll now close the public hearing.

Commissioner Kane said, George, you know I love you, brother. Could you pull up the parks again, please. Mr. Brajkovic said sure. Commissioner Walker said the one that shows where all the parks are. Mr. Brajkovic asked this one. Commissioner Kane said there you go. Commissioner Walker said where they’re not actually. Commissioner Kane said, George, could you please show me the parks that are north of Parallel and west of 435. Mr. Brajkovic said, Jeremy Rogers, would you like to take that question. Mayor Holland said it is a rhetorical question. Mr. Brajkovic said there are no parks that we are interested in redeveloping in that June 25, 2015
quadrant. **Commissioner Kane** said well actually there is and you live there so you’re going to like this. **Mr. Brajkovic** said yes, you’re right, there aren’t any parks. **Commissioner Kane** said and my point is I am for definitely selling the park and building houses, but now we have the money for some of the ground that we, the Unified Government, own to make a park out in District 5. While we’re closing the park that’s not a park and we have no parks and we have an identifying financial source to build a park so I just wanted to point that out that we have none. We now have the financial support and I think it’s a great idea. **Mr. Brajkovic** said so noted.

**Mr. Bach** said before closing of staff’s presentation, I just wanted to clarify a couple of things on the proposal that’s out there tonight. It just sets out that we are—you are essentially giving staff authority to move forward in removing this from the park inventory and we would look at it as a piece of property that we could redevelop. From this point then we would advertise the property. If this is approved, we would advertise it, solicit proposals to come in, choose from those proposals and then frame a development agreement to come forward as to how someone would come forward with it. As our agreements go, we’re not always looking for top dollar, but we’re looking for the best project that could be the long-term interest of the community. Then that’s what we would bring back to the Commission for disposition of the property in terms of development agreements.

You’re not approving any of that final action tonight but if you approve this, you would be approving us to move forward down that path. **Commissioner Walker** said that’s included in my motion.

**Commissioner Philbrook** said as I understand it then there’s no—they hasn’t been any prearranged agreements or anything. Somebody hasn’t come out of the woodwork that says I want to work on this piece of property. We don’t have anything that we’ve signed on to for any particular group. **Mr. Brajkovic** said no, you know in the past like I said in 2009 we had put it on a surplus property so over time we’d talked to folks. At one time El Centro was interested in doing a single-family development, but we advanced it as far as we could without spending any more time on it until we knew that there would be an approval to move forward…**Commissioner Philbrook** said then this is part of the effort of things that we’ve talked about for the last couple of years about developing some of this park property, using it for something else other than just mowing. **Mr. Brajkovic** said that is correct. **Commissioner Philbrook** said—and then being a problem so you guys see that this is really a good opportunity.

June 25, 2015
Mr. Brajkovic said yes, again, provided that there aren’t any deed restrictions or any long-term use plans by the Parks Department. We really do view it as surplus property. Commissioner Philbrook said okay well I commend you for this. This is a nice big step and I’d like to see us do more.

Commissioner Bynum said I just wanted to support Commissioner Kane’s desire for a park in…Commissioner Philbrook said say that louder please. Commissioner Bynum said I sure will. I’d like to support Commissioner Kane’s desire for a park in Piper. I would like to point out to the Commissioner that Wyandotte County Lake Park, a 1500 acre park, is in District 5 and I support this effort with Silver City. Commissioner Kane said that’s east of 435.

Mayor Holland said I do want to say, I want to reiterate the comments because there is—I’m concerned that the public perception not be wrong here. Several people have spoken to a commissioner redeveloping this property and there’s nothing in this documentation that hints towards that. I think it would be a misrepresentation if we said that there was a development agreement already on there. I think what Doug Bach said was this is simply giving us permission to market the property, but I don’t want there to be a misconception in the public that there’s already a done deal because that is certainly not true. I only raise that issue because it was brought up by a couple of people who spoke at the public hearing.

I just want to make sure that if there were a plan on the table, it would be on the table and it would be in the public view. From the documents that we have there is nothing and we will open up a public process that will be transparent and clear. I just didn’t want there to be any kind of misrepresentation today or any expectation that’s not real. I think that’s important that we state that clearly for the record.

Commissioner Walker said before I call for the question I would like to state for the record that this idea goes back even as far as the ‘80s after the creation of the council form of government. I know that Richard Ruiz initiated this idea and it hit some roadblocks with some of his fellow councilmen. He did, in fact, ultimately get the parish house built but he did not get this park developed. This idea is not a new one. This has been around a long time and it’s way past due for this to have occurred. The record should be clear. It’s a long standing idea that’s finally looking like it’s going to come to fruition. Call for the question.
Mayor Holland said I think we’re done with comment already so instead of voting on the question and then on the item, I just ask for a roll call on the item. Roll call.

Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

Commissioner Murguia said, Mayor, I just wanted to make a comment since there are a number of parks and plays here. I just wanted to say I don’t get this chance very often to say I think our Parks Department does an excellent job maintaining our parks. I have the privilege of often working with Jack Webb who works at the Parks Department. He does a phenomenal job in Wyandotte County and we don’t give them a lot of resources. He was just here. It was a great opportunity to recognize him. Jeremy I think you’re doing a great job also. I just don’t see you very often. Mayor Holland said well he’s brand new. Commissioner Murguia said yes, that’s right.

I know there are a number of employees that are out here. The guys that mow the grass, that pick up all of our stuff in our parks when we aren’t responsible and don’t pick them up ourselves. They do a phenomenal job so thank you everyone very much for all your hard work.

**ADMINISTRATOR’S AGENDA**

No business items.

**STANDING COMMITTEES’ AGENDA**

**ITEM NO. 1 – 150165…REAPPOINTMENT: REACH FOUNDATION’S COMMUNITY ADVISORY COMMITTEE (CAC)**

**Synopsis:** Communication requesting the reappointment of Addie Hawkins to the REACH Foundation’s CAC for a two year term commencing June 1, 2015, submitted by Joe Connor, Assistant County Administrator. This item was heard at the June 22, 2015 Administration and Human Services Standing Committee and was requested to be fast tracked to the June 25, 2015 full commission meeting.

Commissioner Markley said, Mayor, if you’d like me to quickly address why that’s on here. It is fast tracked because our appointment expired and we kind of snuck in on here to make sure
that we got someone appointed so it wasn’t vacant and this is a reappointment of our current appointee.

Mayor Holland asked would you like to make the motion. Commissioner Markley said I would love to make the motion to approve her reappointment.

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve reappointment of Addie Hawkins. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

COMMISSIONERS’ AGENDA
ITEM NO. 1 – 150172...GRANT: 2015 CASINO GRANT FUNDS
Synopsis: Due to the Wyandotte County Parks Foundation not accepting the funds previously approved, Commissioners Walker and Murguia have submitted revisions to their 2015 Unified Government-Hollywood Casino Grant allocations.

Action: Commissioner Murguia made a motion, seconded by Commissioner Markley, to approve. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

Mayor Holland said we are adjourned as the Board of Commissioners and we are reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA
Is there anyone who would like to set any item aside. Any item set-aside will be voted on individually. All other items will be set-aside or be voted on in a single vote.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve.
ITEM NO. 1 – 150137...COMMUNICATION: LAND BANK APPLICATIONS

Synopsis: A communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On June 1, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Applications for yard extension unless noted otherwise
2748 S. 8th Pl. - Rex Davis
2024 N. 13th St. - Yuri Garcia
810 Quindaro Blvd. - Jacquetta Noble
3049 N. 27th St. - Guiding Star MBC
3053 N. 27th St. - Guiding Star MBC
3055 N. 27th St. - Guiding Star MBC
951 Ray Ave. - Gloria Chela
1511 N. 26th St. - Brenda Nunez-Baltazar
1913 N. Thompson St. - Mt. Zion Economic Foundation, for future development
144 N. 61st St. - Phillip Brown for single-family construction

Transfer to Land Bank
450 Walker Ave. from City of KCK, future development request from Mt. Zion Economic Foundation and Rev. C. L. Bachus

Best & Final
3530 N. 35th St. - Michael Jackson for yard extension, Maria Flores for yard extension

Commissioner Townsend said I don’t know if everybody heard that. I have a question for clarification purposes about the Best & Final and maybe Mr. Slaughter can talk about that. That’s the only reason I wanted it set-aside. It was not clear to me what we were voting on. The recommendation of the Standing Committee was that Ms. Flores be awarded the property, but as I read through the packet it appeared to me that no decision had been made at all so it wasn’t clear what we would’ve been voting on today.

Mayor Holland said that is correct. Ms. Flores was given the property. Is that right? Chris Slaughter, Land Bank Manager, said that’s correct. Mayor Holland said she was awarded the property and that’s a clerical error that it’s not clear. Commissioner Townsend said thank you.

Mayor Holland said let the record show that no one is moving to set any item aside. It is properly moved and seconded, roll call.

June 25, 2015
Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

PUBLIC ANNOUNCEMENTS

MAYOR HOLLAND ADJOURNED

THE MEETING AT 8:21 P.M.

June 25, 2015

Bridgette Cobbins
Unified Government Clerk
Memorandum

To: Doug Bach
    County Administrator

From: Bridgette Cobbins
    UG Clerk

Date: August 13, 2015

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.

tpl

Attachment
Weekly Business Material for August 13, 2015

1. COMMUNICATION:


Action: Received and filed.

2. COMMUNICATION:

Dennis Degner, Chief, Solid Waste Permits Section, KDHE, to Chad Bergmann, Stericycle, Inc. – Kansas City, Kansas, 3140 N. 7th St., KCK, renewing incinerator, solid waste processor permits and transfer station for the period of August 16, 2015, through August 15, 2016, Permit No. 0831.

Action: Received and filed.

3. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

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<tr>
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<td></td>
<td></td>
<td>V #81247/Folsom, Ashlee</td>
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<td></td>
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<td>V #R 4440</td>
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<td></td>
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<td>767636</td>
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<td>160/County General Fund</td>
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<td></td>
<td>V #J6822</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Expired Warrant</td>
</tr>
</tbody>
</table>

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 11, 2015:

No activity

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

James Frank Abbott, 1006 Grand Boulevard, Apt. 511, KCMO, alleging false arrest (2).

Action: Received and filed. Copies previously forwarded to Legal.
6. **SUMMONS:**

Bank of America, N.A., vs. Iris Pina-Hernandez et.al., Kansas, Case No. 2015-CV-000748.

**Action:** Received and filed. Copy previously forwarded to Legal.

7. **TRAVEL REQUESTS:**

Bridgette D. Cobbins, Department of Administration/Clerk, travel to Wichita, KS, August 20 – 21, 2015, to attend the CIC’s 19th Annual Kansas County Users’ Symposium, Employee Training/Travel.

Bridgette D. Cobbins, Department of Administration/Clerk, travel to Wichita, KS, November 3 – 5, 2015, to attend the KAC Conference, Employee Training/Travel.

Marlon Goff, Economic Development, travel to Chicago, IL, September 2 – 5, 2015, to attend the Brownfields 2015 Conference, Employee Training/Travel.

Matt May, Emergency Management, travel to Nebraska City, NE, August 5 – 8, 2015, to attend the 2015 LEPC/TERC Emergency Planning & Response Conference, Employee Training/Travel.


**Action:** Approved by County Administrator’s Office and received and filed.

8. **APPLICATIONS FOR DRINKING ESTABLISHMENT:**

ASC Holdings, Inc./Kelly Hale DBA Americrown at Kansas Speedway, 400 Speedway Blvd.

Lester Lawson/NA DBA Reich’s Club, 3405 Strong Ave.

Rosedale Barbeque, Inc./Heather Tuttle DBA Rosedale Barbeque, 600 Southwest Blvd.

Santos Ornelas/Ronald Mayden DBA Taqueria Arandas, 7901 State Ave.

**Action:** Referred to License.

9. **APPLICATION FOR PRIVATE SECURITY BUSINESS:**


**Action:** Referred to License.

10. **APPLICATION FOR MASSAGE THERAPIST BUSINESS LICENSE:**

Steve Beaumont DB/with Chateau Avalon, 701 Village West Parkway

**Action:** Referred to License.
Memorandum

To: Doug Bach  
County Administrator

From: Bridgette Cobbins  
UG Clerk

Date: August 20, 2015

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.

cm

Attachment
1. REPORT:

Board of Public Utilities of Kansas City, Kansas, 2015 Second Quarter Unaudited Financial Statement Reports for the period ending June 30, 2015.

Action: Received and filed.

2. COMMUNICATIONS:


Action: Received and filed.

3. CONTRACTS:

Secretary of the Kansas Department of Health and Environment (KDHE), the Secretary of Kansas Department for Aging and Disability Services (KDADS), and Wyandotte County CDDO, for fiscal year 2016.

Wiedenmann, Inc., for Merriam Lane and Puckett Road Sanitary Sewer Repairs, Project No. 6301, $211,876.

Action: Approved by County Administrator and received and filed.

4. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

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<tr>
<th>WT. NO.</th>
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August 20, 2015
Past 45 days
110/City General
172/Health Department
263/Health Department Grant Fund
V #29768
Will not accept one check for two accounts

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 13, 2015:

Section V - Increases per Memorandum of Understanding

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<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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<tr>
<td>Brandon J. Alvord</td>
<td>Fire/EMS</td>
<td>8/11/15</td>
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<td>Brandin P. Anderson</td>
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<td>9/23/15</td>
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<td>Rodney L. Ashley</td>
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<td>Richard A. Baker III</td>
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<td>Ashley R. Baska</td>
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<td>Carli Bohrer</td>
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<td>Kenneth Denney</td>
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<td>Jacob T. Dent</td>
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<td>Adriane Ferrer</td>
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<td>Matthew L. Flenoy</td>
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<td>Shenee C. Gonzales</td>
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<td>Lucas W. Graves</td>
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<td>Milan H. Hajdukovich</td>
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<td>Sara A. Janeczko</td>
<td>Police</td>
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<td>Marcus T. Johnson</td>
<td>Fire/EMS</td>
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<td>Steven A. Lee</td>
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<td>Chad J. Williams</td>
<td>Police</td>
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<td>John M. Young</td>
<td>Fire</td>
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Action: Received and filed. Copy previously forwarded to Payroll.

August 20, 2015
6. **PERSONNEL ACTION COMMUNICATION, DATED AUGUST 18, 2015:**

**Section VII - Reclassification**

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<td>Vacant</td>
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**Section VIII - Other Requests**

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<td>Timothy Fowler</td>
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<td>Stephen Owens</td>
<td>Police</td>
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**Action:** Received and filed. Copy previously forwarded to Payroll.

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7. **PERSONNEL ACTION COMMUNICATION, DATED AUGUST 20, 2015:**

**Section I - Appointments**

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<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allyson M. Balliet</td>
<td>DA's Office</td>
<td>8/27/15</td>
<td>Admin Supt Specialist</td>
</tr>
<tr>
<td>Matthew A Grado</td>
<td>Sheriff/Enf</td>
<td>8/27/15</td>
<td>Juv Det Officer</td>
</tr>
<tr>
<td>Rebecca G. Haymes</td>
<td>Comm Corr/CJP</td>
<td>8/27/15</td>
<td>Prof Programs Asst.</td>
</tr>
<tr>
<td>Michael Henry</td>
<td>PW/Parking</td>
<td>8/13/15</td>
<td>Parking Attendant</td>
</tr>
</tbody>
</table>

**Section II - Transfers**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
</tr>
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<tbody>
<tr>
<td>Patrick M. Garrett</td>
<td>PW/Fleet</td>
<td>8/27/15</td>
<td>Fleet Maint Tech II</td>
<td>Lead Fleet Maint Tech</td>
</tr>
<tr>
<td>David J. Toland</td>
<td>Sheriff/Detention</td>
<td>8/13/15</td>
<td>Deputy</td>
<td>Sergeant</td>
</tr>
</tbody>
</table>

**Section V - Increases per Memorandum of Understanding**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rita S. Hye</td>
<td>Police/Public Safety</td>
<td>9/15/15</td>
<td>Public Safety Dispatcher</td>
</tr>
<tr>
<td>Jorge V. Llamas</td>
<td>Sheriff/Detention</td>
<td>9/11/15</td>
<td>Deputy</td>
</tr>
<tr>
<td>Christina A. Vaughan</td>
<td>Police/Public Safety</td>
<td>9/1/15</td>
<td>Public Safety Dispatcher</td>
</tr>
<tr>
<td>Gabriell P. Vega</td>
<td>Police/Public Safety</td>
<td>9/1/15</td>
<td>Public Safety Dispatcher</td>
</tr>
</tbody>
</table>

**Section VIII - Other Request**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Rios</td>
<td>Police Dept.</td>
<td>ACD change effective 8/20/15</td>
</tr>
</tbody>
</table>

**Action:** Received and filed. Copy previously forwarded to Payroll.
8. CLAIMS FOR DAMAGES:

Betty J. Boykins, 2334 Central Ave., Apt. 6, alleging bodily injuries from fall in County Court House.

Donald Paul Jones III, 11814 Delavan Ave., alleging damage to vehicle tires while driving through construction site at Wyandotte County Fair Grounds.

Joseph Mason, 10914 E. 98th Ter., Kansas City, MO, alleging damage to vehicle from hitting pot hole in street.

Norwood & Gloria Robins, 2013 Parkview Ave., alleging damage to their fence and personal property by KCMO Police Department in pursuit of a suspect.

Luther H. Smith, 2906 N. 56th St., alleging damage to basement from sewer line backup.

**Action:** Received and filed. Copies previously forwarded to Legal Department.

9. NOTICE OF CLAIMS:

Amanda Deal, aka Amanda Brown, 134 S. 65th Street, through Michael W. Wharton, Attorney, Couch, Pierce, King & Wharton, Chartered, 12 Corporate Woods, Suite 370, 10975 Benson Drive, Overland Park, KS, alleging injures from fall at Wyandotte County Adult Detention Center.

Beatriz Ramirez, a minor child, by her mother, Martha Carmona-Luna, 4400 N. Indiana, Kansas City, MO, through Rick W. DeVault, Attorney, The DeVault Law Firm, L.C., 3720 NE Troon Drive, Lee’s Summit, MO, alleging injuries from falling down into a manhole.

**Action:** Received and filed. Copies previously forwarded to Legal.

10. SUMMONSES:


Unified Government of WYCO KCKS, Petitioner vs. Unified Government of Wyandotte County Kansas c/o County Clerk – Bridgette Cobbins, Respondent, Case No. PT 000002, Tax Sale No. 334.

Unified Government of WYCO KCKS, Petitioner vs. City of Kansas City, Kansas – Division of Housing and Community Development, Respondent, Case No. PT 000002, Tax Sale No. 334.

Unified Government of WYCO KCKS, Petitioner vs. Unified Government of Wyandotte County/Kansas City – Kansas Housing and Community Development Division, Respondent, Case No. PT 000002, Tax Sale No. 334.

August 20, 2015

**Action:** Received and filed. Copies previously forwarded to Legal.

**11. SUMMONS IN A CIVIL ACTION:**

McKinnis et al vs. Unified Government of Wyandotte County/Kansas City, KS, Civil Action No. 15-9130-JWL-JPO.

**Action:** Received and filed. Copy previously forwarded to Legal.

**12. TRAVEL REQUESTS:**

Gordon M. Criswell, County Administrator’s Office, travel to Topeka, KS, October 10 – 13, 2015, to attend League of Kansas Municipalities 2015 Annual Conference, Employee Training & Travel.

Melissa J. Mundt, County Administrator’s Office, travel to Seattle, WA, September 25 – 30, 2015, to attend ICMA 2015 Annual Conference, Employee Training & Travel.

**Action:** Approved by County Administrator’s Office and received and filed.

**13. CERTIFICATES OF INSURANCE:**

Asplundh Tree Expert Co.
Bryan Kane
City Wide Tree Services, Inc.
FPK Security, Inc.
Protective & Investigative Services LLC

**Action:** Referred to License.

**14. BUSINESS BONDS:**

Electrical Contractor’s Bonds:
  Robert Arbuckle d/b/a Arbuckle Electric
  JNP, LLC
  KC Constructors, Inc.
  PB Electric, LLC

Mechanical/HVAC Bonds:
  Kruse Corporation
  Superior Mechanical Services, Inc.
  Larry Wilson/Wilson Service Co.

*August 20, 2015*
Plumber’s Bond:
  Kruse Corporation

Second Hand and Junk Dealer’s Bond:
  Pit Stop Auto Parts Incorporated

Action: Referred to License.

15. CONTINUATION OF CERTIFICATES:

Electrical Contractor’s Bonds:
  C.D.L. Electric Company, Inc.
  Mag-Tronics Industrial, Inc.
  Rockhill Electric Inc.

HVAC Contractor’s Bond:
  Robert E. Stanton d/b/a Stanton Heating and Cooling

Mechanical Contractor’s Bond:
  Besel Roofing & Heating Inc./Randy Kenton

Plumber’s Bonds:
  Besel Roofing & Heating Inc./Brett Peters
  Midwest Heating, Cooling & Plumbing, LLC

Second Hand and Junk Dealer’s Bonds:
  Advantage Metals Recycling, LLC
  Midway Auto Parts

Miscellaneous Bond:
  Sherry d/b/a Express Septic

Septic Tank and Cess Pool Installer & Cleaner’s Bond:
  Brooks Grease Service Inc.

Sign Contractor’s Bond:
  C.D.L. Electric Company, Inc.

Action: Referred to License.
### Item Description:
The Commission previously passed Resolution R-107-13 authorizing $510,000 in GO debt for the Kaw Point Park Connector Trail CMIP 971-7865. This Project is administered by KDOT and requires a 20% local match. Construction bids exceeded initial estimates requiring an increase in the match. The attached resolution increases the authorized funds to $760,000. This project is included in the proposed 2015 amended CMIP budget.

### Action Requested:
Adopt resolution.

### Budget Impact: (if applicable)

<table>
<thead>
<tr>
<th>Amount: $</th>
<th>Source:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Included In Budget</td>
<td>Consistent with proposed amended 2015 budget</td>
</tr>
<tr>
<td>Other (explain)</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NO. ______________

A RESOLUTION AMENDING RESOLUTION NO. R-107-13 AUTHORIZING CERTAIN STREET, SIDEWALK AND RECREATIONAL FACILITY IMPROVEMENTS, AND PROVIDING FOR THE MANNER OF PAYING FOR THE SAME.

WHEREAS, the Unified Government is authorized and empowered pursuant to Charter Ordinance No. CO-03-09 and Article 12, Section 5(a) of the Constitution of the State of Kansas, to issue general obligation bonds for the purpose of paying for street improvements; and

WHEREAS, on November 21, 2013, the Unified Government adopted Resolution R-107-13 authorizing the KAW POINT PARK CONNECTOR TRAIL 2013, CMIP 971-7865 improvements, as more fully described therein; and

WHEREAS, it is necessary to amend Resolution No. R-107-13 to increase the estimated cost of the improvements and the amount of general obligation bonds and/or temporary notes to be issued for the improvements, as provided herein.

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

Section 1. That Section 2 of Resolution No. R-107-13 is hereby amended to read as follows:

Section 2. The Unified Government expects to make capital expenditures in connection with the Improvements and intends to reimburse itself for such expenditures with the proceeds of general obligation bonds and/or temporary notes in an amount not to exceed $760,000, plus capitalized interest and costs of issuance. Any general obligation bonds and/or temporary notes issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of adoption of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.
Section 3. Resolution No. R-107-13, as amended by this Resolution, is hereby ratified and confirmed, and shall remain in full force and effect.

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

THIS RESOLUTION WAS PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF ______________________, 2015, AND APPROVED BY THE MAYOR.

(SEAL) ______________________________________

Mayor/CEO

ATTEST:

____________________________________________
Unified Government Clerk
**Staff Request for Commission Action**

**Type:** Standard  
**Committee:** Neighborhood and Community Development Committee

**Date of Standing Committee Action:** 8/10/2015  
(If none, please explain): ___

**Proposed for the following Full Commission Meeting Date:** 8/27/2015  
**Confirmed Date:** 8/27/2015

### Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/29/2015</td>
<td>Chris Slaughter</td>
<td>8977</td>
<td><a href="mailto:cslaughter@wycokck.org">cslaughter@wycokck.org</a></td>
<td></td>
<td>Administration/Land Bank</td>
</tr>
</tbody>
</table>

**Item Description:**
The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed packets and forward them to the Land Bank Board of Trustees for final consideration.

- Item (1) - Applications (5)  
- Item (2) - Best and Finals (2)  
- Item (3) - Donations To Land Bank (1)  
- Item (4) - Transfers from Land Bank (2)  
- Item (5) - Transfers to Land Bank (25)

**Action Requested:**
The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

**Publication Required:** [ ]

**Budget Impact:** (if applicable)

- **Amount:** $  
- **Source:**  
  - [ ] Included In Budget  
  - [ ] Other (explain)
<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>APPLICANT ADDRESS</th>
<th>LAND BANK ADDRESS</th>
<th>PROPOSED USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marco Valencia</td>
<td>1821 N 19th St</td>
<td>1823 N 19th St</td>
<td>Yard Exension</td>
</tr>
<tr>
<td>Octavio Romero</td>
<td>1105 Lowell Ave</td>
<td>1109 Lowell Ave</td>
<td>Yard Exension</td>
</tr>
<tr>
<td>Silviano Juarez</td>
<td>737 Garfield Ave</td>
<td>1921 N 8th St</td>
<td>Yard Exension</td>
</tr>
<tr>
<td>Silviano Juarez</td>
<td>737 Garfield Ave</td>
<td>1923 N 8th St</td>
<td>Yard Exension</td>
</tr>
<tr>
<td>Rueben Rodriguez</td>
<td>1401 Wood Ave</td>
<td>1319 Wood Ave</td>
<td>Yard Exension</td>
</tr>
</tbody>
</table>
Section 1: Personal Information.

1. Applicant’s Name: 
   Mario Valencia
   Spouse (if applicable): 
   Zuvizada Y Sanchez

2. Name of Corporation (if applicable): ________________________________

3. Street Address: 1621 N. 19th St

4. City, State, Zip: KC KS 660104

5. Home Phone #: 9137135788 Work Phone #: ________________________________

6. E Mail Address: zuvizada@gmail.com

7. List Properties you own in Wyandotte County:
   1621 N. 19th St KC KS 660104

8. Do you (or your spouse) have any Code Enforcement violations? Yes _ No X

9. Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes _ No X

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property 1623 N. 19th St KC KS 660104
   X Vacant Land
   o Structure

2. Proposed Use of Property:
   X Yard Extension. Go to section 4.
   o Parking. (Must comply with UG regulations) Go to section 4.
   o Garage. Requires building permit. Go to section 4.
   o Home Addition. Requires building permit. Go to section 3.
   o Commercial Construction. Requires building permit. Go to section 3.
   o Rehabilitation of existing structure. Requires building permit. Go to section 3.
   o Other: ________________________________
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes___ No___
   (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual___ Corporation___ Nonprofit:___
   Other:_____________________________________

3. **Must** attach a letter of credit or pre-approval letter from your bank.

4. **Must** attach drawings for your proposed project.

5. Proposed use of property:
   o Home Ownership.
   o Rental Home.
   o Business/Commercial Use.
   o Apartments.
   o Other, Specify:_____________________________________

6. Will you seek Tax Increment Financing or other public tax exemptions?____

7. Will you seek Neighborhood Revitalization Tax Rebates?____

8. Starting Project Date:_______________ Completion Date:_______________

Comments:_________________________________________________________________
__________________________________________________________________________

Section 4: Additional Comments & Terms of Proposal.

I want to increase the property for my kids.

__________________________________________________________________________
__________________________________________________________________________

Incomplete applications will not be considered and will be returned to the sender.
As the applicant I attest that the information in this proposal is accurate. I attest that I
have read the Unified Government’s Land Bank policy and agree to the terms and
conditions of it. I understand that the Unified Government reserves the rights to reject
any proposal without cause.

Applicant’s Signature  Print Your Name  Date

Return Completed Application to: Attn: Land Bank Manager, Chris Slaughter
701 N. 7th St, Suite 421, KC, KS 66101
Fax 913-573-5745 Phone 913-573-8977
Unified Government Land Bank Application

Section 1: Personal Information.

1. Applicant's Name: Octavio Romero
   Spouse (if applicable): Olga Lidia Franca

2. Name of Corporation (if applicable): n/a

3. Street Address: 1105 Lowell Ave.

4. City, State, Zip: 66102

5. Home Phone #: 913)281-5855 Work Phone #: n/a

6. E Mail Address: n/a

7. List Properties you own in Wyandotte County: 1105 Lowell Ave, Kansas City, KS 66102

8. Do you (or your spouse) have any Code Enforcement violations? Yes _ No X

9. Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes _ No X

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property: 1109 Lowell Ave.
   o Vacant Land
   o Structure

2. Proposed Use of Property:
   o Yard Extension. Go to section 4.
   o Parking. (Must comply with UG regulations) Go to section 4.
   o Garage. Requires building permit. Go to section 4.
   o Home Addition. Requires building permit. Go to section 3.
   o Commercial Construction. Requires building permit. Go to section 3.
   o Rehabilitation of existing structure. Requires building permit. Go to section 3.
   o Other: ____________________________
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes__ No__  
   (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual__ Corporation__ Nonprofit: ___  
   Other: __________________________

3. **Must** attach a letter of credit or pre-approval letter from your bank.

4. **Must** attach drawings for your proposed project.

5. Proposed use of property:  
   ✓ Home Ownership.  
   o Rental Home.  
   o Business/Commercial Use.  
   o Apartments.  
   o Other, Specify: __________________________

6. Will you seek Tax Increment Financing or other public tax exemptions? ______

7. Will you seek Neighborhood Revitalization Tax Rebates? ______

8. Starting Project Date: _______________ Completion Date: _______________

Comments: ________________________________________________________________

Section 4: Additional Comments & Terms of Proposal.

(1) _______________________________________________________________________
(2) _______________________________________________________________________

Incomplete applications will not be considered and will be returned to the sender.  
As the applicant I attest that the information in this proposal is accurate. I attest that I  
have read the Unified Government’s Land Bank policy and agree to the terms and  
conditions of it. I understand that the Unified Government reserves the rights to reject  
any proposal without cause.

Applicant’s Signature: ___________________________ Print Your Name: ___________________________ Date: 6-29-2015

Return Completed Application to: Attn: Land Bank Manager, Chris Slaughter  
701 N. 7th St, Suite 421, KC, KS 66101  
Fax 913-573-5745 Phone 913-573-8977
Unified Government Land Bank Application

Section 1: Personal Information.

1. Applicant's Name: **Silviano Juarez**
   Spouse (if applicable): **Esperanza Aguirre**

2. Name of Corporation (if applicable)

3. Street Address: **737 Garfield Av**

4. City, State, Zip: **Kansas City KS 66101**

5. Home Phone #: **913 602-06-06** Work Phone #:

6. E Mail Address:

7. List Properties you own in Wyandotte County: **737 Garfield Av**
   **Kansas City KS 66101**

8. Do you (or your spouse) have any Code Enforcement violations? Yes__ No x

9. Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes__ No x

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property **1921 - 1923 N & St**
   - Vacant Land
   - Structure

2. Proposed Use of Property:
   - Parking. (Must comply with UG regulations) Go to section 4.
   - Rehabilitation of existing structure. Requires building permit. Go to section 3.
   - Other: ____________________________
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes__ No__
   (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual___ Corporation___ Nonprofit:___
   Other:_____________________________________________________

3. Must attach a letter of credit or pre-approval letter from your bank.

4. Must attach drawings for your proposed project.

5. Proposed use of property:
   o Home Ownership.
   o Rental Home.
   o Business/Commercial Use.
   o Apartments.
   o Other, Specify:_______________________________________

6. Will you seek Tax Increment Financing or other public tax exemptions?_____

7. Will you seek Neighborhood Revitalization Tax Rebates?_____

8. Starting Project Date: _______________ Completion Date: _______________

   Comments:_________________________________________________
   __________________________________________________________

Section 4: Additional Comments & Terms of Proposal.

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

Incomplete applications will not be considered and will be returned to the sender.
As the applicant I attest that the information in this proposal is accurate. I attest that I
have read the Unified Government’s Land Bank policy and agree to the terms and
conditions of it. I understand that the Unified Government reserves the rights to reject
any proposal without cause.

[Signature]
Applicant’s Signature

[Print Name]
Print Your Name

[Date]
Date

Return Completed Application to: Attn: Land Bank Manager, Chris Slaughter
701 N. 7th St, Suite 421, K.C., KS 66101
Fax 913-573-5745 Phone 913-573-8977
Unified Government Land Bank Application

Section 1: Personal Information.

1. Applicant’s Name: [Illegible]

2. Name of Corporation (if applicable): [Illegible]

3. Street Address: 1401 Wood Ave

4. City, State, Zip: Kansas City KS 66104

5. Home Phone #: 913 6095449 Work Phone #:

6. E Mail Address: [Illegible]

7. List Properties you own in Wyandotte County:

8. Do you (or your spouse) have any Code Enforcement violations? Yes __ No __

9. Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes __ No __

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property 1312 Wood Ave

   o Vacant Land
   o Structure

2. Proposed Use of Property:
   o Yard Extension. Go to section 4.
   o Parking. (Must comply with UG regulations) Go to section 4.
   o Garage. Requires building permit. Go to section 4.
   o Home Addition. Requires building permit. Go to section 3.
   o Commercial Construction. Requires building permit. Go to section 3.
   o Rehabilitation of existing structure. Requires building permit. Go to section 3.
   o Other: [Illegible]
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes ___ No ___. (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual ___ Corporation ___ Nonprofit: ___ Other: ________________________________

3. **Must** attach a letter of credit or pre-approval letter from your bank.

4. **Must** attach drawings for your proposed project.

5. Proposed use of property:
   - Home Ownership.
   - Rental Home.
   - Business/Commercial Use.
   - Apartments.
   - Other, Specify: ________________________________

6. Will you seek Tax Increment Financing or other public tax exemptions? _____

7. Will you seek Neighborhood Revitalization Tax Rebates? _____

8. Starting Project Date: __________________ Completion Date: __________________

Comments: ____________________________________________________________

Section 4: Additional Comments & Terms of Proposal.

Taking care of mowing property. Want bigger yard for kids.

Incomplete applications will not be considered and will be returned to the sender.
As the applicant I attest that the information in this proposal is accurate. I attest that I have read the Unified Government’s Land Bank policy and agree to the terms and conditions of it. I understand that the Unified Government reserves the rights to reject any proposal without cause.

Applicant’s Signature: Ruben Rodriguez 
Print Your Name: Ruben Rodriguez 
Date: 7-21-15

Return Completed Application to: Attn: Land Bank Manager, Chris Slaughter
701 N. 7th St, Suite 421, KC, KS 66101
Fax 913-573-5745 Phone 913-573-8977
<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>APPLICANT ADDRESS</th>
<th>LAND BANK ADDRESS</th>
<th>PROPOSED USE</th>
<th>LOT SIZE</th>
<th>LAND BANK RECOMMENDATION</th>
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<tbody>
<tr>
<td>Jacinto Cazares</td>
<td>1849 N 24th St</td>
<td>2236 Richmond Ave</td>
<td>Yard Extension</td>
<td>50 x 145</td>
<td>Due to the geographic nature, the Land Bank recommends</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>for Mr. Smith.</td>
</tr>
<tr>
<td>Dennis Smith</td>
<td>2232 Richmond Ave</td>
<td></td>
<td>Yard Extension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jose Arambula-Ayala</td>
<td>610 Lowell Ave</td>
<td>612 Lowell Ave</td>
<td>Yard Extension / Drive way</td>
<td>45 x 110</td>
<td>The Land Bank recommendation would be to split the property giving each side 22.5 feet of frontage.</td>
</tr>
<tr>
<td>Rigoberto Lopez</td>
<td>616 Lowell Ave</td>
<td></td>
<td>Yard Extension / Future Garage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 1: Personal Information.

1. Applicant's Name: Jacinto Alberto Cazares
   Spouse (if applicable): Sara Garcia

2. Name of Corporation (if applicable)

3. Street Address: 1839 N. 24th St

4. City, State, Zip: Kansas City, Kansas 66104

5. Home Phone #: (913) 281-4402 Work Phone #:

6. E Mail Address: Jgarcia0517@yahoo.com

7. List Properties you own in Wyandotte County:

8. Do you (or your spouse) have any Code Enforcement violations? Yes _ No _

9. Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes _ No _

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property: 2231 W Richmond
   - Vacant Land
   - Structure

2. Proposed Use of Property:
   - Parking. (Must comply with UG regulations) Go to section 4.
   - Rehabilitation of existing structure. Requires building permit. Go to section 3.
   - Other:
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes  No
   (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual  Corporation  Nonprofit:  
   Other: ________________________________

3. **Must** attach a letter of credit or pre-approval letter from your bank.

4. **Must** attach drawings for your proposed project.

5. Proposed use of property:
   - Home Ownership.
   - Rental Home.
   - Business/Commercial Use.
   - Apartments.
   - Other, Specify: ________________________________

6. Will you seek Tax Increment Financing or other public tax exemptions? ______

7. Will you seek Neighborhood Revitalization Tax Rebates? ______

8. Starting Project Date: ______________ Completion Date: ______________

Comments:
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Section 4: Additional Comments & Terms of Proposal.

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Incomplete applications will not be considered and will be returned to the sender. As the applicant I attest that the information in this proposal is accurate. I attest that I have read the Unified Government’s Land Bank policy and agree to the terms and conditions of it. I understand that the Unified Government reserves the rights to reject any proposal without cause.

Applicant’s Signature  Print Your Name  Date  05/22/15

Return Completed Application to: Attn: Land Bank Manager, Chris Slaughter
701 N. 7th St, Suite 421, KC, KS 66101
Fax 913-573-5745 Phone 913-573-8977
Wyandotte County Land Bank

Best & Final Check Off List

Your Best and Final Must Contain the Following Items:

2. Proposed Plan for Site(s):

Yard expansion, add a fence, garden landscaping.

Applicants Signature:  Jacinto A. Cazares
Section 1: Personal Information.  C

1 Applicant's Name: Dennis Smith  Connie Fonton  Spouse (if applicable):  

2 Name of Corporation (if applicable):  

3 Street Address: 2611 N. 156th Terr  

4 City, State, Zip: Basehor, KS 66007  

5 Home Phone #: 913-484-8415  Work Phone #:  

6 E Mail Address: kcseller54@gmail.com  

7 List Properties you own in Wyandotte County: 2232 + 2234 Richmond  

8 Do you (or your spouse) have any Code Enforcement violations? Yes__ No X  

9 Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes_ No X 

Section 2: Proposed Land Bank Purchase.  

1. Address(s) of Property: 2236 @Richmond  
   • Vacant Land  
   • Structure  

2. Proposed Use of Property:  
   • Yard Extension. Go to section 4.  
   • Parking. (Must comply with UG regulations) Go to section 4.  
   • Garage. Requires building permit. Go to section 4.  
   • Home Addition. Requires building permit. Go to section 3.  
   • New Home Construction. Requires building permit. Go to section 3.  
   • Commercial Construction. Requires building permit. Go to section 3.  
   • Rehabilitation of existing structure. Requires building permit. Go to section 3.  
   • Other:  

Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes___No___ (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual___Corporation___Nonprofit: ___
Other: ____________________________________________

3. **Must** attach a letter of credit or pre-approval letter from your bank.

4. **Must** attach drawings for your proposed project.

5. Proposed use of property:
   - Home Ownership.
   - Rental Home.
   - Business/Commercial Use.
   - Apartments.
   - Other, Specify: ____________________________________________

1 Will you seek Tax Increment Financing or other public tax exemptions? ______

2 Will you seek Neighborhood Revitalization Tax Rebates? ______

3 Starting Project Date: _____________ Completion Date: _____________ Comments: _____________

Section 4: Additional Comments & Terms of Proposal.

Incomplete applications will not be considered and will be returned to the sender.
As the applicant I attest that the information in this proposal is accurate. I attest that I have read the Unified Government’s Land Bank policy and agree to the terms and conditions of it. I understand that the Unified Government reserves the rights to reject any proposal without cause.

Dennis E Smith 5-27-15
Connie S. Fenton 5-27-15

Applicant’s Signature  Print Your Name Date

Return Completed Application to: Land Bank, 2nd Floor, 710 N. 7th, KCK 66101
Fax 913-321-0237 Phone 913-573-8977
Attn: Land Bank Manager, Chris Slaughter
Wyandotte County Land Bank

Best & Final Check Off List

Your Best and Final Must Contain the Following Items:

2. Proposed Plan for Site(s):

   Extra yard + garden

Applicants Signature:
Section 1: Personal Information.

1. Applicant’s Name: José Arambula Ayala.
   Spouse (if applicable): ________________________________

2. Name of Corporation (if applicable) ________________________________

3. Street Address: 635 Simpson Ave

4. City, State, Zip: Kansas City KS 66101

5. Home Phone #: (913) 232-3045  Work Phone #: ________________________________

6. E Mail Address: ________________________________

7. List Properties you own in Wyandotte County: ________________________________

8. Do you (or your spouse) have any Code Enforcement violations? Yes  No

9. Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes  No

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property: 612 Lowell Ave
   • Vacant Land
   ○ Structure

2. Proposed Use of Property:
   • Yard Extension. Go to section 4.
     ○ Parking. (Must comply with UG regulations) Go to section 4.
     ○ Home Addition. Requires building permit. Go to section 3.
     ○ Rehabilitation of existing structure. Requires building permit. Go to section 3.
     ○ Other: ________________________________
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes___ No___
   (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual___ Corporation___ Nonprofit:___
   Other:_____________________________________________________

3. Must attach a letter of credit or pre-approval letter from your bank.

4. Must attach drawings for your proposed project.

5. Proposed use of property:
   o Home Ownership.
   o Rental Home.
   o Business/Commercial Use.
   o Apartments.
   o Other, Specify:__________________________________________

6. Will you seek Tax Increment Financing or other public tax exemptions?_____

7. Will you seek Neighborhood Revitalization Tax Rebates?_____

8. Starting Project Date:_______________ Completion Date:_____________

Comments:________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Section 4: Additional Comments & Terms of Proposal.

________________________________________________________________________
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Incomplete applications will not be considered and will be returned to the sender.
As the applicant I attest that the information in this proposal is accurate. I attest that I
have read the Unified Government’s Land Bank policy and agree to the terms and
conditions of it. I understand that the Unified Government reserves the rights to reject
any proposal without cause.

Applicant’s Signature: Jose Arambula Print Your Name: Jose Arambula Date: 05 29 15

Return Completed Application to: Attn: Land Bank Manager, Chris Slaughter
701 N. 7th St, Suite 421, KC, KS 66101
Fax 913-573-5745 Phone 913-573-8977
Wyandotte County Land Bank

Best & Final Check Off List

Your Best and Final Must Contain the Following Items:

2. Proposed Plan for Site(s):

   The plans for this lot are to make a driveway because it's next to the house

Applicants Signature: Jose Anambya
Section 1: Personal Information.

1  Applicant’s Name: Rigoberto Mata Lopez  Spouse (if applicable): Martha Perez Mendoza

2  Name of Corporation (if applicable):

3  Street Address: 616 Lowell Ave

4  City, State, Zip: Kansas City KS 66101

5  Home Phone #: 913-279-1660 Work Phone #:

6  E Mail Address: RigoMata23 @ live.com

7  List Properties you own in Wyandotte County: 620 Lowell Ave Kansas City KS 66101, 1026 Haskell Ave KC KS 66104

8  Do you (or your spouse) have any Code Enforcement violations? Yes No X

9  Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? Yes No

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property: 612 Lowell Ave KC KS 66101
   √ Vacant Land
   ○ Structure

2. Proposed Use of Property:
   √ Yard Extension. Go to section 4.
   ○ Parking. (Must comply with UG regulations) Go to section 4.
   ○ Home Addition. Requires building permit. Go to section 3.
   ○ Rehabilitation of existing structure. Requires building permit. Go to section 3.
   ○ Other:
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes __ No X (Call Planning & Zoning at 913-573-5750)

2. Type of Ownership: Individual X Corporation __ Nonprofit: __
Other: ________________________________

3. **Must** attach a letter of credit or pre-approval letter from your bank.

4. **Must** attach drawings for your proposed project.

5. Proposed use of property:
   - Home Ownership.
   - Rental Home.
   - Business/Commercial Use.
   - Apartments.
   - Other, Specify: **Yard extension**

1 Will you seek Tax Increment Financing or other public tax exemptions? ______

2 Will you seek Neighborhood Revitalization Tax Rebates? ______

3 Starting Project Date: __________________ Completiion Date: ________________ Comments:

Section 4: Additional Comments & Terms of Proposal.

**Incomplete applications will not be considered and will be returned to the sender.**

As the applicant I attest that the information in this proposal is accurate. I attest that I have read the Unified Government’s Land Bank policy and agree to the terms and conditions of it. I understand that the Unified Government reserves the rights to reject any proposal without cause.

Applicant’s Signature Print Your Name Date **Rigoberto Mota Lopez**

Return Completed Application to: Land Bank, 2nd Floor, 710 N. 7th, KCK 66101
Fax 913-321-0237 Phone 913-573-8977
Attn: Land Bank Manager, Chris Slaughter
Wyandotte County Land Bank

Best & Final Check Off List

Your Best and Final Must Contain the Following Items:

2. Proposed Plan for Site(s):

My plans for this property is to extend the yard of my house. Also in the future, possibly make a garage to put my cars in there. But for right now is to extend my yard a little bit bigger.

Applicants Signature: Rigoberto Mota Lopez, Martha Perez Mendoza
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## DONATIONS TO LAND BANK

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<tr>
<th>Donor</th>
<th>Parcel #</th>
<th>Requested Donation Address</th>
<th>Standing Committee Recommendation</th>
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<tr>
<td>Wells Fargo REO Community Development Program</td>
<td>029040</td>
<td>4714 Vista Dr</td>
<td>Property will be donated with a clean title to the Land Bank. Land Bank will then submit a developemtn agreement with ABC, for the rehab of the property.</td>
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<td>Recipient</td>
<td>Land Bank Address</td>
<td>Comments</td>
<td>Standing Committee Recommendation</td>
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<td>CHWC. Inc</td>
<td>710 Oakland Ave</td>
<td>Single family home construction similar to others on block.</td>
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<tr>
<td>City of Edwardsville</td>
<td>213 S 5th St</td>
<td>Property was in Tax Sale 333, City of Edwardsville will raze property and keep possession.</td>
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### TRANSFERS TO LAND BANK

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<tr>
<th>Owner</th>
<th>Property Address</th>
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<td>Unified Government</td>
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<td>Per the December 2014 N/CD Standing Committee presentation, property controlled by the Unified Government (UG, City of KCK &amp; Board of County Commissioners) that are delinquent; will be transferred to the Land Bank to have delinquent property taxes abated. This is the first batch to go through this process.</td>
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