I.  CALL TO ORDER

II.  ROLL CALL

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

IV.  PLEDGE OF ALLEGIANCE

V.  REVISIONS TO MAY 28, 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 AGENDA

XVI.  PUBLIC ANNOUNCEMENTS

XVII.  ADJOURN

SERGEANT-AT-ARMS:  CAPTAIN RANDALL BALLIETT
VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. #3085 – UNIFIED GOVERNMENT BOARD OF COMMISSIONERS

SYNOPSIS: Rezone properties covering an area on 6th Street from Taurome to Splitlog from C-3 Commercial District to either C-D Center Business District or TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL TO TND DISTRICT) (150024)

2. #3086 – THERESE GARDNER FOR ANDA

SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a duplex for seniors at 4014 Strong Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150110)

3. #3087 – RICHARD MULLER/VAN TRUST REAL ESTATE LLC

SYNOPSIS: Change of Zone from CP-2 Planned General Business District to BP Planned Business Park District for Dairy Farmers of America global headquarters at 1405 North 98th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (150111)

B. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2015-17 – LONNIE WASH

SYNOPSIS: Renewal of a Home Occupation Special Use Permit (#SP-2013-18) for a barber shop at 4001 Oakland Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR FIVE (5) YEARS) (130135)

2. #SP-2015-19 – STEVE BEAUMONT/KCAI LP D/B/A CHATEAU AVALON

SYNOPSIS: Special Use Permit for live entertainment at 701 Village West Parkway, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150112)
3. **#SP-2015-20 – MICHAEL MORSE/QUICK AUTO SALVAGE AND TOW**

**SYNOPSIS:** Renewal of a Special Use Permit (#SP-2012-54) for an auto salvage yard and police tow at 1124 Pawnee Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 *(RECOMMENDED FOR APPROVAL FOR FIVE (5) YEARS)* (130135)

**VIII. PLANNING AND ZONING NON-CONSENT AGENDA**

**A. SPECIAL USE PERMIT APPLICATIONS**

1. **#SP-2014-80 – RYAN DENTK WITH MCANANY VAN CLEAVE & PHILLIPS**

   **SYNOPSIS:** Renewal of a Special Use Permit (#SP-2012-56) for live entertainment in conjunction with the Wine Barn at 2850 North 119th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 *(RECOMMENDED FOR APPROVAL FOR SIX (6) MONTHS – 6/1 VOTE)* (080123)

2. **#SP-2015-21 – TARA KNIGHTON-HARRISON**

   **SYNOPSIS:** Special Use Permit for four (4) to eight (8) chickens at 6730 Speaker Road, submitted by Robin H. Richardson, Director of Planning, 573-5774 *(RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS – 7/1 VOTE)* (150113)

3. **#SP-2015-24 – WIL ANDERSON/BHC RHODES**

   **SYNOPSIS:** Special Use Permit for a cemetery at 8350 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning, 573-5774 *(RECOMMENDED FOR APPROVAL – 5/2 VOTE)* (150112)
One of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2014.

1. **#SP-2015-19 – STEVE BEAUMONT/KCAI LP D/B/A CHATEAU AVALON**

   **SYNOPSIS:** Special Use Permit for live entertainment at 701 Village West Parkway, submitted by Robin H. Richardson, Director of Planning, 573-5774
   (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150112)

   2011 - $116,218.63 (current on payment plan)
   2013 - $135,229.39 (current on payment plan)

   **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

No items

X. NON-PLANNING CONSENT AGENDA

1. RESOLUTION: OPERATION GREEN LIGHT TRAFFIC CONTROL (150117)

SYNOPSIS: A resolution approving a cooperative agreement with Mid-America Regional Council (MARC) to fund operations of the Operation Green Light (OGL) Traffic Control System for 2015-2016, submitted by Lideana Laboy, Public Works.

On May 18, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

2. RESOLUTION: MERRIAM LANE, WEST 36TH TO 24TH ST. IMPROVEMENTS (150102)

SYNOPSIS: A resolution approving an agreement with the city of Overland Park, KS, for the public improvements on Merriam Lane, West 36th to 24th Street, submitted by Bill Heatherman, Public Works. The UG initiated this project and will pay all costs.

On May 18, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

3. GRANT: BODY-WORN CAMERA PROGRAM (150132)

SYNOPSIS: Request to submit a grant application to the Department of Justice to implement a Body-Worn Camera (BWC) Program, submitted by Terry Zeigler, Police Chief.

On May 18, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.
4. GRANT: HEALTH DEPARTMENT PROJECT (150100)

SYNOPSIS: Request to subcontract with the Community Health Council who is partnering with KDHE (through a CDC grant) on a project to prevent obesity, diabetes, heart disease and stroke, submitted by Terry Brecheisen, Public Health Director.

On May 18, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

5. AMENDMENT: FOOD TRUCKS (150076)

SYNOPSIS: Authorize staff to move forward to amend the zoning code to allow short-term food trucks based on administrative review, requested by various commissioners and submitted by Rob Richardson, Director of Urban Planning & Land Use.

On May 18, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

6. AMENDMENT: LIMITATIONS ON NEW “DOLLAR” STORES (150078)

SYNOPSIS: Authorize staff to move forward to amend the zoning code to require a special use permit or other limitations on new "dollar" stores, requested by Mayor Holland and submitted by Rob Richardson, Director of Urban Planning & Land Use.

On May 18, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

7. AMENDMENT: AUTOMOTIVE LAND USES (150104)

SYNOPSIS: Authorize staff to move a code amendment to the Planning Commission to require a special use permit for the following automotive related uses not associated with a new car dealer, submitted by Rob Richardson, Director of Urban Planning & Land Use.
1. Used car sales
2. Used tire sales or tire services
3. Auto mechanics
4. Auto body repairs

On May 18, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.
8. AMENDMENT: FLOODPLAIN (150103)

SYNOPSIS: Request an amendment to the floodplain ordinance to change the
dates of the UG's approved flood maps in order to maintain eligibility for disaster
relief, submitted by Rob Richardson, Director of Urban Planning & Land Use.

On May 18, 2015, the Administration and Human Services Standing
Committee, chaired by Commissioner Markley, voted unanimously to approve and
forward to full commission.

9. AMENDMENT: RESIDENTIAL ACCESSORY USES (150106)

SYNOPSIS: Request an amendment to the allowed residential accessory
ordinance due to issues arising from activities within the Hanover Heights
neighborhood, submitted by Rob Richardson, Director of Urban Planning & Land
Use.

On May 18, 2015, the Administration and Human Services Standing
Committee, chaired by Commissioner Markley, voted unanimously to approve and
forward to full commission.

10. GRANT: DOWNTOWN SHAREHOLDERS (150133)

SYNOPSIS: Request the UG apply for a grant from the Kansas Historic Society to
conduct a historic resources inventory of Downtown KCK and designate Downtown
Shareholders as the administrative agent (third party designee), submitted by Rob
Richardson, Urban Planning and Land Use Director.

On May 18, 2015, the Administration and Human Services Standing
Committee, chaired by Commissioner Markley, voted unanimously to approve and
forward to full commission.

11. PLAT: FRANK RUSHTON ELEMENTARY (150057)

SYNOPSIS: Plat of Frank Rushton Elementary located at 43rd & Springfield and
being developed by USD 500, submitted by Brent Thompson, County Surveyor, and
William Heatherman, County Engineer.

12. MINUTES

SYNOPSIS: Minutes from regular session of March 26, 2015; and special session
of May 14, 2015.

13. WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated May 7 and 14, 2015.
XI. PUBLIC HEARING AGENDA

No items

XII. ADMINISTRATOR’S AGENDA

No items

XIII. STANDING COMMITTEES’ AGENDA

No items

XIV. COMMISSIONERS’ AGENDA

1. GRANT: 2015 CASINO GRANT FUNDS (150144)

SYNOPSIS: Request approval of the 2015 UG Hollywood Casino grant funds recommendation.

XV. LAND BANK BOARD OF TRUSTEES’ AGENDA

No items

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN
To: Unified Government Board of Commissioners  
From: City Staff  
Date: May 28, 2015  
Re: Change of Zone Petition #3085 (150024)

**GENERAL INFORMATION**

**Applicant:**  
Staff via Board of Commissioners

**Requested Actions:**  
Change of Zone from C-3 Commercial District to Traditional Neighborhood Design District (TND)

**Date of Application:**  
February 2, 2015

**Purpose:**  
To zone the neighborhood’s commercial area to better fit current and proposed uses while enhancing compatibility within the neighborhood.

**Property Location:**  
6th Street from Taurome to Splitlog

**Existing Zoning:**  
C-3 Commercial District
Surrounding Zoning:

**North:**
- CP-2 Planned General Business District
- C-0 Non-Retail Business District
- R-2(B) Two-Family District

**South:**
- C-0 Non-Retail Business District
- R-1(B) Single Family District

**East:**
- R-1(B) Single Family District
- RP-5 Planned Apartment District

**West:**
- R-1(B) Single Family District
- R-2(B) Two-Family District
- RP-5 Planned Apartment District
- C-0 Non-Retail Business District

Existing Uses:

**North:** Municipal complex, commercial, and duplexes

**South:** Single family homes, church and union hall

**East:** Mostly single family homes with some apartments to the south

**West:** Mostly single family homes with some duplex and small apartments and limited commercial

Total Tract Size: approximately 6.5 acres

Master Plan Designation: The area is designated for Urban Redevelopment.

Major Street Plan: 6th Street is a local Street

Advertisement:
- The Wyandotte Echo – April 16, 2015
- Letters to Property Owners – April 14, 2015 and May 20, 2015

Public Hearings: May 11, 2015 and May 28, 2015

Public Opposition: No one appeared in opposition at the May 11, 2015 City Planning Commission meeting.

PROPOSAL

**Detailed Outline of Requested Action:** To zone the neighborhood’s commercial area to better fit current and proposed uses while enhancing compatibility within the neighborhood.

**City Ordinance Requirements:** Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339
FACTORS TO BE CONSIDERED

1. **Neighborhood character.**

   This is the street section of Strawberry Hill. The street frontage is primarily commercial with some vacant ground. It is almost entirely surrounded by dense single family homes on 25 foot lots.

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

   The zoning and uses of properties nearby is set out above. The proposed change will actually make the commercial uses allowed more compatible with the neighborhood.

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 uses allowed under the proposed zoning are more compatible with the neighborhood than under the current zoning. The plan review required for all future development and the tighter use restrictions will positively impact nearby properties.

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

   Some of the property has been vacant for a few years but it is mostly older commercial structures.

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.**

   Based on comments at the neighborhood meeting, the nearby property owners are excited to have input during the plan review process for new development rather than being subject to whatever use is allowed within the C-3 zoning. Neighborhood input will assure that future developments do not negatively affect the neighborhood.

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.**

   Traffic and parking are items that will be worked out when development plans are filed. This should not be an issue.
7. **The degree of conformance of the proposed use to the Master Plan.**

TND zoning is the best implementation strategy for commercial Urban Redevelopment as laid out in the Master Plan.

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

Provided all development follows City Codes, this should not be an issue.

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**

      Available

   c. **Storm water control**

      To be designed to meet City Code

   d. **Police**

      Police service is provided by East Patrol, District #111

   e. **Fire**

      Fire service is provided by Station #1

   f. **Transit**

      Transit is available a block away on 7th Street and a few blocks to the north on Minnesota Avenue

   g. **Schools**

      Kansas City, Kansas USD 500

   h. **Streets**

      See item #6 above
10. *The economic impact of the proposed use on the community.*

This will allow at least one if not two redevelopment projects to move forward increasing the vitality of the area with more expected in the future.

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

This will be evaluated during each plan review.

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

It would appear that the proposed change does not impose any hardships and that there is great benefit to the change in zoning to allow for planned future development with strong neighborhood impact.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held on April 9, 2015. The sign in sheet and minutes are attached.

**KEY ISSUES**

Currently allowed uses in C-3 zoning
What mixed use zoning district would be most appropriate
How will preliminary TND plans be addressed

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3085, to the TND Traditional Neighborhood Design District.

**STAFF COMMENTS AND SUGGESTIONS**

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

**Urban Planning and Land Use Comments:**

The process for this application has been:

1. Board of Commissioners approved request to file zoning
2. Zoning application was filed
3. Official notices by mail and publication
4. Held neighborhood meeting
6. Public Hearing - Board of Commissioners May 28, 2015
The area is currently zoned C-3 Commercial District

This district allows the following uses:

- Buildings and yards for the sale or rental at retail or wholesale of items such as and similar to automotive equipment, cars, trucks, trailers, boats, mobile homes, camping accessories, farm equipment and supplies, manufactured homes, building supplies, lawn accessories, nursery stock, plumbing, heating and air-conditioning equipment and supplies.

This district allows the following services:

1. Auto and small- and medium-size truck repair and washing, farm machinery repair, adult motion picture theater, adult bookstore or adult video store, entertainment and recreation, except those listed in section 27-579.
2. General repair and fix-it shop.
3. Lawn, tree and garden services.
4. Making or assembly of products to be sold at retail on the premises.
5. Miniature golf courses and golf driving ranges.
7. General and special trades contractors.

There are some obvious issues with several uses and services when considering the dense neighborhood location.

1. Obviously some uses not compatible in tight quarters or near adjacent residential properties
2. None of the zoning requires plan review
3. None of the zoning requires public notification
4. None of the zoning requires PC or BOC approval
5. Strict 4 spaces per 1,000 square feet of area parking requirements hinders development

Two alternative zoning districts were presented at the neighborhood meeting. Staff presented two mixed use zoning districts. The Central Business District (CD) Zoning and Traditional Neighborhood Design (TND) were presented for consideration. Handouts of all 3 zoning districts were passed out to those in attendance. The pros and cons of each were discussed briefly and are summarized below:

Why/Why not CD

- Why
  - Simple
  - Typical plan review requirements
  - Allows mixed use
- Why not
  - This district is really reserved for downtown
  - Parking very fluid
  - Still has 2-3 higher intensity uses allowed
Why/Why not TND:

- **Why**
  - T4 zone
  - No final plan review at Planning Commission
  - Every aspect is covered in design review/regulating plan
  - Compatibility is the key
  - Parking required, but in lesser amounts
- **Why not**
  - Requires significant up front work for developer
  - Very complex

The consensus of the group and staff was to move to the TND zoning.

It should be noted that typically, this designation would require a plan in conjunction with the zoning application. Because this is being done as an urban area redevelopment strategy, the individual preliminary TND plans will be completed as development projects are proposed.

The only remaining issue at this point is whether or not to include the Foley Electric Building in the change of zone as it moves forward. Staff followed up with Mr. Fred Denny, the property owner, immediately after the neighborhood meeting and on May 7, 2015. Mr. Denny expressed indifference but noted he did not see much reason to change the zoning. Unless he were to express opposition, staff would recommend including the building, making the area uniformly TND.

**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 #3085 subject to all comments and suggestions outlined in this staff report.
ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
Map of area proposed to be rezoned
Aerial photo 2012
Neighborhood meeting minutes
Neighborhood meeting sign-in sheet
C-3 Zoning Ordinance see link:

TND Zoning Ordinance see link:

C-D Zoning Ordinance see link:

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>May 11, 2015</td>
<td>May 28, 2015</td>
</tr>
<tr>
<td>Rezoning Approval</td>
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STAFF CONTACT: Robin H. Richardson, AICP
rrichardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #3085 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 #3085, 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.

MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:

150024 CHANGE OF ZONE APPLICATION #3085 – UNIFIED GOVERNMENT BOARD OF COMMISSIONERS – SYNOPSIS: Change of Zone to rezone properties covering an area on 6th Street from Taurome to Splitlog from C-3 Commercial District to TND Traditional Neighborhood Design District

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 May 11, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furthereance 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.)

Planning Director Rob Richardson, 701 North 7th Street, Suite 423, Kansas City, Kansas, appeared to present this application. Mr. Richardson stated that there has been some work going on in this area for a couple of years and part of that work has been done by CHWC in conjunction with city staff in trying to work through a development proposal. Also the neighborhood group has been working with Commissioner McKiernan related to how to make this area ripe for new development and redevelopment of the existing buildings. Through those discussions, they decided that the best thing to do might be to rezone the area from C-3 Commercial District to another mixed use district. This is a large area with multiple property owners and the state law requires that each property owner signs the petition, or the Planning Commission to file the petition or the Board of Commissions to file the petition. Since they were working Mr. Richardson and Commissioner McKiernan, they both filed the request with the Board of Commissioners which they approved to file the zoning application. The staff mailed the notices and publications as required by law. On April 9, 2015 Jamie Ferris (Planner) and Mr. Richardson held a neighborhood meeting with the Strawberry Hill Neighborhood Group as part of their meeting with proper notice to the property owners. If this application is recommended for approval or denial, it will move forward to the Board of Commissioners on May 28, 2015. This area is along 6th Street from Taurome to Splitlog. Both faces of this street, except for the southeast
corner, are adjacent to Orville Avenue where there is a residence. All of that property outlined in blue is zoned C-3 currently. He stated that he would like to talk about the issues with C-3 zoning in such a close knit neighborhood. That district has automotive uses that border on light industrial (which could be noisy, smelly and a little obnoxious if you were a neighbor 15’ away). None of that zoning requires a plan review so if someone came in and wanted to open a light mechanical, auto body shop or auto sales in one of those areas it would go through Business License and if there were any building modifications it would be a building permit process with no public process. None of the zoning requires public notification and none of the zoning would require them to come before the City Planning Commission or Board of Commissioners. There is also a strict 4 for 1,000 square foot parking space requirement with the C-3 zoning and that may not work. He stated that they looked at two (2) mixed use zoning options. One is the C-D Central Business District and the other is the TND Traditional Neighborhood Design District. (Information was provided in the staff report.) He stated that he would like to discuss why or why not the two (2) mixed use districts.

**Why/Why not CD**

- **Why**
  - Simple
  - Typical plan review requirements so the Commission would see preliminary and final plan reviews.
  - Allows mixed use
- **Why not**
  - This district is really reserved for downtown
  - Parking very fluid and there is no set requirement for parking and in some cases none would be required which would be an issue for the neighborhood. They do not want to have the neighborhood invaded by business that does not provide sufficient parking.
  - Has 2-3 higher intensity uses allowed

**Why/Why not TND:**

- **Why**
  - T4 zone
  - No final plan review at Planning Commission
  - Every aspect is covered in design review/regulating plan at the preliminary plan level.
  - Compatibility is the key – A neighborhood meeting would be required. The developer would work with the neighbors and staff in making sure that the development is compatible.
  - Parking required, but there is some flexibility. On-street parking can be counted without a variance. Many of the uses in this area have used on-street parking and the new developments may be able to expand on that parking in lieu of building a new parking lot.
• Why not
  • Requires significant up front work for developer. The front end before approval is more expensive than it would be for another proposal. It requires the developer to get to final plan drawings before going to Planning Commission.
  • Very complex – It is several pages long with regard to planning.

The consensus of the neighborhood and staff was to move to the TND zoning. He stated that the first developer will likely be CHWC and they are familiar working with the Strawberry Hill Neighborhood and they used to have their offices there so there is a good relationship. Once the regulating plans are done, the final approvals are done by a small group which includes the staff, developer and members of the Planning Commission. He stated that there was success with this with the 39th and Rainbow project and there was great support. He stated that the only issue that he knows (and it may not be an issue) is that the parcel at the northeast corner of Splitlog and 6th Street is the Foley Electric building. He spoke to the owner and he expressed indifference but if he does object, that building could be left out. If he ever wanted to sell his building, it would be great for mixed use and he feels the TND District would be good zoning for it. He showed the Commission the boundaries of this proposed rezoning. If this goes well, there are a couple of properties on 5th Street that they may come back for rezoning to TND.

Planning Commissioner Gonzalez asked if this would have anything to do with the historic designation of this area. Mr. Richardson stated no, it would not impact the neighborhood’s ongoing process to learn whether or not they would be eligible for historic designation.

Mr. Ron Covey, 537 Tauromee, Kansas City, Kansas, appeared concerning this application. He stated that he knows that his lot number was not included in the information sent out and wanted to know what this will do to his house. Planning Director Richardson asked if he lives in a single-family home. Mr. Covey stated yes. Director Richardson stated that he received a notice because he is within 200’ of this and it will not change his home at all but when someone comes forward to develop the parcel at 6th and Tauromee (the former Snow’s Meat Market) he will receive a notice. Today he would not receive a notice if anyone wanted to go in there. He stated that no homes will be taken anywhere. He further stated that at the neighborhood meeting he said that he does not think that any homes should be taken down for commercial development. He thinks that commercial development should work on commercial parcels as he does not think that is good for the neighborhood and they agreed at the meeting.

Ms. Mary Davis, 539 Tauromee Avenue, Kansas City, Kansas, appeared concerning this application. She stated that she believes that her house was one going away. She did not receive a notice and knew nothing about the neighborhood meeting. Her neighbor next door received one and someone on Saturday asked when she was moving because they heard the city was taking her home. Planning Director Richardson stated that there is no taking of residential homes as part of this proposal. He stated that property owners receive the notices; they are not sent certified mail.
Planning Director Richardson stated that the staff recommends approval of this application to the TND District.

On motion by Mr. Ernst, seconded by Mr. Gonzalez, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application #3085 to the Traditional Neighborhood Design District**:

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

Motion to recommend APPROVAL Passed: 8 to 0
Zoning MAP (AREA OUTLINED IN BLUE IS PROPOSED TO BE REZONED)
From: Cynthia Myers <cindimyers@yahoo.com>
Date: 04/12/2015 6:14 PM (GMT-06:00)
To: Cindi Myers <cindimyers@yahoo.com>
Subject: SHNA meeting summary; upcoming events

4/9/15 SHNA meeting summary:

- Pembroke Senior Service Project Day moved to Monday, May 18. Email Tim Ryan to volunteer: Tim.ryan@ Projects include Sidewalk and Alley Improvements, roses at the St. John’s Park planter and flowers at the World War One Memorial.
- Community Garden: There are still garden plots available for this summer. Contact Elisabeth Petroske at Epetroske@hotmail.com (913) 906 - 8026
- New zoning for parts of 6th Street: Best recommendation was for TND. Stronger up Front planning and cost but process requires involvement and seeks approval from the neighborhood. Rob Richardson, richardson@wycokck.org Planning Commission meeting May 11 at City Hall, 6:00 PM. Full Commission Follow up meeting May 28 at City Hall, 6:00 PM
- Community Policing officer, Ryan Parker: Meet the officers who work in Strawberry Hill at the Community Policing Meet and Greet, May 14, 6565 State Ave., 6 p.m.

Upcoming events:

- "Life in a Jar: The Irena Sendler Project", Main Library, 625 Minnesota, Thursday, April 30, 7 p.m., www.kckpl.org
- Polski Days, Saturday, May 2, 11 a.m. - 7 p.m., All Saint's Parish, 811 Vermont Ave. www.polskiday.com
- Poski De Mayo, Sat. May 2, 2015, 6th Street will be closed between Splitlog and Orville, 8 a.m. to midnight with live music, amateur boxing, climbing wall and two Bradley Tanks https://www.facebook.com/pages/KCK-PAL-Boxing-Gym/191318517557067?fref=ts&rf=405553556211183.
- Colonial Club at 322 6th Street is now open for breakfast on Sunday at 9 a.m. Menu includes biscuits and gravy!
- Strawberry Hill Museum Garage Sale, July 18, 913-371-3264 for more information

SHNA BOARD OF DIRECTORS:
President: Tim Ryan timr0521@hotmail.com
Vice President: Nick Tomasic ktomasic@kc.rr.com
Vice President Proteome: Carol Diehl cdneighborhood@yahoo.com
Secretary: Cindi Myers cindimyers@yahoo.com
Treasurer: Francie Sachen fskcks@aol.com
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Cheryl Sostarich csostarich@hotmail.com
Brian Matlock mrmatlock@gmail.com
Callie Brinton
Cynthia Wolfe wlf_cynth@yahoo.com

All the best,
Cindi Myers

#3087 May 28, 2015
6th Street Rezoning Neighborhood Meeting
Strawberry Hill Neighborhood Association Meeting called to order at 7pm.
Neighborhood issues discussed by Fred Denny, neighborhood association president
Rob Richardson, director of planning is introduced, along with Jamie Ferris, UG planner, and
Donny Smith of CHWC.
Mr. Richardson presents the current C-3 zoning along 6th Street from Tauromee to Splitlog, and
the proposal of either C-D or TND, in order to alleviate the need for variances when developing
community commercial.

**Question:** When is the “plan date”?
**Answer:** May 28 at Board of Commissioners meeting at 7pm

Mr. Richardson explains the development review process for TND zoning

**Question:** Who is the developer you have referred to?
**Answer:** Any property owner or anyone with development interest along this corridor

**Question:** Is there a developer for a project now, is that why you are wanting to change
this now?
**Answer:** Yes, it could be CHWC, Matt Tomlison

Donny Smith presented information about CHWC, potential project at 6th and Sandusky, 3 story
building that would benefit from TND zoning due to current parking restrictions, etc.

**Question:** What is the project?
**Answer:** three story building at 6th and Sandusky

**Question:** How large?
**Answer:** 4500 square feet, about 1500 per floor.

**Question:** Any residential?
**Answer:** No, at this time, we’re looking at a neighborhood copy center, like a small
Kinkos with printing and PO Boxes. Maybe a second location of the coffee shop that
opened on Minnesota, Cup on the Hill.

**Question:** But parking is a problem
**Comment:** On 6th Street and on side streets
**Answer:** There are many ways we can look to improve parking, including underground
parking, redoing streetscapes to change parking orientation, like diagonal parking, and
find a good balance of day uses and residential that don’t use parking at the same time.
This TND zoning allows for neighborhood input early in the process, allows neighbors to
ask the detailed questions, about how it will impact the neighborhood. It will help to find
a balance between parking needs and neighborhood needs. But we certainly don’t want to
tear down homes in this neighborhood for more parking lots.

**Question:** We have to decide all of this by the end of the month?
**Answer:** The zoning plan goes before planning commission on May 11. Any other
projects in the district will have to come before the neighborhood groups before approval
in the future.

**Question:** What happens if no change is made?
**Answer:** It allows for these higher commercial uses, including auto repairs and things
like that.

**Question:** There’s a man who has bought a lot of property and needs this to do any good
projects
**Answer:** This will bring a lot of interest post-recession, people want to live in
Strawberry-Hill-like places. It’s a shift in what people are wanting.

**Question:** It says taverns are allowed by exception, what about places that are here now?
Answer: They will be allowed as legal non-conforming.
Question: Is Strawberry Hill going to get historic designation?
Answer: The first part of the study was completed. The rest application will have to be started and then approved by the Kansas State Historic Preservation office. That would be good for the neighborhood, for the quality of construction and development, to protect integrity. This group is important in making that happen.
Question: Does zoning have an effect on taxes?
Answer: No, state law dictates that taxes are based on use, not zoning.

Comment: CHWC has a great track record; if they don’t get it done, it allows someone else to do it.

Question: What happened on 6th Street to pedestrian lighting?
Answer: It was a public works project and I don’t remember how it ended.

Comment: 5th Street got the lights because 6th street wasn’t feasible; Strawberry Hill Neighborhood Association was responsible for putting in the lights.

Question: Are there any downsides?
Answer: You (neighborhood) have to be diligent to attend meetings and check up on the development.

Question: But now they don’t have to have those meetings?
Answer: Correct, anyone could go in, meet with staff only, get staff approval and go forward with the project and getting building permits.

Question: What [zoning] is 7th Street?
Answer: It’s a mix, and it allows for all kinds of uses.

Question: How small of a development is feasible in this district?
Answer: I think you could do this on a 25 foot lot. It will bring attention and excitement to Strawberry Hill.

Question: Why stop at Tauromea?
Answer: That property on that corner is already zoned CP-2, so it has a planned zoning designation. And we can start with our greatest opportunity here.

Meeting Adjourned: 8:05pm
<table>
<thead>
<tr>
<th>NAME</th>
<th>CONTACT</th>
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<tbody>
<tr>
<td>Cindi Myers</td>
<td>816-223-8554</td>
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<td>Fred Deaney</td>
<td>816-223-8554</td>
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<tr>
<td>Rodney Boutilier</td>
<td>256-406-5014</td>
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<tr>
<td>Cynthia Wolfe</td>
<td>913-341-305</td>
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<td>Stapler</td>
<td>913-573-9724</td>
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<tr>
<td>Jamie Ferris</td>
<td>913-573-6757</td>
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<tr>
<td>Theresa Knapp</td>
<td>93-388-48823</td>
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<tr>
<td>Alistair Sartie</td>
<td>913-342-0576</td>
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<td>Sarah Sutton</td>
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<td>Sara Svetlik &amp; Tech</td>
<td>913-909-7304</td>
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<tr>
<td>Andrew Pollock</td>
<td>913-749-5823</td>
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<td>Brian Matthews</td>
<td>913-763-0097</td>
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<td>Renee Curtis</td>
<td>913-626-0404</td>
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<td>Alicia Houston</td>
<td>715-249-5781</td>
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<td>Ryan Reed</td>
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<td>Bai Thi Dang</td>
<td>913-708-5602</td>
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<td>Ross Traum</td>
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<td>Joani Bocelweitz</td>
<td>913-219-4853</td>
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<td>Donna Smith</td>
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<td>Bob Wimmer</td>
<td>913-321-5172</td>
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<td>Worr Tomsic III</td>
<td>913-308-3744</td>
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<td>Kenny Gardner</td>
<td>913-371-9690</td>
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<td>Denise Tomsic</td>
<td>913-371-5750</td>
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<td>Francia Sacher</td>
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<td>Ryan Browne</td>
<td>913-709-5738</td>
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<td>Nick Tomsic</td>
<td>913-371-8055</td>
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<td>Carole Quill</td>
<td>281-1922</td>
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<td>Tim Ryan</td>
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To: Unified Government Board of Commissioners  
From: City Staff  
Date: May 28, 2015  
Re: Change of Zone Petition #3086 (150110)

GENERAL INFORMATION

Applicant: Therese Gardner  
Status of Applicant: Representative  
ANDA  
2502 Strong Avenue  
Kansas City, KS 66106  

Requested Actions: Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District  
Date of Application: March 24, 2015  
Purpose: Approve change of zone from R-1(B) Single Family District to R-2(B) Two-Family District  
Property Location: 4014 Strong Avenue  
Existing Zoning: R-1 (B) Single Family District
**Surrounding Zoning:**

- **North:** R-1 (B) Single Family District
- **South:** R-1 (B) Single Family District
- **East:** R-1 (B) Single Family District
- **West:** R-1 (B) Single Family District

**Existing Uses:**

- **North:** Residential
- **South:** Residential
- **East:** Residential
- **West:** Residential

**Total Tract Size:** .221 acre

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

**Major Street Plan:** Strong Avenue is a designated Collector Street.

**Advertisement:**
- The Wyandotte Echo – April 16, 2015
- Letters to Property Owners – April 14, 2015 and May 21, 2015

**Public Hearings:** May 11, 2015 and May 28, 2015

**Public Opposition:** No one appeared in opposition at the May 11, 2015 City Planning Commission meeting.

## PROPOSAL

**Detailed Outline of Requested Action:** ANDA is seeking a change of zone from R-1(B) Single Family District to R-2(B) Two Family District in order to construct a duplex for senior living.

**City Ordinance Requirements:** Article XXII Sections 27-1001 – 27-1419 and Article XXI Sections 27-501 - 27-1000

## FACTORS TO BE CONSIDERED

1. **Neighborhood character.**

   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.**

   This area has mostly narrow-lot residences; a duplex is a fairly compatible use in this area.
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 foreseen to be an issue.

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

This property is not vacant.

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.

Senior housing is a growing need in our community and others; there is reasonable necessity for this proposed use.

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.

This proposed change is not expected to affect traffic, parking demand, or road conditions.

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

This change would still be in conformance with the 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.

9. 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

      Existing

   c. Storm water control

      Existing
d. Police

Police service is provided by Police District #331

e. Fire

Fire service is provided by District #2

f. Schools

Kansas City, Kansas USD 500

g. Streets

See item #6 above

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

This is not expected to have an impact on the economy of the community.

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

The proposed use is expected to meet 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.

There is relative gain to the public health, safety, and welfare, due to fulfilling a need of accessible senior housing as compared to the hardship imposed on the landowners.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 22, 2015 at 7:00 p.m. with five (5) people in attendance. There was no opposition.

KEY ISSUES

Site and development plans

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3086, subject to:
Urban Planning and Land Use Comments:

Please provide site and development plans for the duplex, as required for submission.

Staff Response: Plans were provided.

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 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 #3086 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
Aerial photograph
Zoning map
Plans
Neighborhood meeting minutes

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Board of Commissioners</th>
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<tr>
<td>Public Hearing</td>
<td>May 11, 2015</td>
<td>May 28, 2015</td>
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<tr>
<td>Rezoning Approval</td>
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</tbody>
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STAFF CONTACT: Jamie Ferris jferris@wycokck.org
MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #3086 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 #3086 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.

MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:

150110 CHANGE OF ZONE APPLICATION #3086 – THERESA GARDNER FOR ANDA – SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a duplex for seniors at 4014 Strong 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 May 11, 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. Theresa Gardner, 5745 Miami, Kansas City, Kansas, 66106, applicant, appeared to present this application. She stated that the Argentine Neighborhood Development Association (ANDA) would like to build a duplex for seniors at this location and provide affordable housing. The house will be built in such a way that it will not appear to be a duplex from the front. One of the doors will be facing the side so from the front it will look like a single family home.
Planning Commissioner Connelly asked if this is HUD approved. Ms. Gardner stated that they are receiving Home funds from the State. It is not a tax credit; it will be affordable, low-income for seniors. Mr. Connelly asked how many units there will be. Ms. Gardner stated two (2).

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff opinion.

On motion by Mrs. Walker, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application #3086**:

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

**Urban Planning and Land Use Comments:**

Please provide site and development plans for the duplex, as required for submission.

Staff Response: Plans were provided.

**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
PLOT PLAN

THE WEST 20 FEET OF LOT 20, AND ALL OF LOTS 21, AND 22,
RESURVEY OF BLOCK 11 WEST END ADD. TO ARGENTINE
4014 STRONG AVENUE

LEGEND
PP = DENOTES POWER POLE
WW = DENOTES WATER VALVE
LP = DENOTES LIGHT POLE

NOTE: NO SANITARY SEWER SERVICE INFORMATION FURNISHED OR FOUND FOR THIS LOT.
Application Number 3086
Date: 4/22/2015
Location: South Branch Library, Room A

Meeting called to order at: 7:00pm

Host Attendance: Therese Gardner, Bill Rogers, Ann Murguia

Attendees: Melinda Ramirez, 4019 Strong Ave
Larry Barbour, 1315 S 41
Thomas & Yolanda Loya, 1318 S 41

Introductions:

Therese and Bill explained the plan to build a duplex at 4014 Strong and to do this an application had been made to change the zoning for that lot only to allow for the construction. Ms. Ramirez asked if that would affect her property with higher taxes and Therese informed her that was very unlikely. Mr. Barbour thought the change would be to the whole neighborhood and Therese and Bill informed him that it was only the lot of 4014 Strong. They asked if the duplex would be rental and Therese told them yes, with a restriction for seniors only (55 and older). Mrs. Ramirez asked about lawn maintenance and Ann told her ANDA would maintain the yard and landscaping. Mrs. Ramirez asked why not build a single family house there? Ann informed her there is a need for more affordable senior housing in the area and we feel this is the current need. No families are seeking a house on that lot at this time. All the hosts explained that ANDA has a mission to revitalize the Argentine area and have other properties that are all maintained as well as maintain some properties that do not belong to ANDA. That ANDA does not allow tenants to cause problems in the neighborhood and will deal with any problems. Bill Rogers’ cards were given to all attendees to call regarding any problems in the neighborhood and he would work with them. Attendees spent the rest of the meeting reporting current and past problems with neighbors and poor lawn maintenance in their neighborhood, not on 4014 Strong.

Meeting adjourned at: 8:15pm

Minutes taken by:

Therese Gardner

Therese spoke by phone with Victor Chavez prior to the meeting. He could not attend the meeting but had no objections.
To: Unified Government Board of Commissioners
From: City Staff
Date: May 28, 2015
Re: Change of Zone Petition #3087 (150111)

GENERAL INFORMATION

Applicant:
Richard Muller

Status of Applicant:
VanTrust Real Estate, LLC
4900 Main Street, Suite 400
Kansas City, MO 64112

Requested Actions:
Change of Zone from CP-2 Planned General Business District to B-P Planned Business Park District

Date of Application:
March 27, 2015

Purpose:
To build an office building and associated laboratories

Property Location:
1405 North 98th Street

Existing Zoning:
CP-2 Planned General Business District
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

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: The Wyandotte Echo – April 16, 2015  
Letters to Property Owners – April 14, 2015 and May 21, 2015

Public Hearings: May 11, 2015 and May 28, 2015

Public Opposition: No one appeared in opposition at the May 11, 2015 City Planning Commission meeting.

PROPOSAL

**Detailed Outline of Requested Action:** The applicant, Richard Muller with VanTrust Real Estate, LLC wants to build a three (3) story, 150,000 square foot office building and one 50,000 square foot laboratory with the potential future technology and innovation center as the corporate headquarters for Dairy Farmers of America (DFA) on 15.31 acres at 1405 North 98th Street. The future technology and innovation center which are two separate buildings, a three (3) story and two (2) story building respectively, will be constructed in the second phase of this development.

**City Ordinance Requirements:** Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The immediate neighbor to the east is Schlitterbahn Vacation Village. There are proposed auto dealerships northwest of 98th Street and France Family Drive. This area of 98th Street between State Avenue and Parallel Parkway is largely commercial development.
2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**

The zoning and uses of properties nearby is set out above. By following the adopted design guidelines, the proposed office building will be compatible with existing and anticipated uses.

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

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

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

The property has been vacant since at least the mid 1990s; however the site was cleared and roughly graded when Schlitterbahn Vacation Village began construction in 2006.

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

The proposed use is reasonably necessary in the western portion of the county. Detrimental effects on the marketability of vacant or large parcels adjacent to this project are unlikely. Depending on location, a project of this type could actually increase the value of some of those properties.

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

Provided staff comments are addressed, this should not be an issue. (See Public Works Comments) However, overcoming some issues such as curb cuts along North 98th Street and access onto France Family Drive may prompt further discussion.

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

This site has been designated as Planned Mixed Entertainment/Commercial. This is a less intense use that does conform to that designation.

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

The impacts of the proposed development do not appear to be significantly different than other types of land uses that would be permitted. Applicant is encouraged to use environmentally sound stormwater runoff controls and biofiltration systems.
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
      Available
   
   c. Storm water control
      To be designed to meet City Code
   
   d. Police
      Police service is provided by West Patrol, District #225
   
   e. Fire
      Fire service is provided by Station #1 near 95th and State Avenue.
   
   f. Transit
      Kansas City ATA does not provide transit service near this property. The closest transit stop is on Village West Parkway, in between State Avenue and Parallel Parkway.
   
   g. Schools
      Kansas City, Kansas USD 500
   
   h. Streets
      See item #6 above

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

    The proposed use will have a positive economic impact on the community.

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

    The proposed use is capable of meeting applicable ordinance requirements.
12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

It is difficult to see gain to the relative public health, safety and welfare from an office building operation; however given the future development scenarios in the area it is not likely to impose hardships on individual landowners.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on April 22, 2015.

KEY ISSUES

Compliance with the Commercial Design Guidelines
Traffic Engineering Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3087, subject to:

Urban Planning and Land Use Comments:

Building Architecture

1. 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.

2. 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 percent of any façade.

Overall the building does not comply with our Commercial Design Guidelines. The largest non-conformity would be the proposed metal exterior. A number of past cases such as Performance Toyota, some tenants within Plaza at the Speedway and every casino application staff reviewed, originally proposed metal. Staff did not support any of those proposals.
The Cerner office building was approved by the City Planning Commission to have precast panels on the ground level and a metal panel skin on the subsequent eight (8) stories. The panels were a high-quality, durable stainless steel that did not require any maintenance. The panel will not rust and due to the nature of the rain screen, it will not weep (drip marks that occur over time). The City has continuously denied any substantially metal buildings in the past and forced applicants to use alternatives.

Staff was concerned about precedence, but what distinguished Cerner’s building from other buildings were the two nine (9) story towers and that they utilized high-quality, stainless steel that needed no maintenance over time. Lesser quality stainless was available, but was not allowed in that application or any other.

Metal accent, similar to EIFS should not exceed 15 percent per facade.

Applicant Response: The elevations have been revised to show spandrel glass in lieu of metal accents around the vision glass. See revised Sheets A201, A202 and A203 dated 4/27/2015.

3. Wood screening is proposed as the other exterior building material. Other commercial developments have proposed using wood as a major accent; however that material was reduced in scale to comply with the Commercial Design Guidelines.

Applicant Response: Based on our conversations with Director of Planning Robin Richardson, we understand that Staff evaluates wood accents in the spirit of EIFS accent percentages. The high-quality wood rain screen material accounts for approximately 18% of the façade.

A request in the deviation of the Commercial Design Guidelines must be approved by the City Planning Commission.

Applicant Response: Request for above deviation is hereby made.

Staff Response: Staff supports this request with the 2 caveats. First, an authorized DFA Agent acknowledges the difficulty of maintaining the wood in a like new appearance as is desired. And further that failure to maintain the wood in a like new appearance is grounds for code enforcement action under our code. Staff would prefer DFA move to a ceramic product that mimics the wood appearance to alleviate the maintenance issue. Secondly, the west elevation uses a significant amount of metal panel in the dock area. The dock area must be one hundred percent screened from adjacent properties and 98th Street prior to any certificate of occupancy. The method to accomplish this will be a subject for the final plan review.
1. All trees must be planted at 2” caliper. All shrubs along the exterior of the site must be planted at a minimum of 5 gallons. Internal shrubs must be planted at a minimum of 3 gallons.

   Applicant Response: Acknowledged.

2. All landscaping shall be irrigated.

   Applicant Response: The applicant is applying for LEED certification of the building. One of the strategies that the applicant is utilizing is water reduction strategies to cut the water usage for landscaping by 50%. While some of those strategies are using more efficient irrigation systems, to achieve this goal the applicant must reduce the amount of landscaping that is on the irrigation system. The applicant will be using a variety of native and drought resistant plants in the non-irrigated areas to achieve this without compromising the look of the landscape.

   Staff Response: This strategy has failed for other users in implementation. All landscape must be irrigated and LEED points sought in other areas.

3. The rooftop units are screened from all sides by the parapet.

   Applicant Response: The applicant understands Staff’s concerns about the aesthetic of the rooftop mechanical screen. The applicant will conduct sight-line studies from 98th Street, confirm rooftop unit heights, and consider revisions to rooftop unit screening and parapet designs. The result of this effort will be presented with the Final Development Plan application.

   Staff Response: The applicant must be aware that raising the parapet has costs and that it would ultimately help in their material percentage calculations. Staff continues to prefer parapets to rooftop screening. It is not expected that this user would screen the roof from Interstate 435, but from 96th Street.

4. Utility boxes (including green transformer boxes) are screened from public view by landscaping that is evergreens and the same height as the box. As an alternative, the applicant could build a screen wall and use shorter landscaping plantings around the perimeter of the wall.

   Applicant Response: Acknowledged.

5. Utilities close to the building or mounted on the wall shall be screened by an architectural wall or landscaping. The wall mounted utilities should be tucked in a corner and painted to match the building.

   Applicant Response: Acknowledged.
6. 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.

   Applicant Response: Acknowledged.

7. Trash enclosures shall match the building and use the same materials in its construction.

   Applicant Response: Acknowledged.

8. Sec. 27-577(b)(1) 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. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. This distance is to be measured from the public right-of-way or curb line of a private easement.

   Applicant Response: Acknowledged.

9. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

    Applicant Response: Acknowledged.

10. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
    a. One tree with a minimum caliper of two inches (ornamental), evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.

        Applicant Response: Acknowledged. The required tree plantings have been provided in the described landscape zone on Sheet L100 dated 4/27/2015.

    b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

        Applicant Response: Street trees within the Right-of-Way are part of the 98th Street re-alignment project by others.
Lighting

1. All lighting should be decorative lighting and have 90 degree cutoff fixtures to ensure that residual light is not spilling across the property lines. Any light cast may not exceed one (1) footcandle at the property line.

   Applicant Response: Acknowledged.

2. Exterior parking lot lighting shall have 90 degree cutoff fixtures.

   Applicant Response: Acknowledged.

Trail and Pedestrian Circulation

1. The 8’ sidewalk that complies with the Sidewalk and Trails Master Plan must be completely installed upon completion of the realignment of 98th Street between France Family Drive and Parallel Parkway.

   Applicant Response: Sidewalk within the Right-of-Way is part of the 98th Street re-alignment project by others.

   Staff Response: The street project must be completed including landscape prior to any certificate of occupancy for this building.

Signage

1. Signs are reviewed separately and are not part of this approval. When the applicant is prepared to discuss on-site signage, staff requests that the applicant submit an overall sign package for ease of review. General monument sign location is shown on the site plan.

   Applicant Response: Acknowledged.

Public Works Comments: NOTE: ALL A LEVEL COMENTS WERE LEFT IN THE REPORT SO THAT THE PLANNING COMMISSION COULD SEE THE RESPONSES. STAFF IS ONLY PRESENTING B AND C LEVEL COMMENTS FOR CONSIDERATION AT THIS TIME.

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

Note: A LEVEL COMMENTS ITEMS 1 AND 2 ARE NOW PROVIDED AS BACKGROUND INFORMATION

1) Submitted “Traffic Study” is under review by the County Engineer. Updated comments shall be forthcoming. Site Plan modifications are anticipated to be required.

Part I: Comments Applicable to Dairy Farmers of America Site

#3087 May 28, 2015 9
1. The plans submitted 3/27/15 continue to show traffic handling that is at odds with the prior planning 98th Street and with staff’s recommendations. After consideration of the past planning, the previous and current traffic study, the applicants request in the letter 3/26/15 from Van Trust Real Estate, and the UG staff professional opinion, we are prepared to move forward with Dairy Farmers entrances as follows:

   a. We will accept the 4th leg of the 98th/France Family Drive (Drive 8 in Figure 3 of the study) to serve as the primary entrance as shown. The entering leg is to proceed no less than 150 feet before the first break for parking aisles – to accommodate the storage needed.

   Applicant Response: The applicant requests approval of this entrance as originally submitted, for the following reason: It is reasonable in most situations to require a throat distance (without any break for parking aisles) to accommodate the expected exiting traffic and to avoid conflict points of incoming and exiting traffic. This is very useful at land uses that generally have an equivalent split of incoming and exiting traffic. In the case of the normally operated office use of DFA, in both the AM and PM peak hour, this particular leg will have a heavily weighted split between incoming and exiting volumes. In the AM, significant incoming traffic and very limited exiting traffic at that same time is expected. Again, in the PM, significantly more exiting vehicles are expected with very limited incoming traffic. Because this significantly reduces the possibility for conflicts at parking aisles, a reduced throat length at this location is anticipated to more effectively distribute incoming AM traffic to the parking field.

   Further, utilizing the longer throat would then force more vehicles toward the front drive and main building entry where we expect more pedestrian activity. Our goal is to distribute the vehicles into the site parking lot and reduce the number of potential pedestrian/vehicle conflicts as much as possible. To meet this goal, we believe a shorter driveway throat is needed rather than focusing the vehicles down the main drive and into conflict with pedestrian crossing areas.

   b. We will accept Drive 9 (southern access) as a Right-in-Right-Out Only (RIRO).

   Applicant Response: Acknowledged.

   c. Drives 6 and 7 (northern access) are to be combined into one driveway located near the joint property line of DFA with the area north (called out as 6.25 potentially office use). This combined Drive 6/7 will then have a full break in access of
98th. This better serves both parcels and will allow the truck entry as requested in the VanTrust letter. This drive is to be designated via private easement/agreement to serve both lots. The split point between lots is to be no less than 150 feet from the edge of right of-way to permit storage and maneuver (final distance subject to your revised analyses).

Applicant Response: The applicant is generally supportive of this solution, provided Staff acknowledges the explanation in Item 1a above and rescinds its objection thereto. The applicant has entered into negotiations with the property owner of the adjacent parcel about the recommended shared access drive/associated easements that will be required, and anticipates including said solution in the Final Development Plan application.

2. The decision to proceed with Dairy Farmers at this time is contingent upon finalizing the other remaining access break questions along 98th so that we can confirm that the allowance made above can work together as a network. The Attached Exhibit shows the Public Works Department’s designation and requirements for all remaining entrances. This exhibit shows the result of careful consideration of public and private needs, and is considered our firm and final designation. The exhibit shows the disposition of individual driveways as shown below. Numbering of drives follows the convention given in Figure 2 of the 3/27/15 Traffic Study.

Applicant Response: While the applicant understands Staff’s desire to consider the entire network, the applicant cannot control the outcome of, or be subject to the duration of, negotiations between the UG and other parties about off-site issues. Applicant requests approval for the Access Drives 8, 9, and 6/7 as described by the applicant’s responses above.

2) Construction Plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

Applicant Response: Acknowledged.

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

1) Drive 6 and 7 shall be combined into one driveway near the joint property line of DFA with the future 62.5 acre lot to the north. This combined drive 6/7 is then allowed to have a full break in access of 98th. The minimum throat distance to any side drives shall be 150 feet from the right of way line.

2) The main entrance opposite France Family Drive at 98th Street shall proceed no less than 150 feet from the right of way line internally until the first break for parking aisles.
C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:

1) Public Works has accepted the applicants request to de-link their traffic issues from the other items still pending on adjacent areas of 98th Street.

The Commission stated that the staff is authorized to negotiate the stipulations as needed with the applicant.

**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 #3087 subject to all comments and suggestions outlined in this staff report.

**ATTACHMENTS**

May 11, 2015 City Planning Commission Minutes
Additional Applicant Responses
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations

**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>May 11, 2015</td>
<td>May 28, 2015</td>
</tr>
<tr>
<td>Rezoning Approval</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**MOTIONS**

I move the Unified Government Board of Commissioners APPROVE Petition #3087 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.___________________________________________________________:
I move the Unified Government Board of Commissioners **DENY** Petition #3087, 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.

**MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:**

150111 CHANGE OF ZONE APPLICATION #3087 – RICHARD MULLER/VAN TRUST REAL ESTATE, LLC – SYNOPSIS: Change of Zone from CP-2 Planned General Business District to BP Planned Business Park District for Dairy Farmers of America global headquarters 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 May 11, 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.)

Mr. Richard Muller, Van Trust Real Estate, LLC, 4900 Main Street, Suite 400, Kansas City, Missouri 64112, applicant appeared in support of this application. Mr. Muller stated that they are requesting approval of the rezoning and preliminary development plan for Dairy Farmers of America’s Corporate Headquarters on 13.5 acres at the southwest corner of Schlitterbahn Drive and France Family Drive. The primary purpose of the rezoning application from CP-2 to BP zoning relates to Dairy Farmer’s desire to have an R&D component with their campus. The types of uses permitted in a business park are primarily related to light industrial uses with limited retail and service uses. They are very clear as to what they want and it is really focused on the research component of the BP zoning. The good news and protection for the community is that this is planned zoning and any changes would have to come back before the City Planning Commission through the public process. He stated that what they are requesting is fairly set in stone moving forward. He further stated that Mr. Peter Sloan with HMK Architects (architect of record for the project), Mr. Ben Heins, Lutjen (civil
engineer for the project) and Mr. Carl Lay, Van Trust (development services side), are present this evening to further explain the proposal. Mr. Muller stated that when they are finished he would like to touch on some points from the staff report. He stated that he would like to thank staff for the very thorough report and the effort that was put into that report was very helpful in guiding them through their project.

Mr. Peter Sloan, 300 West 22nd Street, Kansas City, Missouri, 64108, stated that DFA is relocating their world headquarters here. They are a very visible company within the community and they wanted to find a place that would allow them to exhibit their brand, attract employees and ultimately add to the economic development of the region. The first phase of the project will establish a 109,000 square foot office building that is located on the southern edge of the site. They wanted the location of this building to be done in such a way that they would have visibility along I-435 but also allowed them to be able to have appropriate landscape areas for their employees and other elements within the site. They also wanted this to be a demonstrative example of what their commitment is to their constituents. Being a co-op, they care deeply about the farming community. They want this to demonstrate some of the sustainability elements they care for and the aspect that relates to their industry. The location allows them to have parking to the northern side and the entry part is such that there is a main drive that is deserving of a headquarters building. It allows on the southern part of the site landscaping for the employees in the back. It would be landscaped in a way to not only add privacy for the employees but screens the property from adjacent properties. The second phase would allow them to continue to grow with a 40,000 square foot expansion that would be connected to the building as well as the R&D building in the future. The site allows parking to work its way around the site and still support some of the landscaping elements around the site. One of the comments they have been working on with the staff is to modify some of the questions that came up in the review. One of the questions was to address the entry and make sure they had a long enough queuing throat and the sketch being shown illustrates the dialogue that has been going on with the staff. It extends the throat and that would get it far enough away to allow a left lane turn. This is very important as parking is a huge issue to DFA. They wanted to make sure that the traffic was far enough away from where the people were but still satisfy the needs. He further stated that the other articulation that happened was combining the shared drive located on the east edge of the site. They are working to come to a solution that would allow them to have a single entry; they will work with EPR to make this work. Phase 2 would be the modification (shown on the map) and allow the connection along the eastern edge. They feel that they are making good progress and can satisfy the requirements of that aspect. Landscaping is very important and one of the big desires of DFA. This being a world headquarters they care deeply about having the right image for themselves and across the world. The landscaping is done in a way that allows a rich location of the landscaping at their entry that will help tell a sustainable story. One of the important aspects is sustainability and they want to pursue LEED. For them to get to the right level for LEED they are going to look for some strategies on this site to reduce the base line requirement of the water irrigation on the site to a level that would allow some points for them to accomplish LEED. DFA want this to be a long-term commitment for them and they want everything on site to work well. The water story is very important to them and the farmers and they want their facility to be emblematic to that. This building was designed for a crisp and clean modern facility that shows that they are looking forward as a company but they want to
be able to tie back to their roots. The proposed structure is predominately glass and through some of the comments they have made modifications to increase the glass on the outside to address those comments. They also used the accent wood along the bottom which is the direct tie back to what their roots are and how they want to remain a humble aspect. The proposed material is a very high durable wood (grapa) and they care deeply that this looks as good in the long term as it did on day one. They are making sure that they maintain it. That is done between a balance of wood and glass. The three-story building will still be horizontal and works with the site and area and has a glass that has a variety of patterns that breaks it up so it becomes more variegated. The base is the wood; the top two stories are done with the glass and then the top part which is typical to a tripod type architectural feature is using the screens for the mechanical units as an architectural feature to tie the building together. This is not considered as an add-on but something that is gone through with the whole design. They are not a box unit but a sculpted element with materiality that is consistent with the rest of the building. This is projected to be viewed from 360 degrees and have similar views. Using the wood as a percentage is still an accent within the building but notable enough that it sets off the other materials. One of the comments that were brought was the use of metal on the loading dock area. The dock area will be screened off and not visible (except for the truck drivers coming in) with screening along the outside and some of the wing walls. He showed an image looking towards the front of the building that begins to describe the height of the building, the overall image, and appropriate landscaping qualities moving forward. The materiality of the roof screens on the top is one that is intended to be consistent with the rest of the building and is an important part of the architectural balance and architectural layout of the orientation of the building.

The applicant requested a five (5) minute extension and the Planning Commission voted unanimously to approve this request.

Mr. Muller stated that they are in agreement with the staff report with the exception of a couple of issues that he would like to bring up to make sure everyone is thinking the same way. He is bringing them up now understanding that most of them will be addressed fully with the final development plan because the way the timing is setting up for this project. DFA will likely be closing on the property prior to final plan approval. With regard to the staff’s report for the change of zone and preliminary development plan, he would like to address a few points:

Page 6, Item 3 with regard to the wood screening – He stated that they understand the city’s concern as it relates to wood screening and the desire for longevity and quality. This is a subject that they have discussed at length with DFA and they are aware and fully prepared to make any representations necessary for the comfort of the Unified Government to commit to the annual and ongoing maintenance of this product as an as-new condition subject to the typical sort of penalties under code enforcement should it not be the case. DFA is viewing this as their home for the next 40 years and they do not want it to look like a barn but like a headquarters and their full intent is to maintain the accents on this building as new condition. They will make that part of any final plan approval.

Page 7, Item 2 with regard to the landscaping being irrigated – This goes hand-in-hand with the wood discussion in terms of quality. As a headquarters facility, DFA is very
concerned about its image and having the appropriate landscape reflect the quality of the building they are constructing. That is why they focused a lot of the water/irrigation on the very publicly viewed spaces and the high impacted spaces and high traffic spaces with portions of the site receiving less water. This goes back to the LEED points associated with that. That stems from a company culture with nearly all of their co-op members are ranches or farmers of some variety and water conservation is a daily theme for them; it is part of their story and it is part of their culture. They want the plants that they are buying and planting to live and would commit to hand-watering or bringing trucks out or creating infrastructure that allows for these areas to be watered on an as needed basis for the first several years in order for the root systems to become established. They understand the concern and they share the concern and they believe that there is a strategy involved that may take a little extra effort on their part but in order to tell their story to their members, they feel that this is the best way to proceed.

Page 7, Item 3 with regard to the roof top units being screened – He stated that they do feel they understand that the issue is quality and integration and making sure that they have a holistic building and not bits and parts of a building. On a lot of buildings where there are low rise conditions is where the roof screens on the top and the setbacks that go along with them are used to create a lid on the building to help de-mass the building a little bit and create a little more character as opposed to a parapet solution that runs straight up. In this case they have roof top units that are large enough that those parapets if extended vertically to fully screen those roof top units would basically be the same as building a hollow fourth floor without a roof on it. With that are structural and drainage issues and cost issues. They do not know at the end of the day that it achieves the architectural solution that may be the best fit for the building. They would like to continue to work with staff to come up with a roof screening solution versus a parapet solution that is agreeable to the community, staff and governing body.

He stated that the last item is the entry drives. He would like to complement Bill Heatherman and his responsiveness and willingness to work on key issues to DFA and their internal site circulation. The feedback that they received was prompt, specific and based in reality. That was a nice change of pace because not every city engineering group does that. He stated that the solutions reflected on the sketch are agreeable to DFA. He stated that there is one caveat related to page 11(B)2) which calls for the main entrance opposite France Family Drive at 98th Street shall proceed no less than 150 feet from the right-of-way line internally until the first break for parking aisles. He stated that they had a brief conversation at the beginning of the meeting with Mr. Heatherman (and he has seen the plans.) The throat distance that they are showing is approximately 136’ which is 50% more than they started out with. He believes that he understands that that meets the intent and spirit of the improvements that Mr. Heatherman was looking for as it relates to the stacking distance.

Page 9, Item 1 regarding the trail and pedestrian circulation – He stated that from DFA’s perspective, they are on board 100% that this needs to get done. They want it to get done so it looks like a final product when they open the doors. The one comment he would have is that there is some confusion as it relates to the scope of the landscaping relating to these improvements. There is no question about who is supposed to build the sidewalk and even to that degree the landscaping involved. He stated that he wants to make sure that staff, EPR/SVV are working together to fully clarify the landscaping...
requirements associated with this stipulation. The last thing that DFA wants is to have “a gun to its head” the day they are trying to move into their building over work that they have no control over.

Planning Commissioner Escobar asked if there will be a traffic light at the entrance of the development. Mr. Muller stated that a traffic study has been done relative to the overall development and at this time a signal is not warranted at that intersection. However, it is being designed to accommodate one should traffic increase to the point that one is warranted.

Planning Commissioner Walker asked where DFA’s headquarters is currently located. Mr. Muller stated that it is on I-29 by the airport.

Planning Commissioner Pauley asked about the standard lifetime of the wood they are going to use. Mr. Sloan stated that it is a very dense grass base wood that comes from Brazil. It is harvested very much sustainably and it has a very long life spam (in excess of 50 years.) if maintained properly. This is some of the best product that could be used for this application to ensure the requirements they are trying to achieve here. It will require some maintenance and they have had discussions with DFA about the annual maintenance to make sure they continue to do that and they are on board with that. It is impervious to termites and other diseases. Mr. Muller stated that the way the wood is installed will add to its longevity. It is installed in a rain screen sort of system where it is held off the building with a vapor barrier behind it so water is designed to get behind it and breathe. All sides get to dry out. It is a very sophisticated and highly engineered wall system. He showed a sample to the Commission.

Planning Commissioner Gonzalez asked if the only way to view the building would be from the highway. He stated that he knows that signage is not part of the application at this time but asked if he would want to address some of that. Mr. Muller stated that part of the selection of this site was the visibility from I-435. The intent down the road is to have signage on the side of the building. It is only a three-story building and the site is about 20’ below the actual line of I-435. The top floor will be above I-435 a little bit so it is not something that will be massively tall.

Chairman Hurrelbrink asked what type of research they will do in the future. He stated that he is hoping that they will not have cattle running around the area or a milking shed. Mr. Muller stated that there will be no cows and there is another facility in the Midwest that would be a candidate for the relocation of this type of thing. They basically do R&D on milk products, such as different kinds of cheeses, yogurts, etc. There is no cattle testing, no genetic testing or feed lot type of stuff. It is all clean research; it is all food related R&D.

No one appeared in opposition to this application.

Planning Director Richardson stated that he would like to go through the points as listed by the applicant:

1. Wood – The real issue is the stain for the wood and the maintenance and it can take 1 or 2 applications per year and then after that every year or every other
year which is very intense. Most Class A office buildings are constructed of maintenance free exteriors. As long as they want to maintain it, he is fine with that because it is a great looking product and will look good on the building. He wants assurances that they were aware that they knew what they were getting into and he thinks he has that assurance.

2. Landscaping and Sustainability – He stated that the Commission has heard this issue before and it has universally failed. It failed at Plaza-At-The Speedway and in front of the casino. It takes a long time to establish and is very difficult to establish with our climate without watering. He would recommend that they look at other alternatives. For instance the Toyota dealer catches all the roof water and uses it as part of its irrigation system. This project will have a very large roof that could be used for that. He stated that he is not saying no to this but when they get to final review, they should have looked at other alternatives that will achieve the same results without having to resort to manually watering. Large maintenance bills can be hard for even large corporations to swallow on an ongoing basis.

3. Roof Top Screening – He agrees that the wood-wing buildings have wood top screening that is not part of the parapet. Those awards are not judged by the public and Planning Commission; those are professional awards from the profession. Some of them look good and some of them do not. The staff’s preference and success is for parapets. He is not saying no to something that is an architectural screen but it is not his first choice and he does not think that it would be the community’s first choice given staff’s other experiences.

4. Traffic Circulation – He stated given the points the applicant made with regard to traffic circulation, Bill Heatherman and he are in agreement with that. Those issues will be worked out for final plan review.

5. Trail and Pedestrian Circulation – Typically the owner is responsible for all the landscape and grass out to the curb line. He stated that he will have to look through the development agreements but that will be figured out one way or another and that will be resolved by final plan review.

6. Loading Dock – He stated that he would be in agreement provided that it is appropriately screened and that will be verified at final plan review through sight line studies and the final landscaping plans. He would note that the screening has to be 100% screened on day 1.

7. He would add no cattle on site. They could have cattle for one day but not ongoing.

Planning Commissioner Gonzalez asked about the total traffic generation; he is not sure that the total number of employees in phase 1 and phase 2 are in the report. Is that traffic coming off State Avenue or Parallel Parkway or is that still in discussion. County Engineer Bill Heatherman stated that with regard to the total trip generation and where traffic is coming from, he does not recall tonight the details. The overall traffic study for this district was prepared on behalf of the master development EPR by Olsson Associates. That was the traffic study as a whole that they had broader discussions on. The staff did not have concerns about the district handling the employment numbers. He believes that this particular use would be lower than the commercial traffic that would have been generated if this had not come through. They had concerns about the aspects of traffic but they did not have a concern about the volume of traffic.
On motion by Mr. Ernst, seconded by Mr. Escobar, the Planning Commission voted as follows to recommend APPROVAL of Change of Zone Application #3087:

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

Motion to recommend APPROVAL Passed: 8 to 0

Urban Planning and Land Use Comments:

Building Architecture

1. 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.

2. 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 percent of any façade.

Overall the building does not comply with our Commercial Design Guidelines. The largest non-conformity would be the proposed metal exterior. A number of past cases such as Performance Toyota, some tenants within Plaza at the Speedway and every casino application staff reviewed, originally proposed metal. Staff did not support any of those proposals.

The Cerner office building was approved by the City Planning Commission to have precast panels on the ground level and a metal panel skin on the subsequent eight (8) stories. The panels were a high-quality, durable stainless steel that did not require any maintenance. The panel will not rust and due to the nature of the rain screen, it will not weep (drip marks that occur over time). The City has continuously denied any substantially metal buildings in the past and forced applicants to use alternatives.
Staff was concerned about precedence, but what distinguished Cerner's building from other buildings were the two nine (9) story towers and that they utilized high-quality, stainless steel that needed no maintenance over time. Lesser quality stainless was available, but was not allowed in that application or any other.

Metal accent, similar to EIFS should not exceed 15 percent per facade.

Applicant Response: The elevations have been revised to show spandrel glass in lieu of metal accents around the vision glass. See revised Sheets A201, A202 and A203 dated 4/27/2015.

3. Wood screening is proposed as the other exterior building material. Other commercial developments have proposed using wood as a major accent; however that material was reduced in scale to comply with the Commercial Design Guidelines.

Applicant Response: Based on our conversations with Director of Planning Robin Richardson, we understand that Staff evaluates wood accents in the spirit of EIFS accent percentages. The high-quality wood rain screen material accounts for approximately 18% of the façade.

A request in the deviation of the Commercial Design Guidelines must be approved by the City Planning Commission.

Applicant Response: Request for above deviation is hereby made.

Staff Response: Staff supports this request with the 2 caveats. First, an authorized DFA Agent acknowledges the difficulty of maintaining the wood in a like new appearance as is desired. And further that failure to maintain the wood in a like new appearance is grounds for code enforcement action under our code. Staff would prefer DFA move to a ceramic product that mimics the wood appearance to alleviate the maintenance issue. Secondly, the west elevation uses a significant amount of metal panel in the dock area. The dock area must be one hundred percent screened from adjacent properties and 98th Street prior to any certificate of occupancy. The method to accomplish this will be a subject for the final plan review.

Landscaping and Screening

1. All trees must be planted at 2” caliper. All shrubs along the exterior of the site must be planted at a minimum of 5 gallons. Internal shrubs must be planted at a minimum of 3 gallons.

   Applicant Response: Acknowledged.

2. All landscaping shall be irrigated.
Applicant Response: The applicant is applying for LEED certification of the building. One of the strategies that the applicant is utilizing is water reduction strategies to cut the water usage for landscaping by 50%. While some of those strategies are using more efficient irrigation systems, to achieve this goal the applicant must reduce the amount of landscaping that is on the irrigation system. The applicant will be using a variety of native and drought resistant plants in the non-irrigated areas to achieve this without compromising the look of the landscape.

Staff Response: This strategy has failed for other users in implementation. All landscape must be irrigated and LEED points sought in other areas.

3. The roof top units are screened from all sides by the parapet.

Applicant Response: The applicant understands Staff’s concerns about the aesthetic of the rooftop mechanical screen. The applicant will conduct sight-line studies from 98th Street, confirm rooftop unit heights, and consider revisions to rooftop unit screening and parapet designs. The result of this effort will be presented with the Final Development Plan application.

Staff Response: The applicant must be aware that raising the parapet has costs and that it would ultimately help in their material percentage calculations. Staff continues to prefer parapets to roof top screening. It is not expected that this user would screen the roof from Interstate 435, but from 98th Street.

4. Utility boxes (including green transformer boxes) are screened from public view by landscaping that is evergreens and the same height as the box. As an alternative, the applicant could build a screen wall and use shorter landscaping plantings around the perimeter of the wall.

Applicant Response: Acknowledged.

5. Utilities close to the building or mounted on the wall shall be screened by an architectural wall or landscaping. The wall mounted utilities should be tucked in a corner and painted to match the building.

Applicant Response: Acknowledged.

6. 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.

Applicant Response: Acknowledged.

7. Trash enclosures shall match the building and use the same materials in its construction.
8. Sec. 27-577(b)(1) 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. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. This distance is to be measured from the public right-of-way or curb line of a private easement.

Applicant Response: Acknowledged.

9. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Applicant Response: Acknowledged.

10. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
   a. One tree with a minimum caliper of two inches (ornamental), evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.

       Applicant Response: Acknowledged. The required tree plantings have been provided in the described landscape zone on Sheet L100 dated 4/27/2015.

   b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

       Applicant Response: Street trees within the Right-of-Way are part of the 98th Street re-alignment project by others.

**Lighting**

1. All lighting should be decorative lighting and have 90 degree cutoff fixtures to ensure that residual light is not spilling across the property lines. Any light cast may not exceed one (1) footcandle at the property line.

   Applicant Response: Acknowledged.

2. Exterior parking lot lighting shall have 90 degree cutoff fixtures.

   Applicant Response: Acknowledged.
Trail and Pedestrian Circulation

1. The 8’ sidewalk that complies with the Sidewalk and Trails Master Plan must be completely installed upon completion of the realignment of 98th Street between France Family Drive and Parallel Parkway.

   Applicant Response: Sidewalk within the Right-of-Way is part of the 98th Street re-alignment project by others.

   Staff Response: The street project must be completed including landscape prior to any certificate of occupancy for this building.

Signage

1. Signs are reviewed separately and are not part of this approval. When the applicant is prepared to discuss on-site signage, staff requests that the applicant submit an overall sign package for ease of review. General monument sign location is shown on the site plan.

   Applicant Response: Acknowledged.

Public Works Comments: Note: ALL A LEVEL COMENTS WERE LEFT IN THE REPORT SO THAT THE PLANNING COMMISSION COULD SEE THE RESPONSES. STAFF IS ONLY PRESENTING B AND C LEVEL COMMENTS FOR CONSIDERATION AT THIS TIME.

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

Note: A LEVEL COMMENTS ITEMS 1 AND 2 ARE NOW PROVIDED AS BACKGROUND INFORMATION

1) Submitted “Traffic Study” is under review by the County Engineer. Updated comments shall be forthcoming. Site Plan modifications are anticipated to be required.

Part I: Comments Applicable to Dairy Farmers of America Site

1. The plans submitted 3/27/15 continue to show traffic handling that is at odds with the prior planning 98th Street and with staff’s recommendations. After consideration of the past planning, the previous and current traffic study, the applicants request in the letter 3/26/15 from Van Trust Real Estate, and the UG staff professional opinion, we are prepared to move forward with Dairy Farmers entrances as follows:

   a. We will accept the 4th leg of the 98th/France Family Drive (Drive 8 in Figure 3 of the study) to serve as the primary entrance as shown. The entering leg is to proceed no less
than 150 feet before the first break for parking aisles – to accommodate the storage needed.

Applicant Response: The applicant requests approval of this entrance as originally submitted, for the following reason: It is reasonable in most situations to require a throat distance (without any break for parking aisles) to accommodate the expected exiting traffic and to avoid conflict points of incoming and exiting traffic. This is very useful at land uses that generally have an equivalent split of incoming and exiting traffic. In the case of the normally operated office use of DFA, in both the AM and PM peak hour, this particular leg will have a heavily weighted split between incoming and exiting volumes. In the AM, significant incoming traffic and very limited exiting traffic at that same time is expected. Again, in the PM, significantly more exiting vehicles are expected with very limited incoming traffic. Because this significantly reduces the possibility for conflicts at parking aisles, a reduced throat length at this location is anticipated to more effectively distribute incoming AM traffic to the parking field.

Further, utilizing the longer throat would then force more vehicles toward the front drive and main building entry where we expect more pedestrian activity. Our goal is to distribute the vehicles into the site parking lot and reduce the number of potential pedestrian/vehicle conflicts as much as possible. To meet this goal, we believe a shorter driveway throat is needed rather than focusing the vehicles down the main drive and into conflict with pedestrian crossing areas.

b. We will accept Drive 9 (southern access) as a Right-in-Right-Out Only (RIRO).

Applicant Response: Acknowledged.

c. Drives 6 and 7 (northern access) are to be combined into one driveway located near the joint property line of DFA with the area north (called out as 6.25 potentially office use). This combined Drive 6/7 will then have a full break in access of 98th. This better serves both parcels and will allow the truck entry as requested in the VanTrust letter. This drive is to be designated via private easement/agreement to serve both lots. The split point between lots is to be no less than 150 feet from the edge of right-of-way to permit storage and maneuver (final distance subject to your revised analyses).

Applicant Response: The applicant is generally supportive of this solution, provided Staff acknowledges the explanation in Item 1a above and rescinds its objection thereto. The applicant has entered into negotiations with the property owner of the adjacent parcel about the recommended shared access drive/associated easements
that will be required, and anticipates including said solution in the Final Development Plan application.

2. The decision to proceed with Dairy Farmers at this time is contingent upon finalizing the other remaining access break questions along 98th so that we can confirm that the allowance made above can work together as a network. The Attached Exhibit shows the Public Works Department’s designation and requirements for all remaining entrances. This exhibit shows the result of careful consideration of public and private needs, and is considered our firm and final designation. The exhibit shows the disposition of individual driveways as shown below. Numbering of drives follows the convention given in Figure 2 of the 3/27/15 Traffic Study.

Applicant Response: While the applicant understands Staff’s desire to consider the entire network, the applicant cannot control the outcome of, or be subject to the duration of, negotiations between the UG and other parties about off-site issues. Applicant requests approval for the Access Drives 8, 9, and 6/7 as described by the applicant’s responses above.

2) Construction Plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

Applicant Response: Acknowledged.

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

1) Drive 6 and 7 shall be combined into one driveway near the joint property line of DFA with the future 62.5 acre lot to the north. This combined drive 6/7 is then allowed to have a full break in access of 98th. The minimum throat distance to any side drives shall be 150 feet from the right of way line.

2) The main entrance opposite France Family Drive at 98th Street shall proceed no less than 150 feet from the right of way line internally until the first break for parking aisles.

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

1) Public Works has accepted the applicants request to de-link their traffic issues from the other items still pending on adjacent areas of 98th Street.

The Commission stated that the staff is authorized to negotiate the stipulations as needed with the applicant.
Dear Planning Commission,

The following Comments have been addressed and a note added to clarify the revision.

General:

1. Trucks, trailers, cars or temporary storage boxes of any type are not allowed to be parked on the property overnight. **SEE NOTE ADDED TO SHEET 4 IN LOWER LEFT SIDE OF SHEET.**
2. 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. **SEE NOTE ADDED TO SHEET 4 IN LOWER LEFT SIDE OF SHEET.**

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. **SEE UPDATED NOTE AND PLANT CHART FOR REVISION.**
2. All landscaping must be irrigated. **SEE IRRIGATION PLAN ON SHEET 16 AND NOTE 7 ON SHEET 15.**
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 **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. **SEE NOTE 9 ON SHEET 15 AND ADDED DUMPSTER CALLOUT ON SHEET.**

Signage:

1. Staff stipulates that the only detached sign on the property is a monument sign. **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 (6) inches back from the glass in a window framing. **SEE NOTE ADDED TO SHEET 4 IN LOWER LEFT SIDE OF SHEET.**
3. Sign reviews are done under a separate sign permit application. **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. **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. **SEE NOTE ADDED TO SHEET 17.**
2. Exterior parking lot lighting shall have 90 degree cutoff fixtures. **SEE NOTE ADDED TO SHEET 17.**
To: Unified Government Board of Commissioners

From: City Staff

Date: May 28, 2015

Re: Petition #SP-2015-17 (130135)

GENERAL INFORMATION

Applicant:
Lonnie Wash

Status of Applicant:
Applicant
Da Shop
4001 Oakland Avenue
Kansas City, KS 66102

Requested Action:
Approve Special Use Permit

Date of Application:
March 19, 2015

Purpose:
Special Use Permit to operate barber shop from the home

Property Location:
4001 Oakland Avenue

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

Existing Uses: North: Single Family Homes
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: 0.2 acre

Master Plan Designation: Urban Density

Major Street Plan: Oakland Avenue is designated a Residential Street.

Advertisement: The Wyandotte Echo – April 16, 2015
Letters to Property Owner – April 14, 2015 and May 21, 2015

Public Hearings: May 11, 2015 and May 28, 2015

Public Opposition: No one appeared in opposition at the May 11, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking to renew a home occupation special use permit for a barbershop out of his house.

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 zoning and uses of nearby properties are set out above. Should the operation remain as a small scale operation then it is unlikely to have incompatibility problems in the neighborhood.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

   It is unlikely that the proposed use will detrimentally affect nearby property if operated appropriately.

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

   The property is currently the home of the applicant.

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

   This application is not within the current scope of 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.**

   Staff does not believe that the traffic impacts would be significant.

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 use is really only a convenience to the applicant and will have very little effect on the community and neighborhood.

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

   This is not foreseen to be an issue.

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

   The use will not pollute the air, land, or water.

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

    We do not anticipate significant gains to the public health, safety, and welfare, nor do we anticipate significant hardships imposed on the nearby properties.
12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

A home occupation special use permit was previously approved on April 8, 2013 to allow the homeowner to operate a barbershop out of the home.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for a home occupation special use permit.

KEY ISSUES

1. Signs
2. Employees
3. Number of customers allowed on site at any time
4. Hours of operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-17, subject to:

Urban Planning and Land Use Comments:

1. Are there signs present?
   Applicant Response: No

2. What is the number of employees?
   Applicant Response: One (1)

3. Are there any employees that are not family members?
   Applicant Response: No

4. What is the maximum number of customers allowed on site at any time?
   Applicant Response: Two (2)

5. What are the hours of operation?
   Applicant Response: 8:00 a.m. – 5:00 p.m.

Staff recommends approval for five (5) years, subject to:
1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two (2) clients at any one time.
4. Hours of operation being 7:00 a.m. to 5:00 p.m.
5. Business license must be renewed annually.

Business License Comments:

“This entity has not filed an occupation tax application with our office to conduct any business from the home. We would object to any renewal of a Special Use Permit until they have filed and become current with our office.”

Applicant Response:
   Permit Number: 15980-00253
   Receipt Number: 352788
   Invoice Number: 670189

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-2015-17 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
Zoning Map
Vicinity Map
Street Views
Applicant Response to Draft Staff Report

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>May 11, 2015</td>
<td>May 28, 2015</td>
</tr>
<tr>
<td>Special Use</td>
<td>Approval</td>
<td></td>
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</tbody>
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STAFF CONTACT:         Lauren Reiman         Ireiman@wycokck.org

#SP-2015-17           May 28, 2015   5
I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2015-17 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-2015-17, 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.

**MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:**

**130135 SPECIAL USE PERMIT APPLICATION #SP-2015-17 – LONNIE WASH –**

**SYNOPSIS:** Renewal of a Home Occupation Special Use Permit (#SP-2013-18) for a barber shop at 4001 Oakland Avenue

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 11, 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 publications in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Mr. Brian Margo, 6240 Edith Avenue, Kansas City, Kansas, requested that Special Use Permit Application #SP-2015-16 be
removed from the Consent Agenda. Mr. Sean Ray requested that Plan Review Applications #PR-2015-6 and #PR-2015-7 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Escobar, the Planning Commission voted as follows to recommend **APPROVAL of the remaining items on the Consent Agenda**:

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

Motion to APPROVE Passed: 8 to 0

Subject to:

**Urban Planning and Land Use Comments:**

1. Are there signs present?
   Applicant Response: No

2. What is the number of employees?
   Applicant Response: One (1)

3. Are there any employees that are not family members?
   Applicant Response: No

4. What is the maximum number of customers allowed on site at any time?
   Applicant Response: Two (2)

5. What are the hours of operation?
   Applicant Response: 8:00 a.m. – 5:00 p.m.

Staff recommends approval for five (5) years, subject to:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two (2) clients at any one time.
4. Hours of operation being 7:00 a.m. to 5:00 p.m.
5. Business license must be renewed annually.

**Business License Comments:**

“This entity has not filed an occupation tax application with our office to conduct any business from the home. We would object to any renewal of a Special Use Permit until they have filed and become current with our office.”
Applicant Response:
Permit Number: 15980-00253
Receipt Number: 352788
Invoice Number: 670189

Public Works Comments:
None
2.4
3 No
4.2
5 $A - S_p$

Will Call w/ Biz license.

Ronnie Wiff
To: Unified Government Board of Commissioners

From: City Staff

Date: May 28, 2015

Re: Petition #SP-2015-19 (150112)

GENERAL INFORMATION

Applicant:
Steve Beaumont

Status of Applicant:
Applicant
Chateau Avalon
701 Village West Parkway
Kansas City, KS 66111

Requested Action:
Approve Special Use Permit

Date of Application:
March 27, 2015

Purpose:
To allow live entertainment at the hotel

Property Location:
701 Village West Parkway

Existing Zoning:
CP-2 Planned Commercial District
PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit to have live entertainment on the patio from 6 p.m. to 11 p.m. on Friday and Saturday nights.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is commercial in nature.

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

Nearby uses include The Legends shopping center and the Hollywood Casino; live entertainment in conjunction with the hotel seems like a compatible use.

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.

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.

While the live entertainment will be a draw to the hotel, benefiting the owners, the guests will also be able to see the entertainment as an amenity.

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.

Though outdoor (patio) entertainment will cause additional noise, there are no adjacent properties that would be affected by this.

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

N/A

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

N/A

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

N/A

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

N/A

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 27, 2015; no one was in attendance.

KEY ISSUES

None
PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-19, subject to:

Urban Planning and Land Use Comments:

1. What type of entertainment will be performing at the hotel?
   Applicant response: Live bands on the patio, mostly acoustic sets.
2. Any approval will be for two (2) years.
3. Live entertainment shall be limited to the patio from 6 p.m. to 11 p.m. any day of the week.

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 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 2015-19 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
Aerial photograph
Zoning Map

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<table>
<thead>
<tr>
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<th>Planning Commission</th>
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<td></td>
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</tbody>
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MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP2015-19 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 2015-19, 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.

MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:

150112 SPECIAL USE PERMIT APPLICATION #SP-2015-19 – STEVE BEAUMONT/KCAI LP D/B/A CHATEAU AVALON - SYNOPSIS: Special Use Permit for live entertainment for Chateau Avalon at 701 Village West Parkway

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 May 11, 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. Paige Jobe, Director of Operations at Chateau Avalon, representing the applicant, appeared in support of this application. She stated that they want to obtain a special
use permit to host live music on their patio for their guests and community. They do not have any residential neighbors.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff opinion.

On motion by Ms. Huey, seconded by Mrs. Walker, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-19:

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<th>Vote</th>
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<td>Walker</td>
<td>Aye</td>
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Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

**Urban Planning and Land Use Comments:**

1. What type of entertainment will be performing at the hotel?
   Applicant response: Live bands on the patio, mostly acoustic sets.
2. Any approval will be for two (2) years.
3. Live entertainment shall be limited to the patio from 6 p.m. to 11 p.m. any day of the week.

**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
To: Unified Government Board of Commissioners
From: City Staff
Date: May 28, 2015
Re: Petition #SP-2015-20 (100152)

GENERAL INFORMATION

Applicant:
Michael Morse

Status of Applicant:
Applicant
Quick Auto Salvage and Tow
1124 Pawnee Avenue
Kansas City, KS 66102

Requested Action:
Renewal of a special use permit to allow an auto salvage yard

Date of Application:
March 27, 2015

Purpose:
To continue operation of an auto salvage yard

Property Location:
1124 Pawnee Avenue

Existing Zoning: M-3 Heavy Industrial District
Existing Surrounding Zoning: North: M-3 Heavy Industrial District  
South: Railroad Right-Of-Way District  
East: M-3 Heavy Industrial District  
West: M-3 Heavy Industrial District  

Existing Uses: North: Industrial Uses  
South: Railroad Right-Of-Way  
East: Industrial Uses  
West: Salvage Yard  

Total Tract Size: 1.16 acres  

Master Plan Designation: The City Wide Master Plan designates this property as employment.  

Major Street Plan: Pawnee Avenue is designated as a local street.  

Advertisement: The Wyandotte Echo – April 16, 2015  
Letters to Property Owner – April 14, 2015 and May 21, 2015  

Public Hearings: May 11, 2015 and May 28, 2015  

Public Opposition: No one appeared in opposition at the May 11, 2015 City Planning Commission meeting.  

PROPOSAL  

Detailed Outline of Requested Action: Michael Morse with Quick Pick Auto Salvage is requesting renewal of a special use permit to continue operation of an auto salvage yard.  

City Ordinance Requirements: 27-592 through 27-606  

FACTORs TO BE CONSIDERED  

1. The Character of the Neighborhood.  
   This neighborhood is completely industrial in character.  

2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.  
   Staff would consider this proposal to be compatible with nearby 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.
Considering that this property has had an identical use on the property for some years, staff does not foresee neighbors having an issue with the proposal.

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

The property is not vacant. It is currently occupied by the applicant.

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

The City Wide Master Plan designates this property as industrial. This use will be compatible with that designation.

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

This proposal will allow the business to operate. Because of that, the traffic in the area will remain the same.

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 point of necessary convenience is debatable. This business provides another option for this type of service. This property has not negatively impacted the issues listed above.

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.**

This business is surrounded by industrial property for a few blocks. Because of this staff does not foresee noise or vibrations from this proposal to create an issue.

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

Materials such as oil, antifreeze, gas, wiper fluid and used tires have been managed properly; this business has not created an issue with these points.

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

Staff does not believe that 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 would have a neutral impact on the health, safety and welfare of the community.

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

Staff does not believe that this will be an issue.

PREVIOUS ACTIONS

1. This portion of the city was annexed in 1901.

2. The Board of Commissioners approved a rezoning from “D” Two Family (today’s R-2) to “J” Heavy Industrial (today’s M-3) on May 23, 1946 (Ordinance #34288).

3. Three (3) business licenses are currently active on this site. BJ Auto Sales (open 4/1/2002), JGS Auto Wrecking (open 3/21/2006) and Northland Tow Service (open 9/1/2008).

4. The Board of Commissioners approved a two (2) year Special Use Permit for the applicant to continue to operate the business on January 3, 2012 as case #SP-2012-54.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 24, 2015 that adjourned at 6:15 p.m.; two (2) people were in attendance and no opposition was voiced.

KEY ISSUES

Appearance of site
Procedures for proper disposal of materials
Overnight parking of trucks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-20, subject to:

Urban Planning and Land Use Comments:

1. Where do the truck drivers park the trucks at night?
   Applicant Response: Trucks will not be parked on this site. No trucks are owned by this operation.
2. If they are parked within the boundaries of Kansas City, Kansas have they obtained a special use permit to do so?  
   Applicant Response: Truck drivers are independent owners and will need to obtain their own special use permits if parked within the Kansas City, Kansas boundaries.

3. Any approval would be for five (5) years.  
   Applicant Response: Five (5) year renewal would be acceptable, but Owner would prefer a ten (ten) year renewal.

Staff recommends the applicant demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary special use permits to park vehicles within city limits and are current with business licensing or the special use permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a special use permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements.

Business License Comments:

The entity is up to date with their home occupation tax as well as their regulatory scrap dealer license.

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-2015-20 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes  
Zoning Map  
Vicinity Map  
Street Views  
Applicant Response to Draft Staff Report  
Neighborhood Meeting Minutes and Sign – In Sheet
REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Lauren Reiman Ireiman@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-20 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-2015-20, 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.

MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:

100152 SPECIAL USE PERMIT APPLICATION #SP-2015-20 – MICHAEL MORSE/QUICK AUTO SALVAGE AND TOW – SYNOPSIS: Renewal of a Special Use Permit (#SP-2012-54) for an auto salvage yard and police tow at 1124 Pawnee Avenue

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 11, 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 publications in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Mr. Brian Margo, 6240 Edith Avenue, Kansas City, Kansas, requested that Special Use Permit Application #SP-2015-16 be removed from the Consent Agenda. Mr. Sean Ray requested that Plan Review Applications #PR-2015-6 and #PR-2015-7 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Escobar, the Planning Commission voted as follows to recommend **APPROVAL** of the remaining items on the Consent Agenda:

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Motion to APPROVE Passed: 8 to 0

Subject to:

**#SP-2015-20:**

**Urban Planning and Land Use Comments:**

1. **Where do the truck drivers park the trucks at night?**
   Applicant Response: Trucks will not be parked on this site. No trucks are owned by this operation.

2. **If they are parked within the boundaries of Kansas City, Kansas have they obtained a special use permit to do so?**
   Applicant Response: Truck drivers are independent owners and will need to obtain their own special use permits if parked within the Kansas City, Kansas boundaries.

3. **Any approval would be for five (5) years.**
   Applicant Response: Five (5) year renewal would be acceptable, but Owner would prefer a ten (ten) year renewal.
Staff recommends the applicant demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary special use permits to park vehicles within city limits and are current with business licensing or the special use permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a special use permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements.

**Business License Comments:**

The entity is up to date with their home occupation tax as well as their regulatory scrap dealer license.

**Public Works Comments:**

None
Urban Planning and Land Use  
701 North 7th Street  
Kansas City, Kansas  66101

April 24, 2015

Ref: Quick Auto Salvage and Tow  
1124 Pawnee Ave.  K C., K.  66102  
Special Use Permit Renewal

Petition # SP-2015-20

Response to Planning Staff Recommendations

Urban Planning and Land Use Comments

1. Trucks will not be parked on this site. No trucks are owned by this operation.
2. Truck drivers are independent owners and will need to obtain their own special use  
   permits if parked within Kansas City, Kansas boundaries.
3. Five (5) year renewal would be acceptable, but Owner would prefer a ten (ten) year  
   renewal.

The owners are in agreement with all of the above planning staff recommendations.

Please contact the architect or owner if we can be of assistance or answer questions.

Thank You

Barry Hart – Architect  
Michael Morris – Owner

#SP-2015-20  
May 28, 2015  
15
November 28, 2015

Ref.  #SP-2015-20
Minutes from Neighborhood Meeting and Sign In Sheet
Quick Auto Salvage and Tow
1124 Pawnee Ave.  K. C., K. 66105
Special Use Permit

The Neighborhood Meeting was held April 24, 2012 at 4:00 to 6:00 P.M..
The location was at Quick Auto Salvage and Tow
1124 Pawnee.
Kansas City, Kansas

The sign-in sheet with the people attending is included.

No people showed up for the Neighborhood Meeting other than Shelby Hamilton and an employee Jose Villalobos.

Plans were available for review.

Meeting adjourned at 6:15 P.M..

Minutes were taken by Shelby Hamilton, Manager at Quick's Auto Salvage
To: Unified Government Board of Commissioners

From: City Staff

Date: May 28, 2015

Re: Petition #SP-2014-80 (080123)

GENERAL INFORMATION

Applicant: Ryan Denk

Status of Applicant: Attorney for
Noah Scott Hiatt, Member
Wine Barn, LLC
2850 North 119th Street
Kansas City, KS 66109

Requested Action: Approve Special Use Permit for live entertainment

Date of Application: October 26, 2012

Purpose: A special use permit to have live entertainment at a farm winery

Property Location: 2850 North 119th Street
Existing Zoning: A-G Agriculture District (WYCO)

Existing Surrounding Zoning:

North: R Rural Residential District (WYCO)
South: A-G Agriculture District (WYCO)
East: A-G Agriculture District (WYCO)
West: A-G Agriculture and R Rural Residential Districts (WYCO)

Existing Uses:

North: Immediately adjacent uses are residences on acreages
South: Immediately adjacent uses are residences on acreages
East: Large acreage
West: Immediately adjacent uses are residences on acreages

Total Tract Size: 15.2 acres

Master Plan Designation: The Prairie-Delaware-Piper Master Plan designates this area as Suburban Residential.

Major Street Plan: The Prairie-Delaware-Piper Master Plan classifies 119th Street as a Parkway.

Advertisement:
The Wyandotte Echo – November 13, 2014

Public Hearings: May 11, 2015 and May 28, 2015

Public Opposition: Over the past year staff has received complaints from neighbors about noise and the lack of compliance with approved stipulations. There has been ongoing opposition to this operation especially related to the noise generated. Additionally, the facility has utilized a fire hydrant for some purpose without permission (even trying to disguise the activity with brush). A neighbor indicates this may be an ongoing issue. The applicant stated at the May 11, 2015 City Planning Commission meeting that this issue has been resolved. There were three (3) people present in opposition at the May 11, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Noah Hiatt and his daughter are members of Wine Barn, LLC is requesting renewal of a special use permit to have live entertainment in conjunction with a small farm winery at 2850 North 119th Street.

Mr. Hiatt resides on the 15.2 acres site includes the residence, a pond, a 30’ by 40’ accessory building, and a few acres of vineyards. Recently the Kansas Legislature exempted farm winery operations from local zoning so the only item at issue is live entertainment.
FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is primarily rural. However, it is certainly in the long-term path of development.

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. We see some compatibility issues with the music that could cause problems for nearby residences.

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

Staff considers the winery the primary use on the site. The applicant is asking to keep the secondary use of live entertainment for their patrons. Gauging from the number of complaints that were received by staff, we can conclude that the neighbors feel that there is a detrimental effect.

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

The property is not vacant; it is the home of the applicant.

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

Special use permits are not addressed in the Master Plan, however, agricultural uses are not considered to be at odds with residential designations.

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.

Although the use does bring in more traffic than a normal residential home, the street network can support the traffic generated from the site if the proper parking is built on site.

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 use is not reasonably necessary, but given the level of complaints it would appear the live entertainment is impacting the adjacent properties. This injury would presumably go away when the loud music goes away.
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.**

   Occasional events might conceivably pose noise or dust issues for neighbors.

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

   This is not a significant issue for the farm winery.

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 ability for the neighbors to live in peace without the repeated loud music seems to justify the hardship on this owner.

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

    This is not an issue.

**PREVIOUS ACTIONS**

1. #SP-2008-11 was approved by the City Planning Commission and Unified Government Board of Commissioners on April 14, 2008 and May 1, 2008, respectively.

2. #SP-2010-6 was approved by the City Planning Commission and Unified Government Board of Commissioners on April 12, 2010 and April 29, 2010, respectively.

3. #SP-2011-44 was approved by the City Planning Commission and Unified Government Board of Commissioners on October 27, 2012 and January 26, 2012 respectively. The Board gave a 5 year permit to the winery and a one year permit for the live entertainment. This application is asking to renew the live entertainment portion of the permit.

4. The last permit was approved in January of 2013. It had several stipulations. They have not complied with all of those stipulations. Those stipulations are listed below. The stipulations that neighbors claim have not been followed are in italics. Stipulations that were removed at the last approval have been struck thru.

5. In April 2015, the Board of Zoning Appeals (BOZA) upheld all of the Director’s determinations related to the timing of the appeals that were filed and the
necessity of the special use permit for live entertainment. The applicant’s ability to appeal that ruling to the district court ends on May 13, 2015. The Planning Commission, provided the applicant does not file an appeal prior to the Planning Commission meeting on May 1, 2015, will hear the special use permit request for live entertainment. If an appeal is filed at any time, by code, all proceedings before the Planning Commission and or Board of Commissioners will be stayed until such time as a final determination is made by the courts. The Wine Barn’s Special Use Permit for Live Entertainment has expired and they no longer have zoning authority to conduct any live music events until a special use permit is approved or the court rules in favor of the applicant.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on November 19, 2014. Three neighbors attended in support of the application.

KEY ISSUES

Noise
Compliance with past stipulations
Unauthorized use of the public water supply and fire safety facilities
Location of parking and parking lot materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend approval for six (6) months of Special Use Permit Application #SP-2014-80, subject to:

1. Approval for six months (basically this summer as another test for them to fully comply)
2. Live music events (which includes the 4 contracted weddings for 2015 and any others contracted) from May-October.
3. 57.5 DB at the big tree near the Reynolds’ property line. The responsibility for monitoring this belongs to the applicants.
4. Live Music ends by 9:30 and the Wine Barn coordinates its calendar with the neighbors
5. No guest parking on 119th Street
6. Parking is constrained to the size of the event according to staff.
7. No parking adjacent to the Reynolds property
8. Improved parking is not required but must comply with storm water quality regulations.
9. No rock bands
10. No more than 14 events per year totaling no more than 35 hours
11. Any new drives must be paved
12. Collect trash on 119th Street after each event
13. Use of fire hydrant only with meter and it may never have its view obscured
14. The Wine Barn will add two new segments of fencing.
a. Wine Barn to extend an fence (not necessarily a privacy fence) from the southeast corner of the Wine Barn to the vineyard or beyond to make it difficult for patrons to come near the Seebergers’ property

b. Wine Barn to extend a 6’ privacy fence from the northeast corner of the Wine Barn east to the east edge of the drive to the pond (and beyond if necessary) to block the view of the parking area from the Seebergers’ property. This will also prevent interaction between neighbors and guests

15. Conform to UG security policies for events with alcohol and entertainment.

16. The parties are to communicate via email not in person. Mr. Denk and Mr. Richardson should be copied on communications.

17. Request the County Administrative waive application fee.

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-2014-80 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
Pictures from neighbors
Zoning map
Aerial Photography
Aerial photography of expanded parking
Two previous statements of operation from the wine barn

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Robin H. Richardson rrichardson@wycokck.org

#SP-2014-80 May 28, 2015
I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2014-80**, 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-2014-80**, 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.

**MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:**

**080123 SPECIAL USE PERMIT APPLICATION #SP-2014-80 – RYAN B. DENK WITH MCANANY VAN CLEAVE & PHILLIPS - SYNOPSIS:** Renewal of a Special Use Permit for live entertainment in conjunction with the Wine Barn at 2850 North 119th 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 May 11, 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 November 13, 2014;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. Chairman Hurrelbrink recused himself from the meeting at 7:55 p.m. and Vice Chairman Huey assumed the chairmanship.

Mr. Ryan Denk, attorney and applicant for the owners of the property, 10 East Cambridge Circle Drive, Kansas City, Kansas, appeared in support of this application. Mr. Denk stated that Celeste and Brian Mikijanis and Scott and Denise Hiatt, owners of
the Wine Barn, are also present in support of this application. He stated that the application was before the Board of Zoning Appeals last month so the Commission knows the back. There has been a change in circumstance from the present special use permit renewal from prior renewals. The original special use permit was in 2008 and related exclusively to the farm winery operation which included wine tastings and the making and producing of wine. At that time the application was approved for two (2) years. In 2010 the special use permit for farm winery came back and was approved for ten (10) years. In 2012 the special use permit for live entertainment came before the Planning Commission. At that time that special use permit was approved for one (1) year and the farm winery that was previously approved for ten (10) years was reduced to five (5) years. At that time there were a number of concerns raised by the neighbors that lived in the area and those concerns gave life to the original stipulations. In 2013 the special use permit for live entertainment came back before the Planning Commission for renewal and at that time there was some discussion back and forth with the Reynolds and the Tichenors (who no longer live there). That is how the stipulations in front of the Commission were arrived at. He further stated that they are present this evening only for the live entertainment renewal. The staff has changed its position as to whether or not a special use permit is required for a farm winery operation. They have stated in the staff report that a special use permit is no longer required as the farm winery operations are an exempt agricultural use from local zoning authority. The Wine Barn is requesting renewal of the live music events. There are fourteen (14) live entertainment events that they are permitted to have. He understood that originally live music was a band. The staff has taken the position that if there is recorded music such as at a wedding that is live music and counts against them (for the 14 approved events.) He stated that he would like to address the staff report and some of the neighbors’ concerns. Mr. Denk stated that the original staff report came out in December and at that time there were several comments that are still in this report, that refer to the number of complaints that the staff has received and the period of time that it covers. The report states that over the past year staff has received complaints from several neighbors about noise and the lack of compliance with approved stipulations. They stated that due to the amount of complaints received, they have concerns about this use at this location. He stated that when the draft staff report was received, his clients were concerned because they thought that they had been working with most of the neighbors. In communications with the Reynolds to the north they had not expressed any concerns about the way they had been operating. They understood that the person complaining was the one that purchase a home in September of 2013 (which is five years after the first special use permit was issued and about 2 ½ years after the live entertainment permit was issued). He stated that is the Seebergers (and he showed where they live) and they are closer to the Wine Barn than the Reynolds are. That being said the special use permits had been issued for quite some time and they should have known what was going on at the Wine Barn and what the approvals from the City Planning Commission and Board of Commissioners had been. He further stated that when they received the draft staff report they submitted an open records request for any and all complaints so they could adequately address them. The only complaint that staff produced was one written complaint from Mrs. Seeberger. He stated that in the staff report it talks about the numerous complaints and people that they had received complaints from and when they received the formal statutory request this was the only written complaint that they received from staff. He stated that Mr. Richardson did share with him that he had had phone conversations with some of the neighbors and
obviously that was not documented anywhere because they would have had to give it to them as part of the open records request. It seems to them that the only documented complaint since the last approval was just the one written complaint that has been documented and provided to them. After that was given to them they made an effort to reach out to the Seebergers to see what they could do to address some of their concerns. He showed the Commission an email that he sent to Mrs. Seeberger to see if they could address her concerns. He stated that they are interested in working with them and asked what they could do to address her concerns. He talked about various screening options whether it be a fence or landscaping. The response he received back was that she had spoken with Mr. Hiatt back in July and he knows what she wants. He stated that his client’s only conversation with Mrs. Seeberger was that the music was too loud; there was no productive conversation about what could be done to address their concerns. It makes it difficult for his property owner to find a resolution when there is very little engagement from the other individual. He stated that they had a neighborhood meeting and the Seebergers did not attend the meeting. The neighbors that did appear were in favor of the Wine Barn and wanted to know what they could do to help the Wine Barn. Without feedback from the Seebergers they were left to figure out what they could do on their own. He stated that the Wine Barn planted some plantings and when they mature, that will provide some screening for the Seebergers property. He showed pictures of the plantings, the Seebergers property, etc. He stated that he would like to go through the previous list of stipulations and he has accumulated all of them together in one list:

1. Term of Permit – His client would like to get a ten (10) year special use permit for these operations. They had that for the farm winery originally. At the minimum they would like to have five (5) years. Having to come back year after year and retain professionals to help them through this process is very expensive for them.

2. Live music from May – September – He stated that they have had a lot of requests for dates in October and they would like to extend the time out to October.

3. During live music events, the sound level will be maintained at a level of 57.5 dB or less at a location (large tree near property line) in the front five acres. They are in agreement with that.

4. Live music is held in a three-sided tent with double sided thickness – They would like to have that removed. The concern is the decibel levels and as long as the decibel levels are at the appropriate level, dealing with the stage is very cumbersome and unsightly and they would like to request relief from that.

5. Wine Barn will post its calendar of events on its website (winedottebarn.com). Live music events will end at 9:30 p.m. and customers will need to leave by 10:00 p.m. Any deviation from the calendar of music events will be coordinated with neighbors. For example, if one of the music events gets rained out, Wine Barn will coordinate with the neighbors to reschedule a time for the event. If live music events include wedding receptions, they would like to get that extended to 10:00 p.m. They would like the hours of operation to be with their ABC hours of operation which is 12:00 midnight.

6. Wine Barn personnel will direct traffic following events. He stated that he believes that was put in place when the stop sign was required. As the stop sign has been put in, he does not think that they need this stipulation. If so, they will agree to it.
7. No guest parking on 119th Street – They are in agreement.
8. Parking is constrained to event size according to staff – They are in agreement.
9. No parking adjacent to the Reynolds property – They are in agreement.
10. Improved parking is not required; must comply with storm water quality regulations – They are in agreement.
11. No rock bands – They are in agreement.
12. No more than 14 events of no more than 35 hours total in any one calendar year – He stated that if weddings are going to be included as part of the 14 events, they would like to have more events because that takes away a lot of the events they can have. They would request 18 events or whatever the Commission is comfortable with.
13. Any new drives must be paved – They are in agreement.
14. Walk 119th Street and collect rash after each event – They are in agreement.

Mr. Denk requested a five (5) minute extension of time which was unanimously approved by the City Planning Commission. Mr. Denk stated that the staff report addresses the gravel drive and the staff is concerned about an expansion of the gravel drive. This issue came into play in 2012 when the first live music permit was issued and at that time the two stipulations the staff is talking about were put in place. Specifically that there be no further expansion with the drive or parking areas and if there was an expansion they would be graveled or paved and comply with stormwater management. He stated that there has been no expansion of the drive areas since 2011. He submitted a letter from the contractor who performed the gravel drive work depicted in the staff report. The aerial photographs attached to the staff report support that. There is a 2008 aerial that does not show the gravel drive, the 2010 aerial shows some gravel and in 2012 the pronounced gravel drive is there that they are discussing. Staff also makes a comment that the only comment received from the applicant with regard to the drive was all they did was re-rock it and he is not sure that is completely accurate. He submitted an email from himself to Mr. Richardson and Mr. Toy advising them that the last work that they did that in any way extended the driveway or parking areas was before the first special use permit (live entertainment) was issued in 2011. He talked about the fact that they re-rocked it and they acknowledge expanding it in 2011. He submitted an email from 2012 which is the first time that these issues relating to the drive areas came into play; this is an email from Mr. Richardson to Mr. Denk and Mr. Hiatt (after the approval) whereby Mr. Richardson advises that so long as the parking remains grass and no gravel is installed no stormwater regulations apply. Any additional gravel or improved surface on the site will likely trigger stormwater quality regulations. He stated that the expansion had already occurred. He stated that they are now saying that they have to comply when they told them in 2012 that they did not. This was the subject of extensive discussion before the Board of Commissioners in 2012 where they gave them specific relief from this requirement. The only other item that he wants to address is hooking up to the fire hydrant for water. That did happen and since that time his client has got a meter from the BPU and they pay for the water when they use it.

Planning Commissioner Escobar asked who monitors the music noise decibel. Mr. Denk stated that the stipulation currently places it on the owners and they have done that for every live music event from the designated locations.
Planning Commissioner Pauley asked when the neighborhood meeting was held. Mr. Denk stated that it was held in November of 2014. Ms. Pauley asked how many people attended. Mr. Denk stated five (5) or six (6) people and everyone was in support and wanted to know what they could do to help the Wine Barn.

Ms. Celeste Mikijanis, 10837 Rowland Court, Kansas City, Kansas, one of the owners of the Wine Barn, stated that she and her father measured the noise decibels readings throughout the events and they have always remained under 57.5 db. from different areas of the property. She has pictures that they documented all of that and she did not bring them with her because they were less than 57.5 dB and she did not feel it necessary. She stated that she believes that the Wine Barn is a great asset to the community. It is a place where families and business people can come. It is a very relaxing environment. They are tucked back on 15 acres of property and are five (5) minutes from The Legends. They are quaint but still convenient. This is a small family business and they are looking for a long-term solution to keep the business going so that someday one of her children will be before the Commission to seek renewal. They are asking for live music and live entertainment in conjunction with their farm winery. It is how every farm winery all around the state, country and world sell their wine. It is a fun and amazing thing to do and it is critical to their business to have it continue. With respect to those in opposition, they have done everything that they can to work with them and they hope to continue that. She stated that she would request approval from the Commission.

Mr. Murrel Bland, 8311 Garfield Avenue, Kansas City, Kansas, Executive Director of Business West, appeared in support of this application. He stated that he would like to speak in favor of a ten (10) year special use permit for the Wine Barn. Business West was part of a fundraiser there last year; they raised money for the scholarship fund for the community college and he cannot think of a better place for the event. This is a family business and he thinks the Planning Commission should support the family business at this quality location.

Mr. Marc Rowe, 11255 Leavenworth Road, Kansas City, Kansas, co-owner of Rowe Vineyard and Winery, appeared in support of this application. He stated that he would like to talk about the importance of live music for their business. It is a small family business; they grow grapes and make wine. The grapes take four (4) years before they can make a bottle of wine. If you let it sit one (1) year before you sell it, then you are five (5) years into this. He stated that they are trying to make this a fun activity for the people in Wyandotte County and the people that will come to Wyandotte County to spend their money. When they come to them, they send them to restaurants because they do not sell food. They come because they have live music. It is not the type of music that you sit and hold your ears. He does not allow music that people cannot sit at a table and talk to each other. Wine is a conversation piece so the music has to allow the conversation to go. He stated that his winery is no different than this winery and it is such a key part of their business plan that they have to get extended permits to allow them to establish business plans so they can go to the banks so they can get new tractors and supply the economy with more money.

Mr. Joshua Seeberger, 2810 North 119th Street, Kansas City, Kansas, appeared in opposition to this application. He stated that more people on his street would like to
speak out against the Wine Barn but have somehow been manipulated into believing that it would affect their jobs. He needs to set an example for his kids no matter what. For the past 20 months approximately they have had to put up with “pop-up” parties that were not scheduled events. The fire hydrant was covered on two (2) different occasions so they could fill their pond which endangered his family and everyone on 119th Street as that is the only hydrant on the street. His mailbox has been knocked off and his wife has been harassed about their business often while simply attempting to mow the lawn. He stated that his family was verbally abused by their patrons and they have been fed false information about how there would be no more wedding receptions. They were informed by a Commissioner that they had agreed to put up a privacy fence in order to get a special use permit. It is May 11, 2015 and there is no privacy fence. His wife informed him that they want them to pay for half of it. The fence would be for their business and he does not want anything to do with their business. There is no benefit to his family or the surrounding neighbors by the Wine Barn being in operation. The patrons drinking next to their fence line make it seem like an episode of the walking dead but it is an episode that never ends. Had he been caught stealing and endangering his neighbors, his father would have made him walk up and down the street knocking on everyone’s door that he had affected, tell them what he had done, apologize and promise never to do it again. That is setting an example that stealing is wrong to their children and he hopes they will take this example with them in life. An example that is set to the kids that attempting to control people by any means is ultimately self-defeating and will lead to failure. Intimidating, lying or any other form of manipulation will come back to haunt them. Instead grant them peace as that is all they are really after as his family and the other surrounding neighbors have been robbed of their peace. He stated that he would request that the Commission not grant this special use permit as that would reward this behavior. They did not follow it in the past, it appears it is difficult to enforce and they are still inside the city limits and this is not a business district. Music brings the limousines, party buses, and the loud revelers. None of that has anything to do with agriculture. Oinking pigs and mooing cows do not verbally abuse or intimidate his family.

Planning Commissioner Gonzalez asked where his house is located. Planning Director Richardson showed the Commission the location on the map.

Planning Commissioner Escobar stated that they were notified of the neighborhood meeting and asked why they did not attend the neighborhood meeting. Mr. Seeberger stated that some of this other stuff had already taken place and they did not want anything to do with it. Mr. Escobar asked if they called the police about the concerns and complaints. Mr. Seeberger stated that they called the police and his wife went to court and the Wine Barn was exonerated. There were police reports made. Mr. Escobar asked if he brought the reports with him. Mr. Seeberger stated no.

Planning Commissioner Connelly stated that he is listening to some strong words such as endangerment and needed peace and asked long he has felt like this. Mr. Seeberger stated October of 2013 was the first time that they stumbled across the Wine Barn stealing water from the water hydrant in front of their house. The fire hydrant was covered up and there was water rushing down the driveway. Mr. Connelly asked him about the communication threats to his wife. Mr. Seeberger stated that his wife will speak about that.
Planning Commissioner Walker stated that he indicated that there are other neighbors that feel the same way or similar but they felt intimidated about coming to the meeting and telling the Commission how they feel and were afraid of losing their jobs. Do they work for the Wine Barn? Mr. Seeberger stated that they do not work for the Wine Barn but live further down the street. They have spoken with numerous neighbors that said they had things to say but did not feel comfortable coming to the meeting.

Ms. Anna Seeberger, 2810 North 119th Street, Kansas City, Kansas, appeared in opposition to this application. She read the following statement into the record, “The last Wine Barn event season resulted in over 30 documented disruptive events with large numbers of strangers present and drinking close to our home. These events included drawn out wedding receptions and their Friday night public live music nights. We feel events with 25 plus people, where alcohol is served should at least have police security. The Wine Barn operations create serious disruptions for our family. Previous agreements made before we moved in, were disregarded unless they were confronted. Other aspects of the previous special use permit they felt entitled to interpret in whatever way would meet their needs. Multiple complaints by neighbors have been made, and many meetings have not resolved the issues related to noise and their lack of respect for the other residents of this neighborhood.

The Wine Barn’s actions have reduced our ability to enjoy our property. Some of these disruptions could be adequately dealt with if the special use permit allowing events at the Wine Barn was not renewed. I want to clarify some of what I last said in the commission’s chambers. When I got notices that the meeting March 9th was moved I did not realize that the 2 petitions were separate. Because the Wine Barn had asked for so many extensions, I was not diligent in ensuring my understanding of the proceedings. Luckily the Wine Barn had agreed to talk to KCTV 5 and they made me aware of this misunderstanding. This made me feel like I had been tricked. I consider that cheating, but you are free to make your own judgment. Everyone who would have advocated against the appeal thought the meeting had been moved. This made me very upset and angry. I was not prepared to speak in front of a crowd of people who were in opposition to my support of the director. This made me feel intimidated. I don’t think this was the intent of the Wine Barn. I think they expected no one to show up. On April 13, 2015 when the Board of Zoning Appeals voted in favor of the director in regards to the appeals, I was present. As I was leaving the Commission Chamber a Wine Barn representative came up to me and asked how my new job was. I replied that it was good for my kids. While they spoke their face was twisted aggressively, with their nose and forehead wrinkled up, and they spoke with a voice that was in insincere, condescending, and high pitched. I again felt intimidated that they were communicating that they looked into my personal schedule. I drew from that conclusion that they also knew when my husband was on shift and I would be alone at home. During the last two months or so, the Wine Barn had relatively small gatherings on mostly Friday and Saturday nights. At these gatherings people would be drinking outside with wine glasses and conversing loudly. My husband and I call the change in volume and tone of intoxicated patrons cackling. I have been told to document as much as possible when speaking with Commissioners and the Planning Department. I have documented these gatherings because when I see a group of strangers, hear loud voice, and know they are drinking I don’t feel safe. I am assuming that this documentation will be vital in
complaints to departments outside this jurisdiction. That being said I knew they were
going to continue to operate as a winery and was ready to try to talk with them. I had
hopes that they might change aspects of their operations if we supported an adjusted
special use permit for events. I also realize that we will be neighbors for a long time
regardless of the winery operations. This was expressed on 4/10/15 by one of the fence
line drinkers, who said that they would be unable to sell the property because the
neighbors were A#$&^@. On this evening we were out waiting for my sister to get in
town with her 3 children. I felt very angry and I took my pictures with the flash on. They
said that they should get a restraining order against us and yelled at me from the fence.
I have been told complaining about noise when living next to a business is like
complaining about how loud pigs oink at a farm. I don’t think a pig has ever verbally
abused anyone’s family. My husband calmed me down suggesting that they were trying
to get a rise out of me. Even after the people drinking at the fence made these insults
out loud I was willing to work on things, I do not feel this way anymore and I would like
to tell you why. On 4/17/15 I used a vacation day to take off work. The first time I
mowed my lawn for the year I was stopped by a Wine Barn representative to talk. They
had talking points that were clearly rehearsed several times; they kept repeating the
statement “oddly I want to be friends with you” as they accused me of being a liar, not
working with them, and threatened me. I informed them in a raised voice that calling me
a liar was not going to work things out. I am very concerned about their intent to
discredit my integrity. This I thought might be why they investigated into my personal
life. They said that I lied in my testimony in March since I was no longer am working 24
hour shifts, but on a 40 hour work week. I explained that my intent was in reference the
last event season, and I had just recently moved to that position. Then they said that I
lied about the strobe lights. I said that I had documented this with pictures and in my
calendar. This made them angry. Apparently asking “when” and saying prove it, or
calling liar-liar, has worked out better in the past. I ask you to consider this in reference
to their credibility. If you have any concerns that I may have fabricated this evidence I
would ask that you consult the officers that showed up to write the ticket or sorry
summons for a noise complaint. Maybe flashing lights that change color are described
as something other than strobe lights. The reason these accusations bother me and my
husband so much, is that we fear as they come up empty trying to find a way to get to
us and push us out, they will fabricate something to incriminate us in some way. In
regards to not trying to work with them, it is true that we had many warnings not too
because of the reputation that precedes them. The previous owners had advised us that
they were takers which is a term we continued to hear after we moved in. I did talk to
Wine Barn representatives on multiple occasions and had no helpful resolutions. They
would try to calm me down by agreeing that there were too many events and the
wedding receptions should be somewhere else, but apparently since not all
representatives were there, those are null and void. I documented the dates and the
topics we spoke on if you want further information. The disregard of our efforts to reach
out makes me feel manipulated. They told me that Sal, the previous owner had been
angry too, so they were used to it. For those of you who think I deserve whatever they
dish out because they we here first. I want you to know that I have been advised to sue
for non-full disclosure. I read the special use permit and showed up to their public
operations and events. I do my research. The Director did not interpret the special use
permit as they did either. As the previous neighborhood resident said, if you give an
inch they will take a foot. In regards to them threatening me, I would like you to make
your own interpretation. They told me on the 17th that they will be here till we move.
When I hear that I feel my family and what we have worked for is being threatened, I need to feel my family is secure in our home. I realize that their aggression, harassment and intimidation has been successful in getting residence on this street to leave, but I am requesting you to consider if you would want to stand up for yourself under these conditions? At this point, I decided I would not make any concessions to these business operators who act as though they are entitled to their way through harassment and intimidation. These are my feeling and I would ask you consider them. People make bad investments and people make bad decisions and they are the ones responsible for them. The only thing that can stand against it is integrity. I speak here for all the members of the neighborhood who supported Larry Reynolds to oppose the Wine Barn or felt harassed and intimidated to speak. I speak here to stand for my integrity and I want to thank you for time and considering of the nuisance the Wine Barn operations impose on their neighborhood. We welcome any of your resolutions you can provide. Our desire to provide a safe and peaceful home for our family is very important to us and we believe it is worth standing up for.

Planning Commissioner Walker asked how long they have lived there. Mrs. Seeberger stated less than two (2) years (1 year and 9 months.) Mrs. Walker asked if when they purchased the property the previous owner told them about any problems he was having. Mrs. Seeberger stated that she cannot remember his advisement word for word but told them there were these 14 events and if they get through those it is not so bad. He said that they would want to split a nickel 4 ways with them. Mrs. Walker asked if they were working with a real estate agent when they purchased their home. Mrs. Seeberger stated yes. Mrs. Walker asked how they came to speak to the property owner. Mrs. Seeberger stated that he arranged that after they purchased the property. Mrs. Walker stated that prior to purchasing the property they did not speak to the property owner. Mrs. Seeberger stated no, she had to read the public record on the special use permit. Mrs. Walker asked if they were informed that there was a special use permit for this business. Mrs. Seeberger stated that she does not remember if they told her but she looked it up. Mrs. Walker asked if after they moved in and the events started if that is when she knew. Mrs. Seeberger stated that they were both on the 24 hour shifts and when they had the party in July they called Mr. Reynolds about the noise. They decided to see if they could get it enforced by calling the police who showed up and gave them the summons. There was an issue with how the summons was written and it did not stick; it was impossible to make a noise complaint. Mrs. Walker stated that over the course of the evening she has heard several times that there have been numerous complaints. Mrs. Seeberger stated that they (Wine Barn representatives) have told her about the things in her complaints but she did not see them on the screen. She stated that she submitted ten (10) pages of how she does not think that they are complying with the special use permit. Mrs. Walker stated that she is looking to see if there are numerous and multiple complaints some documentation. Mrs. Seeberger stated that she can pull up those emails; she did not delete them and she has come in person to give information to the Planning Department. She stated that the Wine Barn has told her that they knew about them (her complaints.) Mrs. Walker stated that she is sorry for their issue, but she would have liked to have seen more people (if this is an issue for all the neighbors) stand with her. Those people that are telling her that they are in opposition should stand with them. She is concerned with the threats that have been implied that people are threatened for their jobs and to come before the Commission. She has been on the Commission for a long time and she has
not seen many people that would not come and stand up for their neighborhood if something is wrong. Mrs. Seeberger stated that they are spread out and her and her husband and the Reynolds account for 20% of the property owners. Some other people had issues and conflicts with health, etc. She stated that the previous owners (Tichenors) would have liked to have been present also.

Mr. Larry Reynolds, 2910 North 119th Street, Kansas City, Kansas, appeared in opposition to this application. He stated that the Tichenors and Reynolds were the reason why there was opposition the first two (2) times the Wine Barn came to get the permit. The Tichenors were motivated to move because they did not like the situation with the Wine Barn and loud music. He is not opposed to what they are trying to do. What he is opposed to is their attitude about forcing what they want to do on everyone. There are other neighbors that are upset about the music. He has not been as actively involved this time as the Seebergers. He knew about the neighborhood meeting and he has attended several of the meetings at the Wine Barn and they have not been very pleasant. When the Seebergers asked if he was going, he told them he did not think so. Usually they (Wine Barn) were trying to convince them that they should go along with what they wanted. He stated that Mr. Coco who is the property that the Seebergers purchased from would come to those meetings (as he was originally involved in the Wine Barn development) and he would say something like he was the closest one and when he was in the house he could not hear. Another neighborhood would say that was because he was deaf. As far as Celeste saying that they monitor the music, there are times that it is louder than it needs to be. He has called Mr. Hiatt and one time Mr. Hiatt told him that he heard that it was pretty loud and he was not there. Mr. Reynolds stated that he is opposed to the idea of them going later. If this is approved, they do not need to be playing music late into the night like they are doing. They are in a neighborhood that has kids that need to go to bed. The reason that they need to keep coming back to get a new permit is because they do not comply. They say that they will do something and they do not follow through on it. He feels that if you give them an inch, they will take a foot, and do what they want to do. If they have to make amends, they will make amends but then they will just continue on. He stated that when the first two (2) permits were being requested, he visited with the neighbors up and down the street. He has talked to some of those neighbors again and he does not think that the attitude about not liking the music has changed; he thinks that they are just tolerating it. Some of them said that they said that they did not want to get involved but they are opposed to the music. It disappoints him that they represent themselves as this really nice business in Wyandotte County because their attitude and actions do not comply with that as far as he is concerned.

Mr. Denk stated that with regard to the criminal charges those charges went through the municipal court and Mr. Hiatt was exonerated of those charges. He was not present at the hearing, but he understands that the Seebergers had their own video showing the decibel reading and it never exceeded the limit except one time and that is when a car drove by. With regard to the fence Mr. Seeberger indicated that he discussed with one of the Commissioners the construction of a fence. That idea was pitched by one of the Commissioners and it is a two-way conversation and the Commissioner could never get much feedback from the Seebergers that if they built the fence that would address their concerns and they would allow this application to go forward. If they build the fence and the application goes down, it does not make much sense that they built the fence. With
regard to Mr. Reynolds stating that the meetings were unpleasant, Mr. Denk stated that he ran the meeting in 2012 and he has been to many neighborhood meetings and there was nothing unpleasant about the meetings. There was honest discussion about what could be done to address the concerns. There was conversation back and forth and there were never any raised voices. In dealing with the Seebergers, the Commission saw his emails on the screen and he understands that at this point in time there is some history between the Seebergers and his clients but when he reached out to them he was trying to inject a different personality in the mix. He wanted to provide them someone else to talk with and the Commission saw the response that he received which said that they had already talked to the Wine Barn. They have been unable to engage the Seebergers in constructive discussion as to what can be done to address their concerns. Without communication it is very difficult for them to attempt to address and resolve their concerns. The Wine Barn tried to do some landscape screening. The issue of the other neighbors, in his career of coming before the Commission has he not seen Wyandotte County neighbors not come when they are upset about something going on in their neighborhood. He has been doing this for a long time and also in other cities and if people do not like what is going on they are going to be present and that has not happened. His clients have also talked to their neighbors and from their conversations they appear to be supportive and indicated they are supportive of this application.

Planning Commissioner Connelly stated being in the military he lost some hearing and during the day he cannot hear much but when he lies down at night (and his mind begins to relax) and he can hear trains four (4) miles away. With requesting extending these hours and Mrs. Seeberger with young kids that need to go to bed, why would they want to play the music so long; it is not a night club. It was a good presentation and there are two (2) neighbors that are less than pleased with this. It seems like this has been going on for a long time and asked how they have tried to get along with the neighbors. Mrs. Seeberger went to court. Mr. Denk stated that the Commission saw his effort to reach out to the Seebergers. His clients have indicated that they have made numerous attempts to communicate with them. The story he heard tonight from the Seebergers is different than what he heard from his clients. What is clear is that there is not much productive conversation going on between the Seebergers and his clients. He stated that he does know that Mr. Hiatt and Mr. Reynolds do talk. He believes that Mr. Reynolds has Mr. Hiatt’s cell phone number and phone number and he has asked if there are ever any issues going on at the Wine Barn to call and he will address them. He stated that Mr. Reynolds has taken him up on that (he mentioned one instance this evening.) With the Seebergers that level of communication has broken down; they have cut that level of communication off and they would not communicate with him either so that makes it very difficult to attempt to resolve the issue. On the hours of operation, they are not talking about going any later with the live music. The live music would still stop at 9:30 p.m. and the only issue was the expansion of the live music to include weddings and they want those to be able to go to 10:00 p.m. and they can close at the time their ABC permit allows. If this live music is shut down their ABC permit allows them to have wine tastings and people are out there until 12:00 midnight. What Mrs. Seeberger is talking about with people outside having wine and talking that are what happens at a winery. That use is still in place and that is an exempt use of this property from local zoning. Mr. Connelly stated that he has worked for the KCK Housing Authority and one of the things is the safe, well-being and
peaceful enjoyment of where people live. It seems that the two (2) people that did come forward are not feeling this. How can there be a happy medium if they are not going to work with the people having the complaints. Mr. Denk stated that the communication is a two-way street. They have had communication with Mr. Reynolds and that is how they got to some of these stipulations. With the Seebergers the communication has not been there.

Planning Commissioner Gonzalez asked if Mr. Denk is a civil or criminal attorney. Mr. Denk stated almost all civil. Mr. Gonzalez stated that he spent 11 years in the court system. He is like the neighbors as he was victim to neighbors as well. He stated that your neighbors can put you through a lot. There used to be a disputes resolution department at the city and it is no longer in operation. That is the only way to have a third party with the two parties together. Going to the attorney does not work. He stated that there are successful business owners in Wyandotte County. To be able to understand in your business plan that selling cases is the number one goal to a successful winery business. Why aren’t they talking more about the business plan and future of this business? It should be where they want to go and not to have parties to sustain the business. To him it is to get with the distributors, make their presentation and market their product and have contacts in Nebraska, etc. He has not heard that they want to move on from being a small business. Mr. Denk stated that every local winery does these events; these are their marketing events and how they get people to their winery. The people sign up for the wine club and then they get bottles of wine delivered to them periodically. That is how they market themselves and so it is essential to their business operation to have these events. Without these events their ability to direct market to their customers is limited.

Mrs. Mikijanis stated that they are a small farm winery so they self-distribute. If she goes to Village West Liquors and visit with them and say that they want them to carry their wine so when they are not open, their customers can purchase the wine from them. If she wants to go big that is great if you are already there. In order to do that you have to hire a distributor that takes another cut from your marketing and you have to be able to supply the product. She does not have enough product to do that. She would have to make 10,000 to 12,000 cases a year. It sounds like a big thing but it is not in the grand scheme of things. She would love to do national distribution but for right now this is her marketing plan. This is how she sells 30% or more at their events. There is no signage on 119th Street and you have to have a reason to come to the winery. They buy the wine and that is how they sell their product.

Planning Commissioner Escobar stated that the main concern the opposition has is the music events being held and not necessarily the events that they are holding with the relaxing music and wine tasting. The concern is the other events with the loud music. Ms. Mikijanis stated that she thinks that there has been some concern over standard winery practices such as people sitting on the patio drinking wine and laughing and having a good time and maybe being too loud for them. She has a 10 year old and a 12 year old so she understands what it is to raise kids. Her children are there sometimes and people bring their children. It is a family atmosphere and she believes there is some concern (from the neighbors) with people being there. They are unhappy about the winery being there. From her perspective the winery has been there all along and the permit has been in place all along. It is like moving next to the airport and then
complaining about the airplane noise. She does not think that it matters what type of events they have, music or no music, there is still going to be some unhappiness. For them the live music is a critical point to their marketing and business plan so that someday they can build a building and have all the music inside. They have to keep coming back and no bank is going to lend her money if she has a permit for 2 or 4 years. The president of the bank was present a month ago stating that without a 7 year or more permit, he is not going to lend them money. Her hands are tied with regard to expanding her marketing plan.

Chairman Huey stated that with regard to the stipulation about the three sided tent with a double thickness of plywood she remembers that stipulation by staff and it was because of noise and now they are requesting that it be removed. He stated that the family stated that it is unsightly but if it would help decrease the noise for the neighbors, she thinks that should be a huge consideration. Mr. Denk stated that they had a couple of events when they did not play inside the tent and that was brought up by staff so they put the music back in the three-sided tent. He stated that the concerns about music are in the three-sided tent. His clients at one point had a sound engineer come out to try to figure out the best way to handle this situation so there would be less impact on the surrounding neighbors. The sound engineer’s opinion was that all they are doing with a three-sided tent is directionalizing it and shooting the sound in a particular direction rather than letting it go in different directions and dissipate. The level of sound at the neighbors’ borders is what they are looking at and as long as they are meeting that decibel requirement, then their preference would be not to play in this cumbersome stage. It is difficult to move around, etc. If the Commission decides to leave it in, they will have to make due.

Planning Commissioner Ernst stated that Mr. Denk has stated that they have gone out of their way to work with the neighbors but five (5) out of fourteen (14) stipulations they are asking for more and that is directly opposed to working with the neighbors to try to reach common ground. Mr. Denk stated this is what his clients would like to see. He understands about the hours but things such as the three-sided stage have not been successful. If the level of sound at the neighbor’s fence is what is being discussed, that seems like the more appropriate solution.

Planning Director Richardson stated that he would request a ten (10) minute recess so he can speak with Mr. Denk, Mr. and Mrs. Seeberger and Mr. Reynolds so he can formulate a recommendation that would be more acceptable to everyone. He has spoken with Assistant County Attorney Waters and he stated that if that recess is taken the Commission should not discuss this application. The Commission voted unanimously to recess at 9:14 p.m. for ten (10) minutes. The meeting reconvened at 9:24 p.m.

Planning Director Richardson stated that he thinks everyone agrees that small family businesses are and can be great for Wyandotte County and it is a balancing act between the neighbors and the business in this case and that is not easy for anyone to discern. Live music, as those that have been on the Planning Commission for some time, came up before the Wine Barn came up, included anything that was controlled by the audience such as a juke box, DJ, etc. that was considered live music. He can see how there would be misunderstandings but he was also not asked for an interpretation.
There were numerous times that he communicated with Mrs. Seeberger and Mr. Denk has the videos and photos as that was part of the public information request and court case. When someone calls him and says that they are mad about this, their name doesn’t come up on his phone all the time and he says ok. He does not have times, date and phone number. There were other times that people called but it is not like he has had a hundred of these. He has 8 or 10 calls from 2 or 3 people. He stated that he thinks that he was fair in discussing that with Mr. Denk verbally. The Wine Barn does have four (4) weddings under contract for the summer. His recommendation, no matter what else occurs, to let those weddings go on. The brides and grooms are not responsible for what is going on in this room tonight and there is probably not time or locations available for them to reschedule. He stated that he would like to go through the stipulations:

1. Term of Permit – He stated that he would be agreeable to a five (5) or ten (10) year term if they went through one (1) term where he felt the applicants did everything in their power to toe the line down to dotting the “i”s and crossing the “t”s. Does he feel that they have been excessive and overbearing? He does not know, he has heard the same testimony as the Commission over a longer period of time as it is coming to his phone and email. He would like to have a small period of time where there are good actions on both sides. He stated that he would like to see this process go through the summer and build some trust between the neighbors and applicants and from that point forward if that goes well, Director Richardson would be agreeable to recommending a five (5) year or seven (7) year permit that they would need to expand their business for 2016. He stated that he does not think that anyone wants an all or nothing. He wants the business to succeed and the neighborhood and business to be able to live in harmony.

2. Live music from May – September. Director Richardson stated that he does not care if their fourteen (14) events go through September or October.

3. During live music events, the sound level will be maintained at a level of 57.5 dB or less at a location (large tree near property line) in the front five acres.

4. Live music is held in a three-sided tent with double sided thickness. Stipulation removed

5. Wine Barn will post its calendar of events on its website (winedottebarn.com). Live music events will end at 9:30 p.m. and customers will need to leave by 10:00 p.m. Any deviation from the calendar of music events will be coordinated with neighbors. For example, if one of the music events gets rained out, Wine Barn will coordinate with the neighbors to reschedule a time for the event. Planning Director Richardson stated that given the history, expanding the time for the music at this time would not be wise. For the foreseeable future, they could work with their clients to make sure the time for the music ended at 9:30 p.m. He is not comfortable with something in line with their ABC at this time.

6. Wine Barn personnel will direct traffic following events. Director Richardson stated that he agrees that this can be stricken as the stop sign takes care of that.

7. No guest parking on 119th Street

8. Parking is constrained to event size according to staff. He stated that the last issue is the driveway. He does not think that it is all that big of deal because it is such an open agriculture area but the memo the Commission saw was from February of 2012 and the city was still using the aerial photograph from April
2010 because the updated aerials were not received until July or August of 2012. There was probably some confusion as to what the staff was referring to. The gravel is there and the staff is not saying to take it away. If there was a need to comply with the ordinance with regard to stormwater BMPs he would like their commitment to work with the city on that. Within the winery context he is not sure that they would have to do anything except tell the staff how they are managing the property to comply with that regulation. What they were exempted from by the Board of Commissioners was providing a specific ratio of parking to people at the events. The staff is not challenging that but the city does have city codes that the EPA has the ability to come in and monitor those. He does not want the city or the Wine Barn to be involved in that. They could work with them over a year or so to figure out what the right solution is but he does not think that it is any physical improvement; it is a documentation issue. The gravel was expanded between this time the photograph was taken and what the Commission saw in the staff report. He does not think that it is a significant issue and it can probably be done by statement or letter and it might involve a little bit of work by an engineer.

9. No parking adjacent to the Reynolds property.
10. Improved parking is not required; must comply with storm water quality regulations.
11. No rock bands
12. No more than 14 events of any more than 35 hours total in any one calendar year – Planning Director Richardson stated that in his opinion he always assumed that weddings were part of the 14 events and there was no clarification requested. Until there is a time period of compliance with the letter of these stipulations (these stipulations came out of a lot of work by one of the Unified Government Commissioners) this should stay at 14 events at this time.
13. Any new drives must be paved.
14. Walk 119th Street and collect rash after each event.
15. Use of fire hydrant will be done with the meter and the fire hydrant will be kept free of debris and other obstacles that would block it from visibility of the Unified Government Fire Department.
16. Security – This is dealt with live events at other venues and at a minimum they should comply with the Unified Government’s policy based on the number of people that are present. They should comply with the Unified Government’s code for live music and drinking events.
17. The four (4) contracted weddings would be allowed for 2015 as part of their 14 events for 2015.
18. Privacy Fence – He stated that the neighbors testified tonight to keep it away from their fence line. He stated that he does not know if people wander through the vineyard but extending a fence line from the southwest corner of the barn up to the vineyard and also extending from the northeast corner of the barn south some distance so if people are in the parking lot going into their cars they would not have direct view and interaction with the neighbors.

He stated that he would ask at this point that the neighbors be directed to communicate with each other through email either directly to each other or through Director Richardson. There has been a lot of tension shown this evening and he does not think face-to-face contact for the neighbors is good for a while. There is passion on both
sides and some breathing room in how they contact each other would be helpful here. If there are issues one way or another, they do it through email and then it is documented. That might fuse some of the anger and expressions out of the faces and conversations and allow some degree of civility to return.

Planning Director Richardson stated that the staff would recommend approval for six (6) months subject to the stipulations submitted by Mr. Denk with his revisions.

Planning Commissioner Walker stated that she would like clarification on the fence. Planning Director Richardson showed the Commission on the map; he stated that the fence from the southwest corner to the vineyard does not have to be a solid fence. If people wander through the vineyard then maybe it would need to go further but the Wine Barn owners would know that. He stated from the northeast corner to where people would be parked, that should be a solid, 6' tall privacy fence so there is no temptation to glare or converse with the neighbors. It should probably be setback a little from the property line to give some breathing room. Mrs. Walker stated that she heard Mrs. Mikijanis talk about the cost of the filing fee. Is that a cumbersome cost for them? Planning Director Richardson stated that Mrs. Mikijanis indicated that their filing fee last time was $650 and the Planning Commission could recommend that the next fee in October be waived and that would be at the discretion of the County Administrator (Note: The filing fee for the live entertainment special use permit is $350.00.)

Planning Commissioner Connelly asked how the conversation with the opposition went during the ten (10) minute break. Planning Director Richardson stated that he does not think that the neighbors want the business to go completely away or an all or nothing solution but they want to live in peace and not have conflict. (Mr. Denk nodded his head in agreement.) He stated that the neighbors did not want expansion without a level of trust being built.

Planning Commissioner Pauley stated that she thinks that the fence length, height, semi-privacy, and privacy should be specific so they know what they need to do to comply. Planning Director Richardson stated he would ask that he be allowed to work with Mr. Denk; the description is in the record. He stated that Mr. Denk has indicated that he will work with the neighbors and Mr. Richardson on the fence. He further stated that he and Mr. Denk have worked together on a lot of projects and he thinks they can get that done.

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2014-80 for six (6) months:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Carson</td>
<td>Not Present</td>
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<tr>
<td>Connelly</td>
<td>Aye</td>
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<tr>
<td>DeWitt</td>
<td>Aye</td>
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<tr>
<td>Ernst</td>
<td>Aye</td>
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<tr>
<td>Escobar</td>
<td>Aye</td>
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<tr>
<td>Gonzalez</td>
<td>No</td>
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<tr>
<td>Huey</td>
<td>Chairman</td>
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<tr>
<td>Hurrelbrink</td>
<td>Not Present</td>
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<tr>
<td>Pauley</td>
<td>Aye</td>
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<tr>
<td>Schwartzman</td>
<td>Not Present</td>
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</tbody>
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#SP-2014-80 May 28, 2015
Walker  Aye
Motion to recommend APPROVAL Passed: 6 to 1
Subject to:
  1. Approval for six months (basically this summer as another test for them to fully comply)
  2. Live music events (which includes the 4 contracted weddings for 2015 and any others contracted) from May-October.
  3. 57.5 DB at the big tree near the Reynolds’ property line. The responsibility for monitoring this belongs to the applicants.
  4. Live Music ends by 9:30 and the Wine Barn coordinates its calendar with the neighbors
  5. No guest parking on 119th Street
  6. Parking is constrained to the size of the event according to staff.
  7. No parking adjacent to the Reynolds property
  8. Improved parking is not required but must comply with storm water quality regulations.
  9. No rock bands
  10. No more than 14 events per year totaling no more than 35 hours
  11. Any new drives must be paved
  12. Collect trash on 119th Street after each event
  13. Use of fire hydrant only with meter and it may never have its view obscured
  14. The Wine Barn will add two new segments of fencing.
     a. Wine Barn to extend an fence (not necessarily a privacy fence) from the southeast corner of the Wine Barn to the vineyard or beyond to make it difficult for patrons to come near the Seebergers’ property
     b. Wine Barn to extend a 6’ privacy fence from the northeast corner of the Wine Barn east to the east edge of the drive to the pond (and beyond if necessary) to block the view of the parking area from the Seebergers’ property. This will also prevent interaction between neighbors and guests
  15. Conform to UG security policies for events with alcohol and entertainment.
  16. The parties are to communicate via email not in person. Mr. Denk and Mr. Richardson should be copied on communications.
  17. Request the County Administrative waive application fee.

Chairman Hurrelbrink rejoined the Commission at 9:45 p.m.
Company Description

The Wine Barn LLC was established in 2006 between the families of Scott Hiatt and Salvatore Coco. Managers of the Wine Barn LLC were Denise Hiatt and Maria Coco. The initial intent of the LLC was to grow grapes for sale. Demands by friends to sell our wines as well as success in local competitions, inspired our quest to develop a winery. Mr. Coco had been an amateur wine maker for over 25 years. Mr. Hiatt has been for 10 years. A 30 by 40 production area was completed in 2007 and all equipment for the start of the business was moved to the facility in the summer of 2007. In February of 2010 Mr. Coco left the business, but continued as a consultant. During that time Brian and Celeste Mikijanis joined into the business. Effective October 2010 Brian and Celeste Mikijanis became official partners in the Wine Barn Winery. Their goal was to grow the Wine Barn brand further in production and notoriety. 2010 became a productive year reaching that goal, specifically by hosting events and becoming active in our Community. Our advertising is also continued in the tourism guide for Wyandotte County and provides visibility to county residents and visitors. Predictions of 10 million tourists in the year 2011 due to the recent casino and Wizards soccer facility along with many other amenities will allow us to capitalize on the ever growing metropolis area here in Kansas City, KS. We predict that further market growth may require small expansion in future years.

Detailed Statement of Operations

We will be open for free wine tastings Wednesday 5-7pm, Friday 5-8pm, Saturday 11-6pm, Sunday 12-5pm or by appointment, with hours extending briefly from April until October. We may adjust our hours based on the market needs, but always following the farm winery statutes for hours of operations. During regular business hours we expect to have from 2-15 guests at a time. Our wine tasting are always free and guests may buy bottles to consume in our wine garden, which is outside our licensed premises, according to the Kansas statute 14-308a Farm Winery laws.
We sell various retail products in the tasting room. These are produced by local vendors and small businesses. This is to help support the community and other local small businesses.

We also hold private events, including bachelorette parties, birthday parties, bridal showers, retirement parties, family gatherings or other small groups. These events are during off business hours and are not open to other public visitors.

We also host live music events on Friday evenings and occasionally on Saturday. Our Friday evenings run from 6-9pm and host from 30-100 people. We have food catered in for these events. Most guests arrive between 5:30 and 6:30pm and leave between 8:30 and 9:30pm. Our bands typically play in a space sectioned off in front of our pond and guests sit in our wine garden to enjoy the music. Guests can buy bottles of wine in our tasting room and take them outside to drink in our wine garden during these events.

We also intend to host fundraisers which may host anywhere from 50-200 people. All proceeds from these events will go towards the organization hosting the event. These fundraisers will benefit local organizations. This is our way of giving back to the community. These events have typically had vendors (small independent consultants of businesses) that sell their products. During these events, sometimes there is food available that has been donated and door prizes as well. There is a ticket cost associated with these events. Again, all proceeds go towards the non-profit group hosting the event. Typically we set these events up with the vendors along each side of the pond and driveway and parking in the lot above.

We host weddings at our venue. The typical wedding will be between 50-200 people, with a more accurate average being 100 people. The venue is set up so that the bride and groom marry in front of the pond, the tent is used for seating for dinners and the patio for dancing, however, each wedding can differ and the ground may be used in a slightly different way. However, the parking is consistent to two levels. The first is that they park where we park for events, if that space is used for the actual ceremony, then we have a 5 acre lot which can be used for parking. During regular business hours the gravel lot in front of our
building is used for parking. We intend to host wedding rehearsals, weddings and receptions. Live music or DJs may be used for these events.

Fundraisers and weddings will be held during off business hours or we will adjust our hours on specific days so that we are not open to the general public on these days.

We have a 1200 square foot building that is used as our tasting room and our wine production area. Roughly 800 square feet is used for production and storage of case good wine, and about 400 is used for tasting room space and a restroom.

We have one restroom indoors and for the accessory volume of people, we use Johnny on the Spot restrooms, which are handicap accessible. These are available year round and are maintained by the rental company once per week.

We dispose of our waste once per week as well through Deffenbaugh on Fridays. During the week, the winery waste is kept to the “left” side of the winery or up at the private residence until the disposal date. Recycling is used for all of the current materials allowable by Deffenbaugh.

The noise volume should not disturb neighbors, and will be held within the guidelines of the regulations of the city. Neighbors frequent our events and establishment and support our business.

Traffic is not generally an issue because coming and going is done near the same times during events. There are several spaces within the current drive that allow for a person to pull off to the side and allow another car to pass. We do have a circle drive available to assist in the two way traffic if necessary. We have staff accordingly to manage the volume of guests. Additionally, during larger events, security staff is hired to assist. We don’t have paved parking because it would take away from our agricultural look and charm of our facility.

We advertise our events through our network of people which signed up for our weekly/bi-weekly newsletter, facebook, localwineevents.com, word of mouth, visit the dot website, flyers, and our website.
The Wine Barn’s business model is an outdoor Agritourism venue.

During live music events, the sound level will be maintained at a level of 57.5dB or less at a location (large tree near property line) in the front five acres. 65db represents a level quieter than normal conversational speech per our sound expert.

Before the first music event the Wine Barn will pad the stage.

Wine Barn will post our calendar of events on our website (winedottebarn.com). Live music events will end at 9:30 pm and customers will need to leave by 10:00 pm. Also any deviation from the calendar of music events will be coordinated with neighbors. For example if one of our music events gets rained out we will coordinate with the neighbors to reschedule a time for the event.

Wine Barn will not host rock bands. We have found that Jazz & Blues music is more suitable. Sound testing will be done with neighbors (Larry Reynolds or his designee) at the first event to ensure sound level is met or at any other reasonable time requested.

Your recourse if this is not met is to contact the City (Rob Richardson) to take the necessary steps to revoke our permit.

The neighbors agree to this proposal as long as we have some recourse that if the stipulations are not met that action will be taken by the City Council to bring compliance or revoke the permit.

Larry Reynolds
To: Unified Government Board of Commissioners

From: City Staff

Date: May 28, 2015

Re: Petition #SP-2015-21 (150113)

GENERAL INFORMATION

Applicant:
Tara Knighton Harrison

Status of Applicant:
Owner
6730 Speaker Road
Kansas City, KS 66111

Requested Action:
Approve Special Use Permit

Date of Application:
March 27, 2015

Purpose:
To keep four (4) to eight (8) chickens at residence

Property Location:
6730 Speaker Road

Existing Zoning:
R-1 Single Family District
Public Hearings: May 11, 2015 and May 28, 2015

Public Opposition: There was one (1) person that appeared in opposition but could not stay until this application was heard due to health reasons.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit to keep four (4) to eight (8) chickens at residence to aid in therapies for her special needs foster children.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.
   The area is residential in nature.

2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.
   Nearby uses are residential and agricultural; this use would be fairly 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 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.**

Farm animals such as chickens and 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.**

The soil type in the area is highly erodible without protective cover. A plan for chicken waste needs to be devised and followed.

10. **Whether the use would damage or destroy an irreplaceable 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 chickens is limited, as is suggested, this should not be an issue.

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**PREVIOUS ACTIONS**

None

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**NEIGHBORHOOD MEETING**

A neighborhood meeting is not required.

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**KEY ISSUES**

Waste management plan
PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application #SP-2015-21, subject to:

Urban Planning and Land Use Comments:

1. Please create and submit a plan for how to deal with waste from the chickens.
   Applicant Response: I will be moving the coop on a monthly basis minimum utilizing the chicken tractor. The waste will be removed and put either in my compost bin or directly into my plants/garden. If I have excess that I am unable to use I have friends in the area who have expressed that they would like chicken waste for their gardens also. [http://www.hgtvgardens.com/chickens/backyard-chickens-the-straight-poop-on-using-chicken-manure-as-fertilizer](http://www.hgtvgardens.com/chickens/backyard-chickens-the-straight-poop-on-using-chicken-manure-as-fertilizer)

2. Please address the issues of feed storage and where the coop will be located.
   Applicant Response: All food will be stored in an enclosed container in the laundry room of my home closest to the back door and the proper amounts taken to the coop daily. [http://www.hgtvgardens.com/chickens/backyard-chickens-the-straight-poop-on-using-chicken-manure-as-fertilizer](http://www.hgtvgardens.com/chickens/backyard-chickens-the-straight-poop-on-using-chicken-manure-as-fertilizer)

3. Please provide photos of the property, specifically where the coop will be built.
   Applicant Response: See attachments

4. Approval would be for two (2) years.

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 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-2015-21 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
Aerial photograph
Zoning map
Photos and information submitted by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action Planning Commission Unified Government Commission
Public Hearing May 11, 2015 May 28, 2015
Special Use Approval

STAFF CONTACT: Jamie Ferris jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-21 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-2015-21, 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.
150113 SPECIAL USE PERMIT APPLICATION #SP-2015-21 – TARA KNIGHTON-HARRISON - SYNOPSIS: Special Use Permit for four (4) to eight (8) chickens at 6730 Speaker Road

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 May 11, 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.)

Recording Secretary Parker stated that Frances Jones was present in opposition but had to leave as her oxygen was running low.

Ms. Tara Knighton-Harrison, 6730 Speaker Road, Kansas City, Kansas, applicant, appeared in support of this application. She stated that she is a special needs foster parent in Wyandotte County. A lot of kids that she takes have a hard distinction between friends and non-friends for example autistic kids. She has been working with Paces on the idea of chickens. She will start out with four (4) hen laying chickens that the kids can name. The kids can interact with the chickens, get the eggs and take care of the chickens. She stated that she is working with the Wyandotte County 4H group and Stacey Wood on making sure they are doing it appropriately and not too fast. Once they get those four (4) up and running, she will get a second chicken coop and will get four (4) more eating chickens and these are acquaintances. These are the one they do not name or spend time with. They go in take care of them and leave. She further stated that she has .9 acres and the people behind here have 12 acres and to her west are 200 acres. She stated that she and the opposing neighbor next to her have had issues since she moved in. The neighbor was homesteading the property before she moved in and Ms. Knighton got the property six months before the neighbor was able to do that. She has spoken to the neighbors except Ms. Jones, as she does not converse with her, and no one opposes it. She has three (3) neighbors that have been offering advice and equipment (such as feeders, etc.) She further stated that she has one (1) neighbor present in support with her. As a foster parent her house is inspected more than once a month by every case worker. With special needs kids there are social workers, case workers, etc. from different facilities. All of the food will be stored inside because of the raccoon problem in the area. It will be put on a chicken tractor that they have already built so the current raccoons in the area will not be able to dig underneath and get to the chickens. All the food will be stored in the laundry room in an enclosed container; it will be taken out once a day. The chicken coop will be cleaned and all the
feces and straw will either be put in the compost bin, in her garden and there are neighbors that have expressed an interest in her leftover straw for their gardens.

Planning Commissioner Escobar asked about the neighbor opposing her application. Ms. Knighton stated that the neighbor has a chicken coop directly behind her house. When Ms. Knighton moved in the neighbor had chickens, geese, peacocks and pigeons. She stated that she does not know what she currently has because she has talked to her in 15 years. Mr. Escobar stated he would suggest that it go on the west side of her property. Ms. Knighton stated that it is going on the west side of the property which is tree lined. The chicken coop will be moved once a month up and down under the trees.

There was one (1) person in favor that did not speak.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Mrs. Walker, seconded by Ms. Huey, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-21:

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<tr>
<td>Walker</td>
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</table>

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

Urban Planning and Land Use Comments:

1. Please create and submit a plan for how to deal with waste from the chickens.
   Applicant Response: I will be moving the coop on a monthly basis minimum utilizing the chicken tractor. The waste will be removed and put either in my compost bin or directly into my plants/garden. If I have excess that I am unable to use I have friends in the area who have expressed that they would like chicken waste for their gardens also. [http://www.hgtvgardens.com/chickens/backyard-chickens-the-straight-poop-on-using-chicken-manure-as-fertilizer](http://www.hgtvgardens.com/chickens/backyard-chickens-the-straight-poop-on-using-chicken-manure-as-fertilizer)

2. Please address the issues of feed storage and where the coop will be located.
Applicant Response: All food will be stored in an enclosed container in the laundry room of my home closest to the back door and the proper amounts taken to the coop daily.


3. Please provide photos of the property, specifically where the coop will be built.
   Applicant Response: See attachments

4. Any approval would be for two (2) years.

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
Reason for submitting: I’m a special needs foster parent and want to be able to LEGALLY have chickens on my property to help my children with therapy dealing with some of their trauma and disorders. I have already purchased a chicken coop for 4 chickens but would like up to 8. The chickens will stay enclosed in the coop at night to protect from predators. During the day they will be allowed time in fenced off areas to free range. The coop is a Chicken tractor so that I can be moved every month north and south along my wood line to allow the chicken’s access to fresh grass, bugs and grit. This will also prevent one area of my property to be totally barren. The chicken tractor at no time will come within 100 ft. of the one neighbor and her chicken coop. The feed will be stored inside my laundry room in an enclosed container and will be taken to the coop daily for feeding. Water will be transported to their watering bowl via Pitcher.

Map of the area I live in
Satellite map showing my location next to the large vacant property to my west.

Close up view of my property and neighbor.

Location for my chicken

Neighbor’s chicken coop
ADDITIONAL REQUESTED ITEMS

HOUSING
For the first 4 chickens I have purchased a chicken coop such as this one except my coop is flat on the top all the way across with a slight slant to allow for rain runoff. I will also add a tray of chicken wire that it sits upon to stop raccoons from digging into the coop.
When I get the additional 4 chickens I will get a second one of these.
Urban Planning and Land Use Comments:

3. Please provide photos of the property, specifically where the coop will be built. The 2 pictures below are from the back corner and from behind the house. The chicken coop will move up and down the tree line to ensure that the grass is allowed to regrow.
701 North 7th Street, Room 423  
Kansas City, Kansas 66101  
Email: planninginfo@wycokck.org  

Phone: (913) 573-5750  
Fax: (913) 573-5796  
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: May 28, 2015
Re: Petition #SP-2015-24 (150114)

GENERAL INFORMATION

Applicant:  
Wil Anderson

Status of Applicant:  
Representative  
BHC Rhodes  
901 North 5th Street  
Kansas City, KS 66101

Requested Action:  
Approve a Special Use Permit for a Muslim Cemetery

Date of Application:  
March 27, 2015

Purpose:  
Provide for the burial of members

Property Location:  
8350 Leavenworth Road

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 and R-2 Two Family District

Existing Uses: North: Vacant
South: Apartments and single family homes
East: Vacant
West: Single family residential and duplexes

Total Tract Size: 3.79 acres

Master Plan Designation: Public/Semi-Public

Major Street Plan: Leavenworth Road is a Class B Thoroughfare

Advertisement: The Wyandotte Echo – April 16, 2015
Letters to Property Owner – April 14, 2015 and May 21, 2015

Public Hearings: May 11, 2015 and May 28, 2015

Public Opposition: Staff received a letter in opposition from David Cox, Agent for Lewis C. Musser, Inc. (copy attached) but no one appeared in opposition at the May 11, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Due to the fact that proper ceremonial burial for Muslims in Kansas City is limited, the church would like its own 150 plot cemetery.

City Ordinance Requirements: 27-1251 through 27-1270

SUP FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

   The area is in the last suburban section of Leavenworth Road before it becomes more rural to the west.

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

   The use can be compatible with the surrounding 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 should have no impact

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

The property is currently a church

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

This would comply

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.

Leavenworth Road can accept the occasional funeral traffic. Given this is for church members, the traffic for a funeral should be similar to a church gathering.

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.

This would be a great convenience to the worship practices and rituals of the church. Our only concern would be if the church grew and needed to move, or if the church would cease to operate. At that point, issues could arise.

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.

N/A

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

The only issue would be a high water table with uncontained burial practices

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

N/A

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

Following appropriate Kansas Laws will protect the health, safety and welfare.
12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

N/A

PLAT 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 so long as the site is protected from erosion

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

   a. Water service

      N/A

   b. Sanitary sewer service

      N/A

   c. Storm water control

      N/A

   d. Police

      Police service provided by the West Patrol, District #224

   e. Fire

      Fire service provided by Station #4

   f. Transit

      KCATA Route 113

   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.
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.

The applicant needs to provide information to address the monumentation and layout of plots

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

The applicant needs to provide information to address the monumentation and layout of plots

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.

N/A

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The neighborhood meeting notes are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend approval of Special Use Permit Application #SP-2015.24, subject to:

Urban Planning and Land Use Comments: (see applicant responses below):

1. Compliance with Kansas State Board of Mortuary Arts as applicable.
2. How deep are the bodies buried? Is that above the water table on the property?
3. How will each grave be marked and located?
4. Provide a map of the burial plots
5. Will these burial plots be sold?
6. Please explain the long-term care and maintenance of the cemetery

Applicant’s Responses

Responses to Draft Staff Comments on AZ- Zahra Center Cemetery Application

In response to the draft Urban Planning and Land Use Comments:

Item 1. Compliance with Kansas State Board of Mortuary Arts as applicable.
   a. Yes, Joel Brinkley manager of Chapel Hill will be their consultant.

Item 2. A. How deep are the bodies buried?
   a. 6 feet below ground level.

Item 2. B. Is that above the water table on the property?
   a. PSI were contracted to carry out soil borings on the property and their report
      was provided February 13, 2014. All borings were to a minimum of 10 feet. The
      borings were to determine whether rock was encountered and a general report
      on the applicability of the site for burial. Moisture was encountered in two
      borings in the south west of the site but was at or around the 10 foot depth.
      The remainder of the site no water was encountered.

Item 3. How will each grave be marked and located?
   a. The headstone shall be placed flat on the ground such that it would not
      protrude from the ground more than the thickness of the stone. This is for the
      ease of mowing and maintaining the ground around it.
   b. Plots will be surveyed and marked to enable location of specific plots from the
      final plat.

Item 4. Provide a map of the burial Plots.
   a. To be provided. The current submittal shows the approximate location and
      siting of the plots.

Item 5. Will these burial plots be sold?
   a. The burial expenses, including preparation, digging, cost of the plot, will be set by
      the AZ-Zahra Board based on feedback of the community. The cost will be
      published once a year unless no changes have been made.

Item 6. Please explain the long-term care and maintenance of the cemetery.
   a. As to maintenance, there will be held in escrow $500 for each plot sold
      in a restricted account that only 2 people will have access, one being
      the UG treasurer. Rob, again, these are all people that will be interred
      and have local family. The possibility of an abandonment of the property
      is very unlikely given the investment in the structure, congregation and
      local family pressure to maintain the cemetery.

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-20015-24 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
AZ-ZAHARA Preliminary Plat
AZ-ZAHARA Final Plat
Email from Will Anderson RE: Burial Technique
Memo by Pete Peterson regarding Kansas Cemetery Law
Letter in Opposition from David W. Cox, Agent for Lewis C. Musser, Inc.

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Robin H. Richardson  rrichardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-20015-24, 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-20015-24, 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.

#SP-2015-24 May 28, 2015
MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:

150112 SPECIAL USE PERMIT APPLICATION #SP-2015-24 – WIL ANDERSON/BHC RHODES - SYNOPSIS: Special Use Permit for a cemetery at 8350 Leavenworth Road

150112 AZ-ZAHARA CENTER – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 8350 Leavenworth Road

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 May 11, 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 18, 2015 for the special use permit;
7. The Notices to property owners dated April 14, 2015;
8. Letter in opposition from David Cox, Agent for Skyline Realty and distributed to the Commission this evening.

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. Chairman Hurrelbrink stated that he and Mr. Anderson had a brief conversation concerning some of their civic organizations.

Mr. Pete Peterson, 748 Ann Avenue, Kansas City, Kansas, 66101, attorney for AZ-Zahara, appeared in support of this application. Mr. Peterson stated that they have been working with Rob Richardson since 2014 on this proposal for the cemetery at 8350 Leavenworth. There talked with staff in the summer of 2014 and on Mr. Richardson's advice they held a neighborhood meeting in October of 2014 (staff provided a list of people within 200') and six (6) people appeared at the meeting and none were really opposed. There was one person that voiced concerns about the value of her property. They hired Chris McCord, a UG approved and certified appraiser, to be there and answer any questions. It was Mr. McCord's opinion nothing is written in stone, that this would not devalue any of the properties and in his experience with a cemetery going in sometimes property values go up. He further stated that they filed their application and submitted two (2) lists of names: those from October of 2014 and they held a formal neighborhood meeting on April 23, 2015. They sent out 33 letters and none was returned. No one appeared at the meeting and there were no objections. In October of 2014 he personally received a few phone calls and emails about the project. Since the application has been submitted he has not received any communications. Probably the biggest question is if the congregation moved away. There is a big difference between private and public cemeteries. He stated that the staff listed information in the staff report that he is not going to go through. A private, religious cemetery does not have the restrictions that a public cemetery has. They are not going to have a mortuary or anything like that. He stated that it cannot be seen from Leavenworth Road and there are only a few houses on the west side of the property.
that could see it and that area will be landscaped. He further stated that Mr. Joel Brinkley, Chapel Hill Mortuary, Mr. Wil Anderson, BHC Rhodes, and two (2) members of the congregation are also present this evening. They have agreed on behalf of the congregation that even though they are not required by statute, they will withhold and put in a restricted account for each plot that will be retained under any agreement approved to ensure that the money will not be touched and will be used for the upkeep of the cemetery should the worse happen. Mr. Peterson stated that it is planned at most that there would be 150 plots so that would be $75,000 over a period of 10 or 20 years. There do not anticipate more than a handful of funerals a year. There is not going to be any big commotions or problems with the neighborhood. As has been said many times tonight, if someone was in opposition, they would be present this evening. He stated that staff gave him a copy of the letter from the person in opposition.

Planning Commissioner DeWitt asked how a cemetery could increase property values. Mr. Peterson stated that he is not the expert. The main reason is that people know that for example a 7-11 will not be built next to them. It is there and permanent. There is a large resurrection cemetery at 83rd and Quivira that abuts million dollar houses and they opened another phase of the houses and people are clamoring to get in because they know what is next to them. Dr. DeWitt stated that on page 7 of the staff report it says that PSI were contracted to carry out soil borings on the property where the cemetery is proposed. They encountered moisture/water at 10’ on at least two (2) areas of the property. The groundwater contamination is of concern. He asked if the remains will be embalmed in any way. Mr. Brinkley stated no; embalming is more ground contamination than natural because of the chemical nature. Dr. DeWitt asked if there have been any soil samples on the remains as they liquefy how far they will seep into the soil in terms of filtration into the groundwater. Mr. Anderson stated that PSI was informed of what they were doing; it was specifically for burial and they were to take the bores down to 10’. The moisture they found in the soil was at the south end of the area (outside where the burial plots will be) and there was no report of acid in the soil that would break down the bodies any more than normally would be. He stated that he can provide the report. Dr. DeWitt asked if it is correct that the bodies will be buried without any casket or encapsulation at all. Mr. Brinkley stated that is correct. Dr. DeWitt asked if it would be possible that in lieu of a formal casket some type of encapsulation be used to prevent the organic material from filtering into the soil and groundwater. Mr. Brinkley stated that would create an issue with their faith and that is why they need to open up their own cemetery so when they are buried they can be buried with their left cheek on the soil facing Mecca. At Chapel Hill they require an out of burial container to keep the ground from sinking in after 5 or 6 years so the heavy weight of the earth will not collapse. The basic container at Chapel Hill does not hold out any water so anything that goes in comes back out. EPA has not come out with any regulations requiring any type of vaults, embalming/not embalming, etc.

Planning Commissioner Gonzalez stated that he commends the church for the team that they have put together. He has known Mr. Brinkley for many years and he does a good job. Mr. Gonzalez stated that he would like to know where the Islamic cemeteries are located and how they are operated. What guarantees are there that someone will be around 50 years from now? Will there and are there children involved in this business. Mr. Peterson stated that the people that will be buried there will be from greater Kansas City and he does not believe that their families are going to let that
cemetery deteriorate as some other cemeteries have in Kansas City, Kansas. That money will also be used as a safeguard for maintenance, etc. There is one Islamic cemetery in Missouri but when they go to a cemetery such as Chapel Hill, they have to purchase two (2) cemetery plots in order to comply with their religious code and they would not have to do that if this cemetery is done as they are planning. He stated that he can provide further information as to other Muslim cemeteries. He knows of none in Kansas City, Kansas; there is one in Kansas City, Missouri. Mr. Gonzalez asked why this application is before the Commission if there is nothing from the State that reassures every rule will be done. He knows that Mr. Brinkley will do everything in his power to comply. Mr. Peterson stated that legally there is no mandatory state approval for a private cemetery.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff report indicates that they will comply with all state laws and provide for the future maintenance of the facility if the congregation goes away. They do comply with the platting requirements relative to the plat. The special permit for the cemetery is a fairly benign location and is not visible from the street. Given his review of other private cemeteries in the past, he believes this is being treated in a similar fashion and recommends approval.

Chairman Hurrelbrink asked what type of vehicle they will use to ensure this long-term maintenance and care; will an escrow be set up somewhere. Planning Director Richardson stated that if this is approved, Mr. Peterson, the Legal staff and he will draw up that document.

(Planning Commissioner Connelly left some time during this application.)

On motion by Mrs. Walker, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-24:

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Motion to recommend APPROVAL Passed: 5 to 2
Subject to:

Urban Planning and Land Use Comments: (see applicant responses below):

1. Compliance with Kansas State Board of Mortuary Arts as applicable.
2. How deep are the bodies buried? Is that above the water table on the property?
3. How will each grave be marked and located?
4. Provide a map of the burial plots
5. Will these burial plots be sold?
6. Please explain the long-term care and maintenance of the cemetery

Applicant's Responses

April 27, 2015

Responses to Draft Staff Comments on AZ- Zahra Center Cemetery Application

In response to the draft Urban Planning and Land Use Comments:

Item 1. Compliance with Kansas State Board of Mortuary Arts as applicable.
   b. Yes, Joel Brinkley manager of Chapel Hill will be their consultant.

Item 2. A. How deep are the bodies buried?
   b. 6 feet below ground level.

Item 2. B. Is that above the water table on the property?
   b. PSI were contracted to carry out soil borings on the property and their report
      was provided February 13, 2014. All borings were to a minimum of 10 feet. The
      borings were to determine whether rock was encountered and a general report
      on the applicability of the site for burial. Moisture was encountered in two
      borings in the south west of the site but was at or around the 10 foot depth.
      The remainder of the site no water was encountered.

Item 3. How will each grave be marked and located?
   c. The headstone shall be placed flat on the ground such that it would not
      protrude from the ground more than the thickness of the stone. This is for the
      ease of mowing and maintaining the ground around it.
   d. Plots will be surveyed and marked to enable location of specific plots from the
      final plat.

Item 4. Provide a map of the burial Plots.
   b. To be provided. The current submittal shows the approximate location and
      siting of the plots.

Item 5. Will these burial plots be sold?
   b. The burial expenses, including preparation, digging, cost of the plot, will be set by
      the AZ-Zahra Board based on feedback of the community. The cost will be
      published once a year unless no changes have been made.

Item 6. Please explain the long term care and maintenance of the cemetery.
   b. As to maintenance, there will be held in escrow $500 for each plot sold
      in a restricted account that only 2 people will have access, one being
      the UG treasurer. Rob, again, these are all people that will be interred
      and have local family. The possibility of an abandonment of the property
      is very unlikely given the investment in the structure, congregation and
      local family pressure to maintain the cemetery.
On motion by Ms. Pauley, seconded by Mrs. Walker, the Planning Commission voted as follows to APPROVE AZ-ZAHRA CENTER Preliminary and Final Plat:

Carson Not Present
Connelly Not Present
DeWitt No
Ernst Aye
Escobar Aye
Gonzalez No
Huey Aye
Hurrelbrink Chairman
Pauley Aye
Schwartzman Not Present
Walker Aye

Motion to APPROVE Passed: 5 to 2
Subject to the above stipulations

Applicant’s Responses

April 27, 2015

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      family. The possibility of an abandonment of the property is very unlikely
      given the investment in the structure, congregation and local family pressure
      to maintain the cemetery.
Cemetery Law, Kansas Burial Technique

Rob

That is correct. See below. Taken from Wikipedia.

They are establishing a business arrangement with a Funeral Director.

Common Islamic burial rituals

Burial rituals should normally take place as soon as possible and include:[42]

- Collective bathing of the dead body,[41] except in extraordinary circumstances as in battle of Uhud.[44]
- Enshrouding dead body in a white cotton or linen cloth.[45]
- Funeral prayer (صلاة الجنازة).[46]
- Burial of the dead body in a grave.
- Positioning the deceased so that the head is faced towards Mecca (Makkah Al-Mukarramah).

Bathing the deceased

The corpse is washed (ghusl bathed), the purpose is to physically cleanse the corpse. The exact manner: the method, style and accessories used for bathing the corpse may vary by locale and temporal position. Bathing the dead body is an essential ritual of the Sunnah of the Islamic prophet Muhammad,[47] and therefore a part of the Islamic Sharia. This should occur as soon as possible after death, preferably within hours.

Orthodox practice is to wash the body an odd number of times (at least once) with a cloth hiding its awrah (parts of the body that should be hidden according to Sharia).[48]

The "washers" are commonly adult members of the immediate family and of the same gender as the deceased. In the case of violent death, or accident where the deceased has suffered trauma or mutilation, morgue facilities mend the body and wrap it in a shroud to minimize fluid leakage prior to surrendering it to mourners for washing.

Enshrouding the deceased

The corpse is typically wrapped in a simple plain cloth (the kafan). This is done to respect the dignity and privacy of the deceased. The specifics of this ritual, including the material, style, and color of the cloth, may vary across regions. However, the shroud should be simple and modest. It is for this reason that Muslims have generally preferred to use white cotton cloth to serve as the shroud. Men may use only three pieces of cloth and women five pieces of cloth. Some perfume may be applied to the cloth as well.[49]
Grave of a Muslim

The deceased is then taken for burial (al-Dafin). The exact manner, customs and style of the grave, the burial and so forth may vary by regional custom.

The grave should be aligned perpendicular to the Qibla (i.e. Mecca). The body is placed in the grave without a casket, lying on its right side, and facing the Qibla. Grave markers should be raised only up to a maximum of 30 centimetres (12 in) above the ground. Thus Grave markers are simple, because outwardly lavish displays are discouraged in Islam. Many times graves may even be unmarked, or marked only with a simple wreath. However, it is becoming more common for family members to erect grave monuments.
DATE: September 3, 2014  
RE: Starting a private cemetery in KS by a religious group (Az-Zahra Islamic Center)

FACTS  
Religious organization (Client) wants to know how to set up a private cemetery of 150 lots on private ground it already owns.

ISSUE  
A. Does state law require a private burial ground to maintain a trust fund?
No, if operated by a religious group for its own use.
B. What are the state laws on embalming? Required unless religious practices dictate unembalmed burial or cremation within 24 hours of the death.

DISCUSSION  
A. Does state law require a private burial ground to maintain a trust fund?
1. K.S.A. Chapter 12 only applies to the establishment or acquisition of cemeteries by cities or townships, not in cities or townships. K.S.A. 12-1401 also states that "[n]othing herein contained shall be construed to authorize the taking or appropriating of cemetery grounds owned or used by any religious body or denomination for burial purposes."
2. If Az-Zahra Islamic Center is a non-profit group established primarily for religious purposes and constitutes an established church, under K.S.A. 17-1312(b), it may establish and maintain a private cemetery, and sell lots "solely to either the members of its own church or to persons related to its members by consanguinity or marriage". In such case, it will be exempt from registering with the Secretary of State as a cemetery corporation, making periodic reports and payments, and having to maintain a permanent maintenance fund as a prerequisite to conveying or selling cemetery lots.
3. "What constitutes an "established church" is not defined by statute or case law.
4. Note that K.S.A. 17-1305 states that if the private burial grounds are not expressly established by "will, deed, or in the actual possession of the owner in life", the grounds "shall be under the exclusive control of the county clerk of the county in which said burying ground may be situated." If Client or any single or group of its members is the present owner of the property intended as the future cemetery, the Wyandotte County clerk will not have control over it. Only the zoning laws will apply for its use.
5. Only if Client establishes a corporation to operate the cemetery, will it be subject to the Secretary of State reporting and registration requirements.
6. In State ex rel. Schmidt v. Memorial Park Cemetery, Inc., 300 P.3d 116 (Ks.Ct.App. 2013), the court stated that "a cemetery corporation is 'any individual or entity required to maintain permanent maintenance funds under the provisions of K.S.A. 17-1312f,' which applies to 'every individual, firm, partnership or other organization hereafter selling or conveying land for cemetery purposes.' K.S.A. 16-320(d); K.S.A. 17-1301c(a); K.S.A. 17-1312f. Johnson County Memorial Gardens, Inc. v. City of Overland Park, 239 Kan. 221, 224 (1986) states that "cemetery
purposes” include “maintenance and storage facility for equipment and operations related to lawful cemetery activities.” However, K.S.A. 17-1312f does not apply to a privately-held and run cemetery of a religious group. So, unless Client is in the business of buying and selling land for cemetery purposes, Chapter 17 will not apply.

7. However, Chapter 16 may apply. K.S.A. 16-320, mentioned in the memorial Park case, regards “cemetery merchandise” and contracts relating to them. Of relevance to Client may be the following:

(a) “Preneed cemetery merchandise” means burial vaults, grave liners, grave boxes, urns, memorials, markers, vases, memorial vases, tombstones, undeveloped lawn crypts, niches and mausoleum spaces and any merchandise sold, used in, or delivered to cemeteries. Caskets, “burial spaces” as such term is defined in K.S.A. 2013 Supp. 17-1301c., and amendments thereto, and “preneed burial products or services” as such term is defined in subsection (f) shall not be deemed to be preneed cemetery merchandise. (Emphasis added).

(c) “Preneed merchandise contract” means any agreement for the sale of preneed cemetery merchandise or preneed burial products or services by a cemetery corporation which requires payment of the purchase price, in whole or in part, prior to delivery of the preneed cemetery merchandise or preneed burial products or services, which agreement is entered into from and after the effective date of this act.

(d) “Cemetery corporation” means any individual or entity required to maintain permanent maintenance funds under the provisions of K.S.A. 17-1312f., and amendments thereto.

(e) “Funding requirement” means that portion of the purchase price equal to 50% of the retail price f.o.b. to the cemetery corporation of preneed cemetery merchandise, as defined in subsection (a) of this section, described in the preneed merchandise contract, and 100% of the retail price of any preneed burial product or service, as defined in subsection (f) of this section, including distributable earnings.

(f) “Preneed burial products or services” means any casket or service incidental to the burial of a body or the placement of a memorial, marker, vase, or tombstone. (Emphasis added).

(g) “Cemetery merchandise trust fund” means a special purpose trust fund required to administer payments received from the sale of preneed cemetery merchandise, preneed burial products or services.

8. Therefore, if Client purchases or sells caskets, burial spaces, or a casket or service incidental to the burial, or a memorial, marker, vase or tombstone, such will not be governed by Chapter 16 or trust funds established to monitor the collection or use of those funds.

9. Under K.S.A. 74-1701 et seq., specifically, K.S.A. 74-1707, “[t]he state board of mortuary arts is hereby authorized and empowered to adopt and enforce rules and regulations relative to the selling and servicing of insurance or contracts of the burial or funeral benefit type and the collection of premiums and assessments thereon by embalmers, funeral directors and assistant funeral directors and to also adopt and enforce rules and regulations relative to prearranged funeral contracts made by or with embalmers, funeral directors and assistant funeral directors.”
10. If Client is only offering cemetery plots, and is not operating a funeral establishment, the state board of mortuary arts will not have authority over the cemetery's operation. Under K.S.A. 65-1713a, a "funeral establishment" is a "business premises where a funeral service, visitation or lying in-state of a dead human body is arranged and conducted, or dead human bodies are embalmed or otherwise prepared for a funeral service, visitation, lying in-state, burial, cremation or transportation. ... Each funeral establishment shall have available or employ a Kansas licensed embalmer for all embalming work, if the funeral director in charge of the establishment is not a Kansas licensed embalmer. Each funeral establishment shall be under the personal supervision of a Kansas licensed funeral director."

11. If funeral services are conducted, Client will have to operate its cemetery under the authority of the Board of Mortuary Arts.

B. What are the state laws on embalming?

12. According to K.A.R. 63-3-11(d), a body must be embalmed, interred, or cremated within 24 hours of death, unless religious law or customs prohibit transportation or interments within the 24-hour period and no public safety hazard or nuisance is caused by the delay. Dill v. Barnett Funeral Home, Inc., 83 P.3d 1270 (Ks.Ct.App. 2004).

13. K.A.R. 63-3-11(a) states that a "body dead from any cause may be interred or cremated without embalming if interment or cremation is within 24 hours of death. A reasonable period of time beyond 24 hours may be permitted if:

   (1) religious beliefs, laws or customs do not permit transportation or interments on Sabbath or holy days; and

   (2) no health hazard or nuisance will result from such a delay. Each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10.

14. K.A.R. 63-3-10 defines death from infectious or contagious diseases as a death which "has occurred from meningococcal infection, Ebola virus infection, Lassa fever, anthrax, rabies, brucellosis, or any other infectious or contagious disease known to be transmissible from human corpses to living humans". The Secretary of the Department of Health and Environment is the last word on which is or is not an "infectious or contagious disease".

15. If a Client member has passed away from such a disease, the body must be embalmed by a licensed Kansas embalmer and placed in a casket or suitable combustible container before transporting and final disposition. However, an exception is made in K.A.R. 63-3-10(c) if a body dead from an infectious or contagious disease is cremated or buried without embalming "if final disposition takes place within 24 hours of death ... [and the] unembalmed body [is] ... placed in a metal-lined, hermetically sealed container before burial." Or if cremated within the 24-hour period, "placed in a suitable combustible container."
April 27, 2015

Rob Richardson, Director of Planning  Via Email Only: rrichardson@wycokck.org
c/o Urban Planning & Land Use
Unified Government of WyCo/KCK
Municipal Office Bldg.
701 North 7th St., Ste. 423
Kansas City, KS 66101

Re: Application #SP-2015-24
Date and Location: 4-23-15, 8350 Leavenworth Rd., KCK

Dear Rob:

Attached you will find the following:

• List of attendees at the “informal” Neighborhood Meeting held on October 2, 2014;
• List of attendees at the “formal” Neighborhood Meeting held on April 23, 2015;
• List of individuals to whom notice was sent, including 10 additional individuals who were not included on the list kindly provided by your staff.

At the October 2 meeting, as you can see, six individuals attended. No one voiced absolute objection to the proposed project. Five of the six appeared to be agreeable to the proposal. Only one individual, while not objecting, worried about a decline in her property value. At that meeting, Chris McCord, a UG-approved appraiser, appeared on behalf of the applicant. He stated, unequivocally, that a cemetery site at this location, in his professional opinion, would not jeopardize property value, but rather enhance it.

The Oct 2 meeting lasted approximately 1½ hours, wherein both counsel for the applicant and its engineering team BHC Rhodes, asked that, if anyone had any concerns or questions, to follow up with them at any time by phone or email. No follow-up contact was received by either applicant’s counsel or BHC Rhodes.

As to the meeting held on April 23, 2015, with proper notice given, no neighbor or concerned citizen appeared. Of the five individuals whose names are on the attendance sheet attached here, all are principals or agents of the applicant.

#SP-2015-24  May 28, 2015
Furthermore, no contact was received by either counsel for the applicant or BHC Rhodes prior to the scheduled April 23 meeting.

Should you have any further questions or comments regarding the aforementioned minutes and narrative, please do not hesitate to contact the undersigned.

With kindest personal regards, I remain

Sincerely,

[Signature]

John L. Peterson

JLP/CP

Attachments

CC Via Email Only:
Wil Anderson at BHC Rhodes: wil.anderson@ibhc.com
Jameel Agha at Az-Zahra Islamic Center: magha@travelers.com

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judy Crosby-Kanaskey</td>
<td>8415 kansasworth rd 66109</td>
</tr>
<tr>
<td>Jackie Pajuniga</td>
<td>3139 w 89th terr. 66109</td>
</tr>
<tr>
<td>Shoua Tran</td>
<td>3121 n 84th terr. kansas city 66109</td>
</tr>
<tr>
<td>Robert Alvarez</td>
<td>3127 n 84th terr. kck 6609</td>
</tr>
<tr>
<td>Betty Alvarez</td>
<td>3127 n 84th terr. kck 6609</td>
</tr>
<tr>
<td>Ann Schriver</td>
<td>3103 n 84th terr. kck 6609</td>
</tr>
</tbody>
</table>
Master address list omitted by staff (available if requested)
May 4, 2015

City Planning Commission
Unified Government, Wyandotte County

RÉ: Notice to Petitioner and nearby Property Owners.
Special Permit Petition #SP-15402-00020

Dear Ladies and Gentlemen of the Board,

Please accept my apology for not being present at the meeting scheduled for Monday, May 11th. I have a prior appointment for that evening.

Skyline Realty is the Property Manager and Agent of Record (see attached Letter of Agency Appointment) for Lewis C. Musser, Inc. Lewis C. Musser, Inc., a California-based corporation, owns Village West Apartments which is located directly across the street from the subject property.

Lewis C. Musser, Inc. is adamantly opposed to the approval of a cemetery on this property. Cemeteries adversely affect real estate values. If this cemetery is approved, Lewis C. Musser, Inc. and Skyline Realty will be petitioning Wyandotte County Assessor’s Office for a concession on property taxes. We will use all appeal processes per the regulations if our request is denied. The taxes on this property in 2014 were $35,768.17. We will be petitioning the Wyandotte County Assessor’s Office to reduce this bill by half if this cemetery is approved.

This is a very poor decision on your Board’s part to approve this cemetery.

Respectfully submitted,

[Signature]

David W. Cox, Ph.D
Agent for Lewis C. Musser, Inc.

Enclosures. Letter of Agency Appointment
Annual Statement from the Loan Company
LETTER OF AGENCY APPOINTMENT

I, Lewis C. Musser of Lewis C. Musser, Inc. at 7216 Rue Michael, La Jolla, California, due hereby appoint Skyline Realty, its owners, David W. Cox and Craig S. Montgomery, and their agents and contractors as designated Landlord Agents for my property located at 8343 Leavenworth Road, Kansas City, Kansas. This property is known locally as Village West Apartments.

Skyline Realty, its owners, agents and contractors have full authorization from me to manage cash handling procedures, occupy the office, supervise the on-site manager, manage the tenants, receive all of the accounts receivables and pay all of the accounts payables for this property mentioned above. This is to go into effect November 01, 2006 or if necessary, immediately upon presentation of this letter to any authorized party that may inquire concerning the property.

Lewis C. Musser 11-3-06
Lewis C. Musser Date

CATHY SORRELLA
Notary Public – Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires 10-4-06

#SP-2015-24 May 28, 2015 26
Court's/LENDER'S name, address, and telephone number
Midland Loan Services, a PNC Real Estate Business
PO Box 25965
Shawnee Mission, KS 66225-9965
(800) 327-8063

Annual Statement for calendar year 2014

PAYER'S/BORROWER'S name, street address, city, state, and ZIP code
Lewis C. Messer, Inc.
DBA Skyline Realty
7211 NW 83rd St, Suite 255
Kansas City, MO 64152

Account number
036252342

Tax Identification Number
95-3285881

This statement is for informational purposes. This information has not been reported to the Federal Government.

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<tr>
<th>Balances as of 12/31/2014</th>
<th>Payments made during the 2014 calendar year</th>
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<tr>
<td>Principal: $1,069,462.43</td>
<td>Principal: $24,900.52</td>
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<tr>
<td>Insurance/MIP: $2,126.25</td>
<td>Taxes: $35,766.17</td>
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<tr>
<td>Taxes: $7,793.06</td>
<td>Interest: $61,765.76</td>
</tr>
<tr>
<td>Reserves: $0.00</td>
<td></td>
</tr>
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</table>

Please review the taxpayer name and taxpayer identification number above. If either is missing or incorrect please provide an updated IRS Form W-9. For your convenience, a copy of the form has been provided. Failure to provide this information will subject you to penalties imposed by the IRS.

Do not reply if the information is correct.
**Staff Request for Commission Action**

**Tracking No. 150117**

- [ ] Revised
- [ ] On Going

**Type:** Standard

**Committee:** Public Works and Safety Committee

Date of Standing Committee Action: 5/18/2015

(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 5/28/2015

**Confirmed Date:** 5/28/2015

*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>5/5/2015</td>
<td>Lideana Laboy</td>
<td>573-5771</td>
<td><a href="mailto:llaboy@wycokck.org">llaboy@wycokck.org</a></td>
<td></td>
<td>Public Works</td>
</tr>
</tbody>
</table>

**Item Description:**

**OGL Cooperative Agreement** Operation Green Light (OGL) Cooperative Agreement (2015-2016 Renewal) – This cooperative agreement for funding operations of OGL is an ongoing traffic signal operation agreement between Mid America Council (MARC) and the Unified Government of Wyandotte County and Kansas City, Kansas (UG), which has been in place since 2009. The annual contract renewable every two or three years is depending on federal transportation funds allocation. The total fee for the next two years is $100,800, paid $50,400 per year. Currently, OGL operates 63 traffic signals within Kansas City, Kansas. The OGL operating cost per signal per year is $1,600, which is less than previous years. The UG is responsible for the 50% of the annual cost and MARC uses federal transportation funding to cover the remaining 50%.

**Action Requested:**

Staff recommends the approval of 2015-2016 agreement.

- [ ] Publication Required

**Budget Impact:** (if applicable)

- **Amount:** $
- **Source:** Traffic Control – Congestion Mitigation Program
- **Included In Budget:** CMIP 3305
- [ ] Other (explain)

File Attachment
RESOLUTION NO. __________

A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ENTER INTO THE COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM

WHEREAS, the Mid-America Regional Council (“MARC”) performed a feasibility study “Operation Green Light Feasibility Report, June 2000”, which created a regional arterial traffic signal coordination system known as “Operation Green Light” for the Kansas City Urban Area including facilities under the jurisdiction of the Missouri Department of Transportation, the Cities of Gladstone, Independence, Kansas City, Lee’s Summit, Liberty, North Kansas City, and Raymore in Missouri and the jurisdiction of the Kansas Department of Transportation, the Cities of Bonner Springs, Fairway, Lansing, Leavenworth, Leawood, Lenexa, Merriam, Mission, Mission Woods, Olathe, Overland Park, Prairie Village, Shawnee, and Westwood, and the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) in Kansas (collectively, the “Member Agencies”); and

WHEREAS, MARC’s Strategic Plan 2013-2016 established the vision, mission, objectives, and goals of the program; and

WHEREAS, improvement in traffic operational efficiency, air quality, and monetary savings to the Member Agencies and the public can be realized from consolidated management approach of coordinated traffic signal control along arterial corridors in the roadway systems of each Member Agency; and

WHEREAS, the Member Agencies in Kansas are authorized pursuant to the provisions of Sections 12-2901 et. seq. of the Kansas Statutes Annotated, and the Member Agencies in Missouri are authorized pursuant to the provisions of Article VI, Section 9 of the Missouri Constitution and Sections 70.210 et. seq. of the Revised Statutes of Missouri to enter into cooperative agreements for the purpose of coordinating traffic signals between and within the jurisdictional boundaries of the Member Agencies; and

WHEREAS, each Member Agency has agreed to enter into an agreement to fund the cost of operating such a regional traffic control system.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT:

That after compliance with K.S.A. 12-2901 et seq., the Mayor/CEO of the Unified Government is hereby authorized and directed to execute in the name of the Unified Government as the voluntary act of the Unified Government the COOPERATIVE AGREEMENT FOR FUNDING
OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM.

THIS RESOLUTION IS ADOPTED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT THIS ___ OF _______ 2015.

By: _____________________________
    Mark Holland, Mayor/CEO

Approved as to form:

__________________________
Unified Government Counsel

__________________________
Unified Government Clerk
I. REGIONAL IMPACTS

**Project Scope:** Coordinate the operation of 697 intersections on high-volume, inter-jurisdictional arterial roadways in 24 cities throughout the Kansas City region. Provide and maintain real-time data communications with each intersection. Review and update timing plans at all intersections at least once every three years or as needed. Coordinate operations of traffic signal system with Kansas City Scout freeway management system for traffic incident management.

II. REGIONAL BENEFITS

- Improved regional traffic flow through reductions in unnecessary traffic signal delay
- Improved air quality through reductions in emissions due to excess signal delay

**Cost:**
- Total annual operating costs estimated at $1.1 million
- Federal Funds to subsidize 50% of operating costs through 2018

III. LOCAL IMPACTS

**Project Scope:** Coordinate the real-time operation of 63 traffic signals in the City of Kansas City, Kansas. These signals are currently on some of the most heavily travel streets including 7th St., Rainbow and Kansas Avenue.

**Benefits to local agency:**
- MARC will review and adjust timing plans on these corridors for the City of Kansas City, Kansas at least every three years or as needed to ensure coordinated traffic flow on these corridors and efficient operation in general
- MARC will monitor the operation of these intersections to ensure efficient service of traffic
- Serve as an extension of city staff to assist with signal timing issues
- MARC will maintain communications to these signals to allow quick response to problems
- Cities will gain access to the regional license for the TransSuite Advanced Traffic Management System software for local use on other intersections, if desired.
- Citizens will experience improved traffic flow and air quality on regional arterial routes

**Cost:**
- $100,800 per year unsubsidized, $50,400.00 subsidized annual total

IV. BASIC TERMS OF AGREEMENT

- Identifies roles, responsibilities and costs for operations and maintenance of OGL
- Two year term, renewable for one additional two-year period
COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM

THIS COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROLS SYSTEM (this “Agreement”) is made and entered into by and between Mid-America Regional Council (“MARC”) and the Unified Government of Wyandotte County/Kansas City (“Unified Government”), Kansas, a Constitutionally Chartered Municipal Corporation (City).

WHEREAS, MARC performed a feasibility study “Operation Green Light Feasibility Report, June 2000” (the “Feasibility Report”), which created a regional arterial traffic signal coordination system known as “Operation Green Light” (“OGL”), for the Kansas City Urban Area including facilities under the jurisdiction of the Missouri Department of Transportation, the Cities of Gladstone, Independence, Kansas City, Lee’s Summit, Liberty, North Kansas City, and Raymore in Missouri and the jurisdiction of the Kansas Department of Transportation, the Cities of Bonner Springs, Fairway, Lansing, Leavenworth, Leawood, Lenexa, Merriam, Mission, Mission Woods, Olathe, Overland Park, Prairie Village, Shawnee, and Westwood, and the Unified Government in Kansas (collectively, the “Member Agencies”); and

WHEREAS, the Strategic Plan 2013-2016 established the vision, mission, objectives, and goals of the program; and

WHEREAS, improvement in traffic operational efficiency, air quality, and monetary savings to the Member Agencies and the public can be realized from a consolidated management approach of coordinated traffic signal control along arterial corridors in the roadway systems of each Member Agency; and

WHEREAS, the Member Agencies in Kansas are authorized pursuant to the provisions of Sections 12-2901 et. seq. of the Kansas Statutes Annotated, and the Member Agencies in Missouri are authorized pursuant to the provisions of Article VI, Section 9 of the Missouri Constitution and Sections 70.210 et. seq. of the Revised Statutes of Missouri to enter into cooperative agreements for the purpose of coordinating traffic signals between and within the Jurisdictional Boundaries of the Member Agencies; and

WHEREAS, each Member Agency has agreed to enter into an agreement to fund the cost of operating such a Regional Traffic Control System; and

NOW, THEREFORE, in consideration of the covenants and conditions herein set forth, MARC and the Unified Government (collectively, the “Parties”) mutually agree as follows:

Sec. 1. STATUTORY AUTHORITY. Pursuant to the authority set forth in K.S.A. 12-2901 et. seq., the parties enter into this Agreement for the funding of the operations of the Regional Traffic Control System for the purpose of coordinating traffic signals within the Jurisdictional Boundaries of the Member Agencies from a regional perspective. Pursuant to such authority, the Unified Government will file for recording an executed copy of this Agreement in the appropriate county in the State of Kansas and file a copy with the Kansas Secretary of State.
Sec. 2. DEFINITIONS. As used in this Agreement, and Exhibit 1 through Exhibit 6, attached hereto and incorporated herein by this reference, the following words shall have the meanings set forth herein:

Exhibit 1 – Steering Committee Document
Exhibit 2 – Scope of Services
Exhibit 3 – Compensation
Exhibit 4 – Insurance Requirements
Exhibit 5 – Ownership Matrix
Exhibit 6 – Concept of Operations

Communications Network – all telecommunication infrastructure between Regional Traffic Management Centers and Traffic Signal Controllers which are a part of the Regional Traffic Control System.

Jurisdictional Boundaries – the geographical boundaries of the governmental entities acting as political subdivisions of the States of Kansas and Missouri.

Jurisdictional Control Center – the site or location designated by the Member Agency containing various equipment, computer hardware, and computer software capable of controlling and coordinating all Traffic Signal Controllers located within the Jurisdictional Boundaries of the Member Agency.

Member Agencies – agencies that have entered into an agreement with MARC to participate in funding the cost of design, construction, and operations of the Regional Traffic Control System.

Private Firms – any private firm or firms engaged by MARC to perform or provide any services, directly or indirectly, related to the operations of the Regional Traffic Control System (including, without limitation, design services provided for on-going operations), as more particularly set forth in Exhibit 2.

Regional Traffic Control System – an array of components including Traffic Signal Controllers, wireless and wireline telecommunications equipment, interface units, computer hardware and software, digital storage media, operator’s console, peripherals, and other related devices designed to monitor, control, and coordinate traffic movements at signalized intersections according to a given or developed plan.

Regional Traffic Management Center – the site or location designated by the Steering Committee containing various equipment, computer hardware, and computer software capable of controlling and coordinating the Regional Traffic Control System. The Regional Traffic Management Center is sometimes referred to herein and in the Exhibits as the Traffic Operations Center (“TOC”).

Steering Committee – that committee created for the purpose of assisting and advising MARC with respect to the plans, specifications, construction, installation, and operation
of the Regional Traffic Control System and consisting of voting representatives from the Member Agencies. The membership structure and policy are set forth in Exhibit 1.

Traffic Signal Controller – a complete electrical mechanism responsible for traffic signal control and operation at an individual intersection.

Sec. 3. RESPONSIBILITIES OF PARTIES.

(a) MARC. MARC is hereby designated the administrator and is by virtue of this designation responsible for administering this cooperative undertaking. As administrator, MARC shall perform or cause to be performed the services set forth in Exhibit 2.

(b) Unified Government. In addition to the obligations set forth in this Agreement, the Unified Government, in its capacity as a Member Agency, shall also perform all the obligations set forth in the document entitled “OGL Concept of Operations: Roles and Responsibilities”, attached hereto as Exhibit 6. Furthermore, the Unified Government shall not interfere with MARC’s exercise of its obligations under this Agreement, including, but not limited to MARC’s deployment of the regional signal timing and on-going operations of the Regional Traffic Control System.

Sec. 4. SHARE OF COSTS. Subject to the conditions set forth in this Agreement, the Unified Government will pay MARC an amount not to exceed One Hundred Thousand, Eight-Hundred and 00/100 Dollars ($100,800.00) representing the Unified Government’s share of the cost for the maintenance and operation of the Regional Traffic Control System, as set forth in Exhibit 3. The “Operation Green Light Location/Ownership Matrix” set forth in Exhibit 5 identifies the location and ownership of the software, hardware, and other components comprising the Regional Traffic Control System.

Sec. 5. SHARING INFORMATION. MARC shall share information related to the maintenance and operation of the Regional Traffic Control System with the Unified Government, and the Unified Government shall share information with MARC and the Member Agencies necessary for the on-going maintenance and operation of the Regional Traffic Control System.

Sec. 6. SEVERABILITY. Should any provision hereof for any reason be deemed or ruled illegal, invalid, or unconstitutional by any court of competent jurisdiction, no other provision of this Agreement shall be affected; and this Agreement shall then be construed and enforced as if such illegal or invalid or unconstitutional provision had not been contained herein.

Sec. 7. AUTONOMY. No provision of this Agreement shall be constructed to create any type of joint ownership of any property, any partnership or joint venture, or create any other rights or liabilities except as may be otherwise expressly set forth herein.

Sec. 8. EFFECTIVE DATE. The effective date of this Agreement shall be upon complete execution by the Parties and written approval by the Office of the Attorney General of Kansas. In accordance with K.S.A. 12-2905, after receiving such written approval, the Unified Government shall file for recording a fully executed copy of this Agreement with the Wyandotte County Register of Deeds in the State of Kansas and file a copy with the Kansas Secretary of
Sec. 9. TERMINATION FOR CONVENIENCE. Either party to this Agreement may terminate this Agreement by giving one hundred eighty (180) days’ written notice to the other party. Financial obligations will be honored up to the effective date of termination. A Member Agency that terminates this Agreement may no longer be granted access to the Regional Traffic Control System. Costs may be incurred by the Member Agency terminating the Agreement for MARC to uninstall or transfer ownership of network equipment owned by MARC.

Sec. 10. MERGER. This Agreement constitutes the entire agreement between the Unified Government and MARC with respect to this subject matter.

Sec. 11. INDEPENDENT CONTRACTOR. MARC is an independent contractor and is not the Unified Government’s agent. MARC has no authority to take any action or execute any documents on behalf of the Unified Government.

Sec. 12. COMPLIANCE WITH LAWS. MARC shall comply with and shall require its Private Firms to comply with all federal, state, and local laws, ordinances, and regulations applicable to the work and this Agreement.

Sec. 13. DEFAULT AND REMEDIES. If MARC shall be in default or breach of any provision of this Agreement, the Unified Government may terminate this Agreement, suspend the Unified Government’s performance, withhold payment, or invoke any other legal or equitable remedy after giving MARC written notice and opportunity to correct such default or breach within thirty (30) days of receipt of such notice; provided, however, if such default or breach cannot be cured within thirty (30) days, then MARC shall notify the Unified Government in writing and commence to cure within thirty (30) days.

Sec. 14. WAIVER. Waiver by the Unified Government of any term, covenant, or condition hereof shall not operate as a waiver of any subsequent breach of the same or of any other term, covenant, or condition. No term, covenant, or condition of this Agreement can be waived except by written consent of the Unified Government, and forbearance or indulgence by the Unified Government in any regard whatsoever shall not constitute a waiver of same to be performed by MARC to which the same may apply and, until complete performance by MARC of the term, covenant, or condition, the Unified Government shall be entitled to invoke any remedy available to it under this Agreement or by law despite any such forbearance or indulgence.

Sec. 15. MODIFICATION. Unless stated otherwise in this Agreement, no provision of this Agreement may be waived, modified, or amended except in writing signed by the Unified Government and MARC.

Sec. 16. HEADINGS; CONSTRUCTION OF AGREEMENT. The headings of each section of this Agreement are for reference only. Unless the context of this Agreement clearly requires otherwise, all terms and words used herein, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine, or neuter, the same as if such words had been fully and properly written in that number or gender.
Sec. 17. AUDIT. The Unified Government shall have the right to audit this Agreement and all books, documents, and records relating thereto upon written request to MARC. MARC shall maintain all its books, documents, and records relating to this Agreement and any contract during the period of this Agreement for three (3) years after the date of final payment of the contract or this Agreement, whichever expires last. The books, documents, and records shall be made available for the Unified Government’s review within fifteen (15) business days after the written request is made.

Sec. 18. AFFIRMATIVE ACTION; NON-DISCRIMINATION.

(a) MARC shall require Private Firms to establish and maintain for the term of this Agreement an Affirmative Action Program in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended. More specifically, any third party firm will comply with the applicable regulations of the U. S. Department of Transportation (“USDOT”) relative to non-discrimination in federally assisted programs of the USDOT, as contained in 49 C.F.R. 21 through Appendix H and 23 C.F.R. 710.405, which are herein incorporated by reference and made a part of this Agreement.

(b) During the performance of this Agreement or any subcontract resulting thereof, MARC, Private Firms, and all subcontractors and vendors (the Private Firms, together with all subcontractors and vendors, shall for purposes of this Section 18 be collectively referred to as the “Other Contractor Parties”) shall observe the provisions of the Kansas Acts Against Discrimination (K.S.A. 44-1001 et seq.) and Title VII of the Civil Rights Act of 1964 as amended and shall not discriminate against any person in the performance of work under the Agreement because of race, religion, color, sex, national origin, age, disability, ancestry, veteran status, or low income. In all solicitations or advertisements for employees, MARC and the Other Contractor Parties shall include the phrase “equal opportunity employer” or a similar phrase to be approved by the Kansas Human Rights Commission (“Commission”). If MARC fails to comply with the manner in which MARC reports to the Commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, or if MARC is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, MARC shall be deemed to have breached this Agreement, and this Agreement may be canceled, terminated, or suspended, in whole or in part, by the Unified Government.

(c) MARC shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 1201 et seq.), as well as all other federal, state, and local laws, ordinances, and regulations applicable to this project, and shall furnish any certification required by any federal, state, or local laws, ordinances, and regulations applicable to this project and shall furnish any certification required by any federal, state, or local governmental agency in connection therewith.

(d) MARC shall include the provisions of paragraphs (b) through (c) above in every subcontract so that such provisions will be binding upon such subcontractor or vendor.

Sec. 19. ASSIGNABILITY OR SUBCONTRACTING. MARC shall not subcontract, assign, or transfer any part or all of MARC’s obligations or interests without the Unified Government’s
prior approval which shall not be unreasonably delayed or withheld. If MARC shall subcontract, assign, or transfer any part or all of MARC’s interests or obligations under this Agreement without the prior approval of the Unified Government, it shall constitute a material breach of this Agreement.

Sec. 20. CONFLICTS OF INTEREST. MARC shall require its Private Firms to certify that no officer or employee of the Unified Government, or no spouse of such officer or employee, has or will have a direct or indirect financial or personal interest in this Agreement or any other related agreement, and that no officer or employee of the Unified Government, or member of such officer’s or employee’s immediate family, either has negotiated, or has or will have an arrangement, concerning employment to perform services on behalf of MARC or its Private Firms in this Agreement or any other related agreement.

Sec. 21. RULES OF CONSTRUCTION. The judicial rule of construction requiring or allowing an instrument to be construed to the detriment of or against the interests of the maker thereof shall not apply to this Agreement.

Sec. 22. NOTICE. Any notice to a party in connection with this Agreement shall be made in writing at the following address or such other address, as the party shall designate in writing:

Unified Government  
Attention: Lideana Laboy  
701 North 7th Street, Suite 712  
Kansas City, Kansas 66101

MARC  
Attention: Director, Mid-America Regional Council  
600 Broadway, Suite 200  
Kansas City, Missouri 64105

Sec. 23. GOVERNING LAW. This Agreement shall be construed and governed in accordance with the law of the State of Kansas. Any action in regard to this Agreement or arising out of its terms and conditions must be instituted and litigated in the courts of the State of Kansas within Wyandotte County, Kansas, and in no other. The Parties submit to the jurisdiction of the courts of the State of Kansas and waive venue.

Sec. 24. INDEMNIFICATION BY PRIVATE FIRMS. MARC shall require its Private Firms (including, without limitation, any design professionals) to defend, indemnify, and hold harmless the Unified Government and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney fees, arising out of any negligent acts or omissions in connection with the services preformed pursuant to this Agreement (including, without limitation, professional negligence), caused by a Private Firm, its employees, agents, contractors, or caused by others for whom the Private Firm is liable. Notwithstanding the foregoing, the Private Firm is not required under this section to indemnify the Unified Government for the negligent acts of the Unified Government or any of its agencies, officials, officers, or employees.
Sec. 25. INSURANCE. MARC and any Private Firms retained by MARC shall maintain the types and amounts of insurance set forth in Exhibit 4; provided, however, the limits set forth in Exhibit 4 are the minimum limits and MARC may carry higher limits as it may deem necessary, in its discretion, or as may be required by other Member Agencies.

Sec. 26 INITIAL TERM; RENEWAL OF TERM. The initial term of this Agreement shall be two (2) years (“Term”) unless sooner terminated in accordance with Section 9 of this Agreement. The Term of this Agreement shall automatically renew for one (1) additional two (2) year period (the “Renewal Term”) on the same terms and conditions as set forth herein; provided, the Term shall not automatically renew if the Unified Government provides written notice to MARC of its intention not to renew within one hundred eighty (180) days prior to the expiration of the Term.

Sec. 27. CASH BASIS LAW. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during the Unified Government’s current budget year, or (b) funds made available from any lawfully operated revenue producing source.
IN WITNESS WHEREOF, each party hereto has executed this Agreement on the day and year herein written.

MID-AMERICA REGIONAL COUNCIL

By: ________________________________
Title: ________________________________
Date: ________________________________

ACKNOWLEDGMENT

STATE OF MISSOURI )
COUNTY OF JACKSON ) ss

On this _____ day of ________________, 2015, before me, the undersigned, a Notary Public, appeared ________________________________, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Executive Director of Mid-America Regional Council ("MARC") and that this foregoing instrument was signed and sealed on behalf of MARC by authority of its Board, and said officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of MARC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

____________________________________
Printed Name __________________________
Notary Public - State of Missouri
Commissioned in Jackson County

My commission expires:

____________________________________
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: __________________________________
    Douglas G. Bach
    County Administrator

Date: ________________________________

Attest:

_____________________________
Clerk

Approved pursuant to K.S.A. §12-2904(g):

______________________________
Office of the Attorney General of Kansas

ACKNOWLEDGMENT

STATE OF KANSAS               )
                         ) ss
COUNTY OF WYANDOTTE)       

On this ______day of ________________, 2015, before me, the undersigned, a Notary Public, appeared ____________________________, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the County Administrator of the Unified Government of Wyandotte/Kansas City, Kansas (“Unified Government”), and that the foregoing instrument was signed and sealed on behalf of the Unified Government, and said officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of the Unified Government.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name __________________________
Notary Public - State of Kansas
Commissioned in Wyandotte County

My commission expires:

4/13/15
EXHIBIT 1

OPERATION GREEN LIGHT COMMITTEE

Role, Responsibility, and Organizational Structure

1.1.1 Responsibilities: The Operation Green Light Steering Committee shall serve to approve budgets, procurement and staffing recommendations to the Mid-America Regional Council Board of Directors and to make other technical and policy decisions concerning the development, deployment and operation of the Operation Green Light regional traffic signal coordination program, including:

- Approve the program’s upcoming annual budget during the final meeting of the calendar year. Purchases and contracts shall follow MARC’s established threshold guidelines as well as the following: Amounts of $15,000-$25,000 shall be reported to the committee; amounts of $25,001 or more shall be voted on and approved by the Steering Committee before purchase or contract is sent to MARC’s Board of Directors for approval.

- Participate in program decision-making at key points by reviewing and providing comments on project deliverables and by approving or rejecting technical and policy recommendations;

- Participate in the development of inter-jurisdictional agreements for the construction, operation, maintenance and other activities of the regional traffic signal coordination system; and

1.2 Call upon committee members to participate in Task Force work groups as technical issues arise requiring additional effort than time allows during a Steering Committee meeting. The Task Force shall submit to the Steering Committee recommendations based on its discussions.

1.3 Membership and Meetings: The Steering Committee shall be composed of representatives from participating agencies in the following manner:

<table>
<thead>
<tr>
<th>Participating Agency</th>
<th>Membership (voting)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonner Springs</td>
<td>1</td>
</tr>
<tr>
<td>Fairway</td>
<td>1</td>
</tr>
<tr>
<td>FHWA – MO &amp; KS</td>
<td>Ex Officio</td>
</tr>
<tr>
<td>Gladstone</td>
<td>1</td>
</tr>
<tr>
<td>Independence</td>
<td>1</td>
</tr>
<tr>
<td>Kansas City, MO</td>
<td>1</td>
</tr>
<tr>
<td>KC Scout</td>
<td>Ex Officio</td>
</tr>
<tr>
<td>KDOT</td>
<td>1</td>
</tr>
<tr>
<td>Lansing</td>
<td>1</td>
</tr>
<tr>
<td>Leavenworth</td>
<td>1</td>
</tr>
<tr>
<td>Leawood</td>
<td>1</td>
</tr>
<tr>
<td>Lee’s Summit</td>
<td>1</td>
</tr>
<tr>
<td>Lenexa</td>
<td>1</td>
</tr>
<tr>
<td>Liberty</td>
<td>1</td>
</tr>
</tbody>
</table>
Each representative shall have a designated alternate with full authority to act in the absence of the representative. The Steering Committee may be expanded to include other additional members as approved by majority vote of the members of the existing Steering Committee.

The Steering Committee shall meet minimally on a quarterly basis but may meet more frequently if the business of the Steering Committee necessitates. The final meeting of the calendar year shall be designed to report on the State of the Operation Green Light Program including Budget reporting and approval of the future budget and election of the next vice-chairperson.

The chairperson of the Steering Committee shall have the authority to call a meeting of the Committee with a minimum of seven (7) calendar days' notice to all the members. Notice is deemed to have occurred from the date that it is deposited with the United States Postal Service, postage prepaid; distributed via Facsimile; OR distributed via E-mail addressed to the members of the Steering Committee. The chairperson and vice-chairperson shall help develop meeting agendas prior to meeting notices and shall preside over the meetings.

### 1.4 Chairperson and Vice-Chairperson

Chairperson and Vice-Chairperson: The Steering Committee members shall elect by majority vote of all of the voting members of the Committee, from amongst the members of the Committee, a vice-chairperson who will serve a one-year term. Said election will occur at the final regularly scheduled meeting of the calendar year of the Steering Committee prior to the expiration of the chairperson’s one-year term. The vice-chairperson shall assume the responsibilities of the chairperson at the end of the chairperson’s term and any time the chairperson is unable to attend committee meetings. Kansas and Missouri shall be represented in these positions in alternating years.

### 1.5 Quorum and Voting

Quorum and Voting: All members of the Steering Committee shall be entitled to one vote on all matters submitted to the Committee for vote.

Any six of the voting members of the Steering Committee, including at least one member from Kansas City, Missouri, the Missouri Department of Transportation, Unified Government/Kansas City, Kansas, or Overland Park, Kansas, (based on the four largest agencies by signal count at the beginning of the current Operations contract term) shall constitute the quorum necessary to convene the
meeting of the Committee. All official actions by the Steering Committee shall require a majority vote of the members present at the meeting.

All votes shall be taken and recorded in the minutes by roll call. Each member shall have the ability to recall any matter voted upon during his or her absence providing said member notifies in writing the committee chairperson or co-chairperson within 7 calendar days of when the meeting minutes are posted to the MARC website and/or delivered to committee members via email. Within 3 business days of being notified, the chairperson or co-chairperson shall collaborate with OGL staff to present the issue for a reconsideration of the vote via email to all committee members who will be asked to respond within 10 calendar days. If a response is not received by close of business on the 10th day, the member’s previously cast vote shall be counted in the same manner.
EXHIBIT 2

SCOPE OF WORK

1. Project Management

The Mid-America Regional Council (MARC) will provide staff time, equipment and materials, and contract services necessary to accomplish the following project management services:

- Arrange and conduct regular Steering Committee meetings to discuss and develop policies and procedures governing the development, implementation and on-going operation of the program;
- Arrange and conduct Technical Committee meetings as needed to discuss and develop recommendations concerning technical issues associated with the development, implementation and on-going operation of the project;
- Arrange and conduct other meetings with project participants as necessary to develop, implement and operate the project;
- Negotiate, execute and administer agreements with state and local governments to provide federal, state and local funding for the development, implementation and ongoing operation of the program;
- Develop and publish requests for proposals, consultant agreements and other procurement documents necessary to select and hire contractors to provide system integration services, telecommunications and traffic engineering design services, computer software, computer hardware, communications network, traffic signal equipment and other items necessary for the development, implementation and ongoing operation of the program;
- Negotiate, execute and administer agreements with private firms to provide system integration services, telecommunications and traffic engineering design services, computer software, computer hardware, communications network, traffic signal equipment and other items necessary for the development, implementation and ongoing operation of the program;
- Develop and maintain project budgets and schedules;
- Develop and maintain project databases;
- Publish and distribute project documents and other deliverables to participating state and local governments; and
- Perform other tasks necessary to manage and administer the program.

2. Traffic Signal Timing

MARC shall coordinate with agency staff or their delegates to develop and implement, with agency approval, the requisite signal timing plans for OGL intersections
3. Operations and Maintenance

3.1. Computer Software and Databases
MARC will procure all required software and may engage a private firm or firms selected by the project Steering Committee to provide technical support and maintain computer software and databases at the Operation Green Light Traffic Operations Center. MARC staff shall be responsible for providing day-to-day maintenance of the computer software and databases including but not limited to data entry, backups, upgrades, etc., at the Operation Green Light Traffic Operations Center.

3.2. Computer Network
MARC will procure all required hardware and software. Any equipment (e.g. switches, routers, hubs, etc.) that is used for the field communication back bone will be considered part of the computer network. MARC may engage a private firm or firms selected by the Steering Committee to provide technical support and maintain the Operation Green Light computer network.

3.3. Field Communications System
All field communications equipment purchased by MARC will be maintained by MARC. The city will maintain any pre-existing, city-owned equipment that is utilized as part of the OGL field communication system. MARC staff will monitor the field communication system through monitoring software which is purchased by MARC. MARC may engage a private firm or firms selected by the project Steering Committee to maintain the regional field communications system. The scope of services for this work will be developed with and approved by the Steering Committee.

3.4. Traffic Signal Controllers
Each member agency shall be responsible for all maintenance to the traffic signal controllers. MARC responsibility will be limited to maintaining the regional field communication system and will terminate at the traffic controller unless otherwise specified. Traffic signal controllers and cabinets that have been purchased and/or installed as part of the OGL controller upgrade project will also be owned and maintained by the local jurisdiction once they have been received and/or accepted, and the local jurisdiction will be responsible for purchasing and installing replacement controllers that are compatible with the OGL system should the MARC-purchased controller fail.
EXHIBIT 3
COMPENSATION

A. The amount the City will pay MARC under this contract will not exceed One Hundred Thousand, Eight-Hundred and 00/100 Dollars ($100,800.00). This amount represents the City share of the total project cost as shown in Table 1 of this Exhibit. City shall pay MARC, upon invoice, for the actual costs incurred for MARC on a yearly basis.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Operation Green Light Program</th>
<th>Annual Operations Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Operating Cost per Signal</td>
<td>$1,600</td>
</tr>
<tr>
<td></td>
<td>Total Agency Signals in OGL</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>Total Agency Unsubsidized Annual cost</td>
<td>$100,800.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost per Year Subsidized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>2015</td>
</tr>
<tr>
<td>2016</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

B. It shall be a condition precedent to payment of any invoice from MARC that MARC is in compliance with, and not in breach or default of, all terms, covenants and conditions of this Contract. If damages are sustained by City as a result of breach or default by MARC, City may withhold payment(s) to MARC for the purpose of set off until such time as the exact amount of damages due City from MARC may be determined.

C. No request for payment will be processed unless the request is in proper form, correctly computed, and is approved as payable under the terms of this Contract.

D. City is not liable for any obligation incurred by MARC except as approved under the provisions of this Contract.
INSURANCE REQUIREMENTS

A. MARC shall procure and maintain and shall cause any Private Firm it engages to perform services under this Agreement to procure and maintain in effect throughout the duration of this Agreement, and for a period of two (2) years thereafter, insurance coverage not less than the types and amounts specified below. In the event that additional insurance, not specified herein, is required by the City during the term of this Agreement, MARC shall obtain and shall cause the Private Firms to obtain such additional insurance; provided, however, the cost of the additional insurance shall be paid by the City. MARC shall not accept insurance policies from any Private Firm containing a Self-Insured Retention.

1. Commercial General Liability Insurance: with limits of $500,000 per occurrence and $2,000,000 aggregate, written on an “occurrence” basis. The policy shall be written or endorsed to include the following provisions:
   a. Severability of Interests Coverage applying to Additional Insureds
   b. Contractual Liability
   c. Per Project Aggregate Liability Limit or, where not available, the aggregate limit shall be $2,000,000
   d. No Contractual Liability Limitation Endorsement
   e. Additional Insured Endorsement, ISO form CG2010, current edition, or its equivalent

2. Workers’ Compensation Insurance: as required by statute, including Employers Liability with limits of:

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Workers Compensation Statutory
Employers Liability
$100,000 accident with limits of:
$500,000 disease-policy limit
$100,000 disease-each employee
```

3. Commercial Automobile Liability Insurance: with $100,000 per claim up to $2,000,000 per occurrence, covering owned, hired, and non-owned automobiles. Coverage provided shall be on an “any auto” basis and written on an “occurrence” basis. The insurance will be written on a Commercial Business Auto form, or an acceptable equivalent, and will protect against claims arising out of the operation of motor vehicles, as to acts done in connection with the Agreement, by Design Professional.

4. Professional Liability Insurance (only applicable for Private Firms that are design professionals or other types of professionals that can carry professional liability insurance): with limits Per Claim/Annual Aggregate according to the following schedule:

```
Professional Liability Minimum   Fee Minimum Limits
Less than $25,000               $100,000
$25,000 or more, but less than $50,000 $500,000
$50,000 or more                 $1,000,000
```

B. The policies listed above may not be canceled until after thirty (30) days written notice of cancellation to MARC and the City, ten (10) days in the event of nonpayment of premium. The Commercial General and Automobile Liability Insurance specified above shall provide that MARC and the City and their agencies, officials, officers, and employees, while acting within the scope of their authority, will be named as additional insureds for the services performed under this Agreement. Private Firms engaged by MARC shall provide to MARC and the City at execution of this Agreement a certificate of insurance showing all required endorsements and additional insureds.

C. All insurance coverage must be written by companies that have an A.M. Best’s rating of “B+V” or better, and are licensed or approved by the State of Kansas to do business in Kansas and by the State of Missouri to do business in Missouri.

D. Regardless of any approval by MARC or the City, it is the responsibility of the Private Firms to maintain the required insurance coverage in force at all times; its failure to do so will not relieve it of any contractual obligation or responsibility. In the event of a Private Firm’s failure to maintain the required insurance in effect, MARC may order the Private Firm to immediately stop work, and upon ten (10) days notice and an opportunity to cure, may pursue its remedies for breach of this Agreement as provided for herein and by law.
### EXHIBIT 5

#### Operation Green Light Location / Ownership Matrix

<table>
<thead>
<tr>
<th>Component</th>
<th>Location</th>
<th>Purchased By</th>
<th>Owned By</th>
<th>Maintained By</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Software/Firmware</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TransSuite &amp; Associated Software</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td>Genetec Video System</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td>Other software used by MARC staff</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Available for use by local agencies</td>
</tr>
<tr>
<td><strong>Computer Hardware</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OGL TOC Servers</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td>OGL TOC Workstations</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td>Agency TOC Servers</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td></td>
</tr>
<tr>
<td>Agency TOC Workstations</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td></td>
</tr>
<tr>
<td><strong>Field Hardware</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OGL Field Network Equipment</td>
<td>Field</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td>Local Agency Field Network Equipment</td>
<td>Field</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Extension of City network</td>
</tr>
<tr>
<td>Existing Closed-Loop fiber re-tasked to OGL Network</td>
<td>Field</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>OGL owns switches to manage</td>
</tr>
<tr>
<td>Traffic Signal Controllers</td>
<td>Field</td>
<td>MARC/Local Agency</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td>OGL purchased controllers only for original build-out</td>
</tr>
<tr>
<td>OGL-purchased Closed Circuit Camera</td>
<td>Field</td>
<td>MARC</td>
<td>Local Agency</td>
<td>Local Agency</td>
<td></td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OGL TOC Office</td>
<td>MoDOT KC District</td>
<td>MoDOT</td>
<td>MoDOT</td>
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<tr>
<td>OGL TOC Phone System</td>
<td>OGL TOC</td>
<td>MoDOT</td>
<td>MoDOT</td>
<td>MoDOT</td>
<td></td>
</tr>
<tr>
<td>OGL TOC Office Furniture &amp; Equipment</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
<tr>
<td>OGL Vehicles &amp; Mobile Equipment</td>
<td>OGL TOC</td>
<td>MARC</td>
<td>MARC</td>
<td>MARC</td>
<td></td>
</tr>
</tbody>
</table>

* MARC maintained components to be maintained by joint-funded agreement
Exhibit 6
OGL Concept of Operations: Roles and Responsibilities

Introduction

Operation Green Light (OGL) is a regional initiative to improve traffic flow and reduce vehicle emissions by coordinating traffic signals on major roadways in the Kansas City metropolitan area. OGL is a cooperative effort of the Mid-America Regional Council (MARC), state departments of transportation and local agencies working together to coordinate traffic signal timing plans and communication between traffic signal equipment across jurisdictional boundaries.

The concept of operations provides a high-level overview of the roles and responsibilities of the agencies participating in the operation and management of OGL. The concept of operations is intended to balance the need for standardization and uniformity of operations on OGL routes with the need to be responsive to the unique needs and circumstances of the agencies participating in OGL.

Signal Timing

Initial Deployment of Regional Timing Plans

The member agencies will partner with MARC and each other in developing regional traffic signal timing plans. In order to facilitate this work each member agency will provide MARC traffic counts and other relevant, available data for traffic signals that are part of regionally significant traffic corridors that pass through adjacent cities. This information may include:

- Existing timing plans and data in the existing traffic controller (controller data sheets)
- Intersection geometry via aerial mapping
- Signal phasing information (or policy)
- Historical traffic count information available
- Approved yellow and all-red clearance intervals (or policy)
- Pedestrian timing (or policy)
- Signal phasing policy (lead only/lead-lag/vary lead-lag by time-of-day)
- Historical citizen complaints on the intersection operation as needed

After providing data to MARC, each member agency will then work with MARC to cooperatively develop regionally optimized timing plans. The member agency will continue to be responsible for maintenance of timing plans for traffic signals that lie wholly within the member agency’s jurisdictional boundaries and are not on OGL corridors unless the member agency decides to contract this work to MARC. The steps involved in the development of regional timing plans are:

- The member agency will either collect traffic counts on the arterials for signals maintained by the member agency and provide this information to MARC OR will contract with MARC to collect traffic counts as needed.
- In conjunction with member agency staff, MARC will conduct travel-time studies and speed profile studies on the arterial prior to implementation of the timing plans
- MARC may hold design meetings with representatives from the member agencies and other impacted agencies. At the first of these meetings the following items will be established
  - Number of timing plans and time of use (i.e., am, noon, pm, off-peaks, etc.)
  - Critical intersections of a corridor
  - An initial common corridor cycle length for each of the plans identified (i.e. am,
The member agency will then develop the following initial parameters for individual signals maintained by the member agency for each of the timing plans to be developed, and submit them to MARC for review and incorporation into regional plans for the OGL corridor:
- phase sequencing
- splits
- offsets

MARC will develop initial splits and offsets for any remaining signals and incorporate member agency developed timing plans into regional plans for the OGL corridor.

MARC may then incorporate the regional plans into mutually agreed upon software as needed for review by the member agencies.

At the second meeting, MARC and the member agencies will:
- Review the regional timing plans developed
- Review any software models developed
- Determine if any changes to initial timings need to be made to optimize the operation of the corridor

Once the member agencies have agreed on the different timing plans developed, they will download the timing plans into signal controllers maintained by each member agency OR will request MARC to provide signal timing plans and download to local controllers.

In conjunction with member agency staff, MARC will field-monitor each arterial after a timing plan has been downloaded and will work with the member agency to make any additional changes to further optimize the flow of traffic if necessary.

In conjunction with member agency staff, MARC will conduct travel-time and speed profile studies on arterials after implementation of the optimized signal timing plans

Providing Maintenance Timing Plans
As part of a regional effort, MARC will on a regular basis, or as requested, examine the operations of signals that are part of regionally significant traffic corridors that pass through the member agency and adjacent cities and determine if optimization is necessary. If minor changes to splits and offsets are to be made to individual signals along an OGL corridor the following steps will be followed:

- In conjunction with MARC, member agency staff will field-monitor the affected corridor or intersection(s)
- MARC will meet with affected member agencies if needed
- MARC will collect traffic counts as necessary OR the member agency will collect traffic counts at member agency maintained traffic signals
- The member agency will develop timing plans for member agency maintained signals and download them to controllers as necessary in coordination with MARC OR MARC will develop and provide revised arterial timing plans as needed
- In conjunction with member agency staff, MARC will field-monitor each arterial after timing plan download and provide further optimization if necessary by submitting updated timing plans for agency consideration and download

If major changes, such as changes to cycle lengths, phase sequencing and major changes to splits, are to be made along an OGL corridor, the process described above for initial deployment of regional timing plans may be used.

Incident Management
The member agency will work with MARC and other member agencies to identify locations along the regionally significant arterials and interstate highways where incidents are prone to happen and have major impact on traffic flow. These locations may be manually forced to run special plans when an incident is observed at the TOC. The following steps shall be followed for planned, recurring, and anticipated incident response:

- MARC and member agencies will identify incident-prone locations
- MARC will meet with affected member agencies to discuss solutions
- MARC will develop signal timing plans for the incident
- MARC will submit such plans for review by member agencies
- MARC and member agencies will jointly determine the parameters required for invoking such a plan by the TOC
- Once the plan has been invoked (when the required parameters are met) MARC will inform the affected agencies immediately
- After the incident has been cleared, MARC will put signals back on their regular plans and inform member agencies

The member agency will inform MARC about construction and roadway closures and may request signal timing plan adjustments. MARC will provide special timing plans when requested to optimize traffic flow for agency consideration and download.

Citizen Complaints

Member agencies will route/report citizen complaints/requests on OGL signals to the TOC and MARC, in cooperation with the member agency, will respond to the complaint/request in a timely manner. MARC will also route/report received citizen complaints to the member agencies and maintain a response log.

Dispute Resolution

In the event that satisfactory agreement cannot be reached between member agencies on timing plans or incident plans developed for OGL, the dispute will be referred to the OGL Steering Committee, which will provide recommendations for resolution. Unless the responsible engineer for a member agency determines that such plans will create an unsafe condition within their jurisdiction, the member agency will implement the plans recommended by the Committee.

Emergency Provisions

In the event of an emergency not already covered under a pre-arranged incident-management plan, the member agency will take any steps it considers necessary to manage traffic signals within its jurisdiction to ensure the safety of the traveling public. The member agency will notify MARC of any emergency changes made to OGL traffic signal timing plans in a timely manner and will work expeditiously with MARC to restore all OGL corridors within its jurisdiction to normal operation when the emergency subsides.

Field Communication Operation and Maintenance

MARC will be responsible for maintenance and replacement of all wireless communication infrastructure that is installed as a result of OGL initiated construction projects. Member agencies that have the capability to maintain their own communication infrastructure may do by separate agreement with MARC.
Controller Upgrades and Work inside the Traffic Controller Cabinet

MARC will, with the applicable member agencies, upgrade traffic controllers that are incapable of communicating with the central system software. When work is performed that involves the opening of a traffic controller cabinet, the member agency will coordinate with the contractor and have a representative in the field. The member agency will test and approve/disapprove the work performed by the contractor and inform MARC of the fact. MARC will be responsible for administration and final approval of all OGL initiated construction projects. Member agencies are responsible for notifying and coordinating with OGL when undertaking traffic signal system construction projects on OGL corridors.

Technical Support for OGL Computer Network

MARC will provide technical support for the central system software and the laptop version of the central system software. MARC will also maintain the computer network hardware along with all network components such as network switches, routers, licensed and unlicensed radios, modems etc.

The Traffic Operations Center

MARC will staff OGL operations at the Traffic Operations Center (TOC). The TOC is currently co-located with the KC Scout program and offices in the MoDOT KC District offices.

The TOC will be staffed as determined by MARC. MARC expects to coordinate with Kansas City Scout and use the video monitoring capabilities available at the KC Scout TOC to alleviate congestion along arterials. It is recommended that member agencies with traffic management centers, at a minimum, staff their centers to operate on a schedule concurrent with OGL.

The staff will interact with citizens and the media and provide answers to traffic signal timing questions on OGL signals.
Staff Request for Commission Action

Tracking No. 150102

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 5/18/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 5/28/2015

Date: 5/5/2015
Contact Name: Bill Heatherman
Contact Phone: 573-5400
Contact Email: bheatherman@wycokck....
Ref: 
Department / Division: Public Works

Item Description:
Agreement with Overland Park concerning Merriam Lane, West 36th to 24th Street

The Unified Government is designing the Merriam Lane Improvements, West 36th Street to 24th Street. The project will bid for construction in early 2016. A small portion of the project lies at the city/county limits with Overland Park, in Johnson County. A cooperative agreement between the Unified Government and Overland Park is needed to spell out the details of our cooperation, including authorities related to right-of-way acquisition. The Unified Government initiated this project and is paying all costs. The impact to Overland Park property owners and infrastructure is minimal.

Action Requested:
Submitted for approval by the Commission.

☐ Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☑ Other (explain) Policy action by Commission.

Resolution.docx
Microsoft Word Document 13.2 KB
RESOLUTION NO. ________

A RESOLUTION AUTHORIZING THE APPROVAL OF THE AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AND THE CITY OF OVERLAND PARK, KANSAS FOR THE PUBLIC IMPROVEMENT OF MERRIAM LANE- WEST 36TH TO 24TH STREET.

WHEREAS, The City of Overland Park, Kansas (Overland Park) and the Unified Government of Wyandotte County/ Kansas City, Kansas (Unified Government) have determined it is in their best interest to make the public improvement of Merriam Lane – West 36th to 24th Street; and

WHEREAS, K.S.A. 12-2908 and K.S.A. 68-169 authorize the parties hereto to cooperate in making the public improvement; and

WHEREAS, the parties have reached and prepared an Agreement to cooperate in making the public improvement, and the Unified Government desires to enter said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS: That the Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby authorized to execute said Agreement on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of said Agreement.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ of May, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: ____________________________________________

Mark Holland
Mayor/CEO

ATTEST

______________________________
Unified Government Clerk

Approved As To Form:

______________________________
Misty S. Brown, Assistant Counsel
AGREEMENT BETWEEN THE CITY OF OVERLAND PARK, KANSAS, AND THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, FOR THE PUBLIC IMPROVEMENT OF MERRIAM LANE - WEST 36TH TO 24TH STREET.

THIS AGREEMENT, made and entered into this ______ day of ______________________, 20___, by and between the CITY OF OVERLAND PARK, KANSAS (hereinafter “OVERLAND PARK”), and the UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (hereinafter “UNIFIED GOVERNMENT”), each party having been organized and now existing under the laws of the State of Kansas (hereinafter OVERLAND PARK and UNIFIED GOVERNMENT may be referred to singularly as the “Party” and collectively as the “Parties”).

WITNESSETH:

WHEREAS, the UNIFIED GOVERNMENT intends to improve MERRIAM LANE – WEST 36TH TO 24TH STREET and the construction will require roadway and sidewalk improvements within the corporate limits of OVERLAND PARK as such improvement is hereinafter described; and

WHEREAS, K.S.A. 12-2908 and K.S.A. 68-169 authorizes the Parties hereto to cooperate in making the public improvement; and

WHEREAS, the Governing Bodies of each of the Parties hereto have determined to enter into this Agreement for the aforesaid public improvement, as authorized and provided by K.S.A. 12-2908 and K.S.A. 68-169; and

WHEREAS, the Governing Body of UNIFIED GOVERNMENT did approve and authorize its mayor to execute this Agreement by official vote of the Body on the __________ day of ______________________, 20___; and

WHEREAS, the Governing Body of OVERLAND PARK did approve and authorize its mayor to execute this Agreement by official vote of the Body on the ______________ day of ______________________, 20___.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the Parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The Parties hereto enter into this Agreement for the purpose of constructing the public improvement on MERRIAM LANE – WEST 36TH TO 24TH STREET by performing the following work: pavement reconstruction, sidewalks, bike lanes, signage, pavement markings, LED street lighting, traffic signal at 34th Street, storm sewer system improvements, and other items incidental to the street reconstruction (hereinafter the “Improvement”).
2. **ESTIMATED COST OF PROJECT.**

   A. The estimated cost of construction of the Improvement covered by this Agreement, exclusive of the cost of right-of-way or easement acquisition, is FIVE MILLION SIX HUNDRED THOUSAND DOLLARS ($5,600,000.00).

   B. The cost of making the Improvement shall include:

   1. Labor and material used in making the Improvement; and
   2. Such other expenses which are necessary in making the Improvement, exclusive of the cost of acquiring real property and any improvement thereon for the location of the Improvement. These expenses include, but are not limited to design, project administration, construction inspection, material testing and utility relocations.

   C. The Parties anticipate receipt of Federal Funding of FOUR MILLION TWO HUNDRED FORTY THOUSAND DOLLARS ($4,240,000.00) to help pay a portion of the cost of the Improvement.

   D. The remaining cost of making the said Improvement shall be distributed between the Parties as follows:

   1. UNIFIED GOVERNMENT shall pay **100%** of the local share of said Improvement (estimated to be $1,360,000.00).
   2. OVERLAND PARK shall pay **0%** of the local share of said Improvement (estimated to be **$0.00**).
   3. UNIFIED GOVERNMENT shall acquire and pay all costs associated with the right-of-way and easement acquisition.
   4. UNIFIED GOVERNMENT shall pay the cost of financing and/or bonding its share of the project cost.

3. **FINANCING.** UNIFIED GOVERNMENT shall pay its portion of the cost with monies budgeted and appropriated funds.

4. **UNIFIED GOVERNMENT ADMINISTRATION OF PROJECT.** It is acknowledged and understood between the Parties that since there are two separate entities included within the proposed Improvement, one of the entities should be designated as being “in charge” of the project to provide for its orderly design and construction. However, both entities shall have the right of review and comment on project decisions at any time throughout duration of this Agreement, and any subsequent agreements hereto. The Improvement shall be constructed and the job administered by UNIFIED GOVERNMENT acting by and through the UNIFIED GOVERNMENT Director of Public Works (hereinafter the “PW Director”), who shall be the principal public official designated to administer the Improvement; provided, the PW Director
shall, among his several duties and responsibilities, assume and perform the following:

A. Make all contracts for the Improvement, including soliciting bids by publication in the official newspaper of UNIFIED GOVERNMENT. In the solicitation of bids, the most favorable bid shall be determined by UNIFIED GOVERNMENT who is administering the project and who shall approve the lowest responsible bidder for the project.

B. UNIFIED GOVERNMENT shall require any contractor for this Improvement (the “Contractor(s)”) to indemnify, hold harmless, and save OVERLAND PARK from personal injury and property damage claims arising out of the act or omission of the Contractor, the Contractor’s agent, subcontractors (at any tier) or suppliers (at any tier).

C. UNIFIED GOVERNMENT shall require performance and payment bonds for the Improvement from all Contractors and require that all Contractors discharge and satisfy any mechanics or materialman's liens that may be filed.

D. UNIFIED GOVERNMENT shall require that any Contractor provide a two-year performance and maintenance bond for the Improvement. As Administrator, UNIFIED GOVERNMENT will, upon request of OVERLAND PARK, make any claim upon the maintenance bond or performance bond and require that the Contractor fully perform all obligations under the performance and maintenance bonds, and this obligation shall survive the termination of this Agreement and shall be in force and effect for the full term of the performance and maintenance bond.

E. UNIFIED GOVERNMENT shall include in contracts for construction a requirement that the Contractor defend, indemnify and save OVERLAND PARK and UNIFIED GOVERNMENT harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the acts or omissions of the Contractor and the performance of his or her contract.

5. DURATION AND TERMINATION OF AGREEMENT. The Parties hereto agree that except for the obligations of UNIFIED GOVERNMENT which may arise after completion of the Improvement as set forth in Section 4, Paragraph D, above, this Agreement shall exist until the completion of the aforesaid Improvement, which shall be deemed completed upon certification to each of the Parties hereto by the PW Director advising that the Improvement has been accepted by him as constructed; provided that upon the occurrence of such certification by the PW Director, this Agreement shall be deemed terminated and of no further force or effect.

6. PLACING AGREEMENT IN FORCE. The administering body described in Section 4 hereof shall cause this Agreement to be executed in triplicate. Each Party hereto shall receive a duly executed copy of this Agreement for their official records.
7. **AMENDMENTS.** This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the Parties unless it shall have been agreed to in writing and signed by both Parties.

8. **JURISDICTION.** This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

*(The remainder of this page has intentionally been left blank.)*
IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in triplicate by each of the Parties hereto on the day and year first above written.

CITY OF OVERLAND PARK, KANSAS

By __________________________________

CARL GERLACH, MAYOR

ATTEST:

______________________________________

MARIAN COOK, CITY CLERK

APPROVED AS TO FORM:

_____________________________________

TAMMY M. OWENS
DEPUTY CITY ATTORNEY

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

By __________________________________

MARK HOLLAND, MAYOR

ATTEST:

_____________________________________

BRIDGETTE COBBINS, CITY CLERK

APPROVED AS TO FORM:

_____________________________________

Misty Brown, Assistant Counsel
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 5/18/2015

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 5/28/2015

Confirmed Date: 5/28/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
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<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
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<tbody>
<tr>
<td>5/15/2015</td>
<td>Terry Zeigler</td>
<td>6009</td>
<td><a href="mailto:tzeigler@kckpd.com">tzeigler@kckpd.com</a></td>
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Item Description:
The federal government is offering a match grant for police departments with 250 - 1,000 sworn officers to implement a Body-Worn Camera (BWC) Program. The maximum amount offered is $600,000. Application submission is due by June 16, 2015. As this process was discussed at our strategic planning session, the timing is appropriate to discuss allocating funds in this years budget process.

Action Requested:
Discussion and consideration to approve submission of the grant.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
- Included In Budget
- Other (explain)

File Attachment

Body Worn Camera Project
Body Worn Cameras (BWC)

• In Car Video Cameras – L3 Mobile Vision
• We will use two cameras per district, one charging one being used.
• Other units will have one issued per officer.
• Working on a policy at this time.
• Submitting as a Capital Project.
Body Worn Cameras (BWC)

- Deployment:
  - 148 patrol stations (includes extra relief positions)
  - 29 COPPS Unit (includes SROs)
  - 13 Special Operations Unit
  - 3 K9 Unit
  - 8 Animal Control
  - 14 Motorcycle Enforcement Unit
  - 20 Spares

235 Cameras Total
## Body Worn Cameras (BWC)

### ENTER VARIABLES HERE

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<th></th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
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</thead>
<tbody>
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<td>ENTER number of Cameras Purchased</td>
<td>235</td>
<td>0</td>
<td>0</td>
<td>118</td>
<td>117</td>
</tr>
<tr>
<td>ENTER number of cameras in use 24-hours (patrol stations)</td>
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<tr>
<td>ENTER number of cameras in use 8 hours (COPPS, TSU, SCORE, etc.)</td>
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<td>ENTER average minutes recorded per shift (per officer)</td>
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</tr>
<tr>
<td>ENTER long term storage percentage</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
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### ESTIMATED COSTS

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
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<tbody>
<tr>
<td>New Cameras Purchased</td>
<td>$111,625</td>
<td>$0</td>
<td>$0</td>
<td>$56,050</td>
<td>$55,575</td>
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<tr>
<td>Camera Updated/Replaced</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$37,208</td>
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<tr>
<td>Client Software License Fees</td>
<td>$0</td>
<td>$15,275</td>
<td>$15,275</td>
<td>$15,275</td>
<td>$22,945</td>
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<tr>
<td>Short Term SAN Purchased</td>
<td>$673,334</td>
<td>$0</td>
<td>$0</td>
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<td>Long Term SAN Purchased</td>
<td>$134,667</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$919,626</strong></td>
<td><strong>$15,275</strong></td>
<td><strong>$15,275</strong></td>
<td><strong>$108,533</strong></td>
<td><strong>$115,728</strong></td>
</tr>
</tbody>
</table>

Fiber thru BPU = $500,000 approx.
Body Worn Cameras (BWC)

- Total cost 1st Year = $1,419,626
  - President Obama offering $600,000 to 12 PD’s.
    - Less than 1,000 officers, but more than 250.
    - Pays $1,500 per camera deployed. Cost covers: camera, software, storage, licensing fees, etc.
    - It is a 50% match grant.
    - Submission due: 6/16/2015
Body Worn Cameras (BWC)

Better quality than in-car cameras.
Body Worn Cameras (BWC)

Worn on chest.
The Health Department will subcontract with the Community Health Council who is partnering with KDHE (through a CDC grant) on a project to prevent obesity, diabetes, heart disease and stroke. The amount is $42,000.00 and the scope of work to be done in Wyandotte County includes:

1. Create a worksite wellness program to create healthy environments for employees in Wyandotte County
2. Assess Wyandotte County parks for potential signage improvements, to be paid for in subsequent years of the grant (2016-2018)

Action Requested:
Approval of request

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
- Included In Budget
- Other (explain) Grant funding request

[File Attachment] [File Attachment] [File Attachment]
The following Scope of Work, Assignment of Resources, and Agreement constitutes a Sub-Contract for between the Community Health Council of Wyandotte County and the Wyandotte County United Government Health Department for the CDC Grant 1422.

SCOPE OF WORK

Over the next four years, the Kansas Department of Health and Environment (KDHE) will be implementing a program from the Centers for Disease Control and Prevention (CDC) to prevent obesity, diabetes, heart disease, and stroke. For Wyandotte County, The Community Health Council of Wyandotte County (CHC) will be the KDHE partner to provide expertise and assistance throughout their service area to the communities at risk.

In accordance with the CDC’s 1422 Implementation Plan, programs, strategies and investments will be researched and developed at local levels to improve both the health for whole communities, and for adults disproportionately at risk for the ailments the CDC is focusing on. Approaches to meet these goals fall under two primary categories – environmental and clinical.

The CHC has identified the Wyandotte County Health Department as a partner in providing assistance throughout Wyandotte County to implement CDC strategies over the 4 years of the grant. As such, the CHC will be supporting the HD initiatives, with specific stipulations, leading to concluding deliverables.

What follows is a narrative description of the scope of work that would be contracted for Year One of Four, ending September 30th, 2015. This Scope of Work directly correlates to the Grant Work Plan, and hence will be the standard of accountability.

To Address 1422 Strategy 1: Implement food and beverage guidelines including sodium standards (i.e., food service guidelines for cafeterias and vending) in public institutions, worksites and other key locations such as hospitals.

   Initiative: Direct Support of the hiring, orientation, and training of a Community Health Specialist where 50% of their work will focus on County-Wide work site wellness initiatives.

   Stipulations: This CHS will work in partnership with the CHC, reporting, at minimum, bi-weekly on progress. Deliverables will be reported by activity, by site, and by individuals accessed. All media relations for this initiative will be coordinated between the CHC and KDHE.

   Deliverables by Sept. 2015: Assess the current status of current wellness policies across the county in order to produce both a worksite census and a baseline for growth; Work within the community to secure 5 outreach partners for the campaign, and 5 initial commitments for assessment; Attend the KS Worksite Wellness Symposium.

To Address 1422 Strategy 3: Strengthen community promotion and physical activity through signage, worksite policies, social support and joint-use agreements.
Initiative: Direct Support of the hiring, orientation, and training of a Community Health Specialist where 35% of their work will focus on Physical Activity Promotion.

Stipulations: This CHS will work in partnership with the CHC, reporting, at minimum, bi-weekly on progress. All media relations for this initiative’s efforts will be managed exclusively through the CHC.

Deliverables by Sept. 2015: Incorporate Physical Activity into the Worksite Wellness Campaigns of Strategy 1; Working with City and County Officials, Latino Health For All, KU School of Architecture, Design and Planning, and the CHC, complete a county-wide assessment, or “parks audit”, to produce both a baseline to show growth and influence a strategic plan; Selection of Three Parks to enhance; Identification of Enhancement Plan for Grant 1422 Years 2-4; Sign Development and Selection.

To Address 1422 Strategy 4: Develop and/or implement transportation and community plans that promote walking.

Initiative: Direct Support of the hiring, orientation, and training of a Community Health Specialist where 15% of their work will focus on walkability.

Stipulations: This CHS will work in partnership with the CHC, reporting, at minimum, bi-weekly on progress. All media relations for this initiative’s efforts will be managed exclusively through the CHC.

Deliverables by Sept. 2015: Serve a resource to KU School of Architecture, Design and Planning; Serve on the Steering Committee for CHC’s Outreach Event.

To Address 1422 Strategy 7: Increase coverage for evidence-based supports for lifestyle change by working with network partners.

Initiative: Direct Support of the hiring, orientation, and training of a Community Health Specialist where 50% of their work will focus on Work Site Wellness. (Please note Strategy One.)

Stipulations: This CHS will work in partnership with the CHC, reporting, at minimum, bi-weekly on progress. All media relations for this initiative’s efforts will be managed exclusively through the CHC.

Deliverables by Sept. 2015: Incorporate DPP promotion and referrals into Work Site Wellness Initiatives.

ASSIGNMENT OF RESOURCES

The Community Health Council of Wyandotte County commits the following financial resources to the sub-contracted for the period of May 1, 2015 through September 30, 2015, or Year One of the CDC 1422 Grant.

$24,350 for 100% FTE of a Community Health Specialist (base salary $40,000 + $18,400 UG benefit package) for 5 months:

- 50% Worksite Wellness
- 35% Physical Activity Promotion
- 15% Walkability Support
$17,650 for Support of the CHS and their priorities:

- $5,200 for Strategy 1 Materials
- $7,800 for Strategy 3 Materials
- $4,650 for Indirect Costs Associated with Orientation & Training, including, but not limited, a laptop and appropriate software, and travel to the Work Well Kansas Symposium in June.

All granted funds must be spent out by September 30th, 2015, or invoiced by August 31st for spend out by December 31st, 2015. A reporting of expenditures must be provided to CHC by August 31st. All funds undesignated by August 31st, 2015 will be forfeit.

Resources will be distributed in the following manner:

- May 15th: $21,000, or 50% of Award
- July 1st: $12,600, or 30% of Award
- September 1st: Remainder of Designated Funds, not to exceed $8,400, or 20% of award

Upon successful completion of, and reporting for, this initiative, this sub-contract will be renewed for years 2, 3 & 4 of CDC Grant 1422. For those periods, CHC support of this FTE will be reduced to 60%.

**AGREEMENT**

The signatures below verify that the terms and conditions of the above sub-contract have been presented in good faith by the Community Health Council of Wyandotte County and have been read, understood, and accepted by the Wyandotte County United Government Health Department.
Item Description:
Zoning code amendment to amend the food truck ordinances to allow short-term monthly food trucks based on administrative review. Action requested by multiple commissioners.

Action Requested:
Approve Urban Planning and Land Use staff to move forward through the statutory process to amend the code as noted above.

Publication Required

Budget Impact: (if applicable)

Amount: $0
Source:
☐ Included In Budget
☐ Other (explain)  Policy action by Commission.
Type: Standard  
Committee: Administration and Human Services Committee  

Date of Standing Committee Action: 5/18/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 5/28/2015
Confirmed Date: 5/28/2015

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>4/2/2015</td>
<td>Robin Richardson</td>
<td>913-573-5774</td>
<td><a href="mailto:rrichardson@wycokck.org">rrichardson@wycokck.org</a></td>
<td></td>
<td>Urban Planning</td>
</tr>
</tbody>
</table>

Item Description:
Zoning code amendment to require a special use permit or other limitations on "dollar" stores. Action requested by Mayor Holland.
To cover only new buildings. The discount retailers that are typically sized under 11,000 square feet (even if they are larger than that number due to building reuse) would be further regulated by special use permit, total number within the community, or separation by distance. This would impact thrift stores, Dollar General, Family Dollar, Dollar Tree, and the Wal-Mart version of these stores as well as similar future or existing models.

Action Requested:
Approve Urban Planning and Land Use staff to move forward through the statutory process to amend the code as noted above.

Publication Required

Budget Impact: (if applicable)

Amount: $0
Source:
- Included In Budget
- Other (explain) Policy action by Commission.
Staff Request for Commission Action

Type: Standard
Committee: Administration and Human Services Committee

Date of Standing Committee Action: 5/18/2015

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 5/28/2015

Confined Date: 5/28/2015

Date: 5/5/2015
Contact Name: Robin Richardson
Contact Phone: 913-573-5774
Contact Email: rrichardson@wycokck.org
Ref: 
Department / Division: Urban Planning and Land Use

Item Description:
Proposal to require a Special Use Permit for certain automotive related uses not associated with a new car dealer. Those uses would include the following:
1. Used car sales
2. Used tire sales or tire service
3. Auto mechanics
4. Auto body repair

Action Requested:
Approval to move a code amendment forward to Planning Commission

Publication Required

Budget Impact: (if applicable)

Amount: $0
Source:
☑ Included In Budget
☐ Other (explain) Policy action by Commission.
Type: Standard
Committee: Administration and Human Services Committee

Date of Standing Committee Action:
(If none, please explain): May 18, 2015

Proposed for the following Full Commission Meeting Date: 5/28/2015

Confirmed Date: 5/28/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<th>Ref</th>
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<tr>
<td>5/5/2015</td>
<td>Robin Richardson</td>
<td>913-573-5774</td>
<td><a href="mailto:rrichardson@wycokck.org">rrichardson@wycokck.org</a></td>
<td></td>
<td>Urban Planning and Land Use</td>
</tr>
</tbody>
</table>

Item Description:
Amendment to the Floodplain Ordinance. Whenever FEMA updates any of our flood maps, they require us to update the dates of those maps in our ordinance to maintain eligibility for disaster relief.

Action Requested:
Approval to move a code amendment changing the dates of our approved flood maps to Planning Commission.

Publication Required:

Budget Impact: (if applicable)

Amount: $0
Source:

- Included In Budget
- Other (explain)

File Attachments:
An issue arising from activities within the Hanover Heights neighborhood is the nature of and the allowed accessory uses within our basic residential zoning districts. The neighborhood working with staff proposed the attached amendments. This information has been shared with the At-Large and District Commissioner who are in agreement with this item progressing to Standing Committee for consideration.

Action Requested:
Request for approval for an ordinance amendment to the Allowed Residential Accessory uses on the Planning Commission Agenda.

Publication Required

Budget Impact: (if applicable)

Amount: $0
Source:
- Included In Budget
- Other (explain) Policy action by Commission.
DIVISION 7 – Accessory Uses

Sec. 27-607. - Generally.

(a) Buildings and structures may be erected and land may be used for purposes which are clearly subordinate and incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use. The determination of the eligibility of a proposed use as an accessory use shall be made by the planning staff.

(b) No private walk or drive serving a district C-1 to M-3 inclusive shall pass through or be located in a residential or agricultural district.

Sec. 27-609. - Districts R-1, R-1(B), R-2, R-2(B).

In the R-1, R-1(B), R-2 and R-2(B) districts, accessory uses are as follows:

(1) Home occupations. Customary home occupations may be allowed subject to the issuance of a home occupation permit by the planning division. The following conditions and restrictions shall apply to such customary home occupations:

a. No exterior advertising or signs will be erected and no outside display or activity that depicts other than residential activity will be allowed. Advertising shall not include any address, but only a telephone number.

b. Only members of the immediate family residing on the premises will participate in the home occupation on the premises.

c. No machinery or equipment will be used that will interfere with radio or television reception on nearby property.

d. No heavy equipment, trucks of greater than 10,000 pounds GVWR or other objects that are not typically residential in character will be stored on the premises.

e. No sales of merchandise will be conducted on the premises, and no service will be rendered that will require customer presence.
except on an irregular and incidental basis, but babysitting is excluded from the standard.

f. No inventory or storage, other than samples, is maintained on the premises.
Home occupations that do not meet the criteria of this subsection shall be permitted only by special use permit but must meet accessory use requirements regarding storage of equipment, material, or vehicles.

(2) **Accessory buildings (garages, carports, tool sheds, etc.).** For any dwelling unit there may be permitted a detached accessory building. Such building shall not be located less than 60 feet from the front lot line or in the front yard, less than two feet from any alley, nor closer than three feet to any side or rear property line. In the case of corner lots, a detached accessory building shall not be within 20 feet of the side street. The total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard. In any residential district on lots or tracts of less than three acres, the following conditions shall apply to any detached accessory building of greater than 120 square feet in floor area:

a. The exterior wall materials shall be limited to customary residential finish materials. These specifically include: horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial, and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. These specifically exclude preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels. Also, excluded as an exterior material are standard concrete masonry units. Exception: Metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. Also, excluded as an exterior material are standard concrete masonry units except when the walls of the building are painted the exact color of the primary structure.

b. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Exception: If using a metal roof the color must be a factory applied and painted finish that closely matches the roof color of the primary structure or the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color.
(3) **Animals.** Horses, ponies, cows, chickens, or other customary animals may be kept in accordance with the requirements of the public health department, except that on a lot or tract of less than five acres in size, a special use permit shall be required. If so approved, accessory barns or stables are permitted under the standards for accessory buildings.

(4) **Hobby activity.** A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold either on or off the premises.

(5) **Additional uses.** Such additional accessory uses as private swimming pools, television and radio antennae or dishes, wind power generators, solar collectors, flagpoles, play equipment, and tool sheds are permitted under the following conditions:
   a. Swimming pools, television and radio antennae or dishes greater than two feet in diameter, wind power generators, and tool sheds are not permitted in the front yard or in required side yards. Solar collectors shall not extend more than three feet above the highest point of the roof.
   b. Television dishes shall not exceed 12 feet in diameter or more than 15 feet above grade.
   c. No accessory use shall exceed 60 feet in height.
   e. Any accessory use which exceeds ten feet in height shall be located a distance inside the property line at least equal to one-third its height, except that any wind power generator shall be set back a distance no less than its height.

(6) **Storage of equipment, material or vehicle.** Only motor passenger cars, other operable domestic equipment, material or vehicles, or a truck of 10,000 pounds GVWR or less shall be kept, parked or stored for more than 48 hours in any 30-day period in a residential area. Only a single one of each of the following may be stored: truck other than customary vans or pickup trucks, camping trailer, hauling trailer, boat, or recreational vehicle. **The parking of vehicles or equipment shall not occur**
on lawn areas, or other locations that tend to visually downgrade the property and neighborhood. Parking shall be limited to areas that have an improved surface and such areas shall generally be located in close relationship to the garage or an otherwise vehicle-oriented section of the premises or be located in the rear yard, so that the lawn areas upon which the living section of the dwelling faces can be attractively maintained with grass, trees and shrubs. Use of any yard area for commercial or any non-residential or ongoing non-resident parking purposes is prohibited.

DIVISION 1. GENERALLY

Sec. 27-340. Definitions.

Accessory use means a use of building or land that is customarily incidental to and located on the same lot or premises as the main use of the premises.

Accessory use, accessory structure means a use of land or structure which is subordinate to and serves a principal use or structure, is subordinate in area, extent and purpose to the principal use or structure served, contributes to the comfort, convenience or necessity of occupants of the principal use or structure served and is located on the same lot or lots, under the same ownership and in the same zoning district as the principal use or structure.

Parking Lot, Commercial means a paved area or structure intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

CURRENT APPLICABLE CODE SECTIONS
NEW ADDED VERBIAGE
Type: Blue Sheet Amendment
Committee: Administration and Human Services Committee

Date of Standing Committee Action: 5/18/2015

Proposed for the following Full Commission Meeting Date: 5/28/2015

Item Description:
The Downtown Shareholders (DTS) applied for a grant from the Kansas Historic Society to conduct a Historic Resources Inventory of Downtown Kansas City, Kansas. The purpose is to identify buildings within their service area that have the ability to use historic tax credits as a portion of their redevelopment funding and to identify any unique resources that may need further designations. DTS was awarded a grant of $14,150 on the condition that the City be the applicant as a Certified Local Government. These grants come with an extensive administrative burden. However, after contacting the Kansas Historic Society, they will allow the City to apply for the grant and name DTS as the designated administrative agent (3rd party designee). This will allow the State Historic Preservation Officer to contract directly with DTS and minimize UG staff involvement. Staff was not previously aware of this possibility and will offer it to others such as Strawberry Hill Neighborhood Group that desire additional Historic Resource Inventories.

Action Requested:
Approve the requested grant application with Downtown Shareholders as the designated administrative agent (3rd party designee). Authorize the County Administrator to sign any related documents.

Amount: $0
Source:

Publication Required

Budget Impact: (if applicable)

Amount: $0
Source:
- Included In Budget
- Grant funded.
- Other (explain)
May 12, 2015

William Hutton
Board Chairman
Downtown Shareholders of Kansas City, Kansas, Inc.
726 Armstrong Avenue
Kansas City, KS 66101

Dear Mr. Hutton:

It is my pleasure to inform you that at its meeting on May 9, 2015 the Kansas Historic Sites Board of Review recommended funding for the Downtown Kansas City, Kansas Historic Resources Survey and Rehabilitation Overlay in the amount of $14,150, pending allocation of federal funds to the Kansas State Historic Preservation Office for federal fiscal year 2015.

**Funding was approved upon the condition that the project proposal be resubmitted by the Certified Local Government (City of Kansas City or Unified Government) with a reduced scope of work.** Please contact grants manager Katrina Ringler to arrange a time to discuss this condition and the steps needed to proceed with award of the grant. Ms. Ringler may be contacted at 785-272-8681 ext. 215 or kringler@kshs.org.

We are looking forward to working with you on this project.

Sincerely,

[Signature]

Jennie Chinn
Executive Director

cc: Chuck Schlittler, Executive Director, Downtown Shareholders of Kansas City, Kansas, Inc.
12. Delegating Third-Party Administration

CLG subgrants may be administered by a designated third-party if the CLG indicates in its funding application to the State that it wants any subgrant awarded to it to be administered by a specific organization. Designation of a third-party to administer a subgrant is not a procurement action. Such a delegate agency may be another unit of local government, a commercial firm, a nonprofit entity, or an educational institution as long as it has the administrative capability required by Chapter 8, Section D. The delegate agency cannot be the SHPO or any part of the Department of State Government it is part of. This provision is intended to facilitate such projects as workshops for multiple CLGs, or hiring a consultant to perform services for several CLGs. This provision will eliminate the need to award subgrants to every CLG attending a workshop. It will also negate the administrative burden of the sponsoring CLG processing payments for expenses incurred by attendees from other CLGs.

The subgrant agreement will be executed between the SHPO and the CLG’s designated administrative agent provided that the CLG’s grant application designates a third party to administer the subgrant. The third party will be paid the subgrant funds upon satisfactory completion of the scope of work and compliance with all conditions of the subgrant agreement. Any CLG receiving grant assistance under this provision must have followed the procedures specified in the State's NPS approved process for transferring funds to CLGs.
# Neighborhoods Rising Fund Application

## Organization Information

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name of organization</td>
<td>2. Address of organization</td>
</tr>
<tr>
<td>Downtown Shareholders of Kansas City, KS, Inc.</td>
<td>726 Armstrong Ave., Ste 201 Kansas City, KS 66101</td>
</tr>
<tr>
<td>3. Website of organization (if applicable)</td>
<td><a href="http://www.downtownkck.org">www.downtownkck.org</a></td>
</tr>
<tr>
<td>4. Name of Executive Director or President</td>
<td>5. Email address of Executive Director or President</td>
</tr>
<tr>
<td>Chuck Schliitter</td>
<td><a href="mailto:director@downtownkck.org">director@downtownkck.org</a></td>
</tr>
<tr>
<td>6. Phone number of Executive Director or President</td>
<td>913-371-0705</td>
</tr>
<tr>
<td>7. Name of project contact</td>
<td>8. Email address of project contact</td>
</tr>
<tr>
<td>Chuck Schliitter</td>
<td><a href="mailto:director@downtownkck.org">director@downtownkck.org</a></td>
</tr>
<tr>
<td>9. Phone number of project contact</td>
<td>913-371-0705</td>
</tr>
</tbody>
</table>

## 10. General purpose of the organization (please limit your response to 50 words).

Promote economic, housing, social, and neighborhood development in downtown Kansas City, Kansas.

## 11. Is your organization a neighborhood association, Missouri or Kansas nonprofit, or a 501(c)3 nonprofit? Please select one.

- Neighborhood association
- Missouri nonprofit
- Kansas nonprofit
- **501(c)3 nonprofit**

## 12. Date established 3-6-08

## 13. Number of Staff 1.5

## 14. Number of Volunteers 16
NEIGHBORHOODS RISING FUND
APPLICATION

15. List of Officers and/or Board of Directors including affiliations, and terms.

<table>
<thead>
<tr>
<th>Officer/Director Name</th>
<th>Affiliation</th>
<th>Term</th>
</tr>
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<tbody>
<tr>
<td>Bill Hutton</td>
<td>Law Office</td>
<td>2015</td>
</tr>
<tr>
<td>Wil Anderson</td>
<td>BHC Rhodes</td>
<td>2015</td>
</tr>
<tr>
<td>Barbara Lee</td>
<td>Brotherhood Bank</td>
<td>2015</td>
</tr>
<tr>
<td>Teresa Mata</td>
<td>McAnany, Van Cleave, Phillips</td>
<td>2015</td>
</tr>
<tr>
<td>Clayton Hunter</td>
<td>El Centro</td>
<td>2017</td>
</tr>
<tr>
<td>Greg Kindle</td>
<td>Wyandotte Economic Dev Council</td>
<td>2017</td>
</tr>
<tr>
<td>Jim Schraeder</td>
<td>GouldEvans</td>
<td>2015</td>
</tr>
<tr>
<td>Ashely Adorante</td>
<td>KU Cancer Center</td>
<td>2015</td>
</tr>
<tr>
<td>Laurie Cassidy</td>
<td>Board of Public Utilities</td>
<td>2017</td>
</tr>
<tr>
<td>Bridgette Jobe</td>
<td>KCK Convention and Visitors Bureau</td>
<td>2017</td>
</tr>
<tr>
<td>Roderick Bettis</td>
<td>Minnesota Ave Printing</td>
<td>2017</td>
</tr>
<tr>
<td>Lynn Kuluva</td>
<td>Rental City</td>
<td>2017</td>
</tr>
<tr>
<td>Carolyn Sipple</td>
<td>Pandorama Day Care</td>
<td>2015</td>
</tr>
<tr>
<td>Sarah Antrobus</td>
<td>UMB Bank</td>
<td>2017</td>
</tr>
<tr>
<td>Simeon Henderson</td>
<td>YMCA</td>
<td>2017</td>
</tr>
</tbody>
</table>

16. Neighborhood associations answer the following questions.

a. Is your organization registered with the City of Kansas City, Missouri’s Neighborhood Services Division or the City of Kansas City, Kansas?
   Yes
   (You can check your registration status with the with the City of Kansas City, Missouri’s Neighborhood Services Division by calling 816-513-3200. To check your organization’s registration status in Kansas City, Kansas contact the Livable Neighborhoods Office at 913-573-8645.)

b. Do you collect dues? No
c. Number of members: 45
d. When were your last elections? Jan 2014
e. How often does your organization meet? monthly
f. What is your decision-making process (e.g. 51%, 75%, consensus, etc.) 51%

17. If your organization is NOT a neighborhood association, answer the following questions.

a. Is your organization affiliated with the neighborhood association where the project is located? Yes
b. When were your last board elections? Mar 2015
c. What is your decision-making process (e.g. 51%, 75%, consensus, etc.) 51%
18. How are funds handled within your organization? Are you using a system for accounting? Please explain. (Please limit your response to 75 words)

We have a checking account and are audited annually. A contracted accountant uses Quick Books to keep our records which are then submitted to our treasurer for review, then our board.

19. Provide a brief overview of other projects your organization has initiated over the last two years. These can be completed or in progress. (Please limit your response to 125 words)

Developed Business Tool Kits, supported by LISC, for new and existing businesses to use in meeting overall zoning requirements and requirements for sign-age.

7th and Nebraska Homeless Task Force: 33% reduction in KCKPD calls for service by addressing needs as agencies are working more closely together. Work continues to address homelessness and unemployment.

Downtown Pop-Up Business Program: negotiating with 3 possible businesses and sites.

**Project Information**

1. Name of Project/Program

   Business Tool Kit Production/Distribution

2. Amount of funding requested (Up to $3000)

   $3,000

3. Project start date:

   Aug 1, 2015

4. Project completion date:

   Dec 31, 2015

5. Location and address of project:

   726 Armstrong Ave., Ste 201, Kansas City, KS 66101

6. Which neighborhood or specific region will your program/project target?

   Businesses and neighborhood organizations in the following area: east to west: 4th to 18th street; north to south: Washington Blvd to Sandusky. Essentially businesses in downtown Kansas City, KS.

7. Explain the project/program for which you are seeking funding. (Please limit your response to 125 words)

   Electronic Business Tool Kits, created in conjunction with the Unified government of Wyandotte County, have been produced. Many of our businesses are small, some without even fax or internet. Printed copies, in both Spanish and English, are needed. Current pricing lists printing at around $1800. An additional $1200 is sought to allow for neighborhood group educational events, after-hours outreach to businesses, and other community outreach. We are in dialogue with the Unified Government on a facade program. The printed zoning and sign-age helps would be very helpful in allowing businesses to understand and meet requirements as well as plan future facade improvements.
8. How will this build neighborhood capacity in this specific area? How will this bring residents together to better address the problems they face as a community? (Please limit your response to 200 words)

Our very diversity hampers effective communication at times, especially in the more technical areas of zoning and sign-age ordinances. Spanish and English versions of Business tool Kits will allow DTSKCK to better address such ordinances with existing businesses as well as potential businesses. The Kits provide visuals, allowing for better understanding of ordinances.

They will provide better educational tools for neighborhood groups providing classes for those interested in starting or expanding a business.

Downtown KCK is one of the poorer areas in all of Kansas, with higher a unemployment rate and lower average family income. While a great deal has been done in western Wyandotte County, much needs to be done in the urban core.

9. How is your organization equipped to administer this program/project (e.g. experience, staff, previous successful projects, key partnerships, etc.)? (Please limit your response to 150 words)

DTSKCK partnered with LISC, KC, to create the Business Tool Kits. Other partners, through which the Kits can be distributed, include Wyandotte Economic Develop Council, the Unified Government of Wyandotte County, neighborhood groups, the Kansas Black Chamber of Commerce, and the KCK Chamber of Commerce. Monthly DTSKCK meetings and face-to-face interaction between current businesses and the DTSKCK Director will also allow for distribution. We have partnered with neighborhood groups on a variety of projects and know how, and with whom, to communicate. We have the face-to-face networks and the technology platforms to share the Kits.

10. Has this project been identified by the neighborhood or greater community as a need? Please explain. (Please limit your response to 150 words)

Yes it has. Interviews by the DTSKCK Director of businesses on Minnesota Ave and other parts of our service area indicate a desire to see the physical, as well as economic, environments in downtown improve. The DTSKCK Board approved the project. All board members either work in, or do business in, downtown KCK.
11. How does this project address at least one of the five focus areas of quality education, health and safety, economic development, physical development, and family income? (Please limit your response to 200 words)

We will educate current businesses on the need to meet ordinances. With the facade program in place, the appearance of downtown will change. Such improvements will help demonstrate a district in which businesses take pride in their facilities. Budding entrepreneurs can be educated in some of the aspects necessary for a successful business.

Changes should lead to attracting new businesses while encouraging other businesses to improve their sites. Economic development should be spurred; with many of our businesses being family owned, approximately 75%, family incomes are anticipated to rise.

12. Provide the detailed project budget. List both income and expenses including all materials, equipment, contract services, space/venue, etc. For materials and contractor services it is a best practice to acquire a minimum of three bids/proposals; please include all three bids as an attachment.

<table>
<thead>
<tr>
<th>Business Tool Kit Production/Distribution Budget</th>
</tr>
</thead>
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<tr>
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<tr>
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</tr>
<tr>
<td>Community Outreach: 4 events at $300 each = $1200</td>
</tr>
<tr>
<td>Total = $3000.00</td>
</tr>
<tr>
<td>DTSKCK Director Salary</td>
</tr>
<tr>
<td>In-kind: $3000.00</td>
</tr>
<tr>
<td>DTSKCK Outreach Coordinator Salary</td>
</tr>
<tr>
<td>In-kind: $500.00</td>
</tr>
<tr>
<td>Partner Contributions, Meeting Space</td>
</tr>
<tr>
<td>In-kind: $400.00</td>
</tr>
<tr>
<td>Total Budget</td>
</tr>
<tr>
<td>$6,900.00</td>
</tr>
</tbody>
</table>
13. Are you receiving any other grant funding for this project? If so, from which organizations and how much? (Please limit your response to 100 words)

Indirectly, yes we have already received funding. The Kits have already been created based on funding received from LISC, Kansas City.

14. What in-kind contributions will you use for this project (volunteer hours, donated materials, donated venue, etc.)? (Please limit your response to 100 words)

Salary for Director, DTSKCK. Approximately 25 hours of volunteer efforts. Venues provided by neighborhood groups, WEDC, KCK Chamber, others.

15. What will be the primary result(s)/outcome(s) of your project? (Please limit your response to 150 words)

Our goals:
1. to have 5 businesses address sign-age issues
2. share information with 5 potential new businesses
3. conduct 4 community outreach events
4. provide an initial 10+ copies each to partners: WEDC, Chambers, neighborhood groups

16. How will you 1) measure progress toward that outcome and 2) document that your intended outcome/result was achieved? (Please limit your response to 150 words)

Spreadsheets, with names and pertinent information, accompanying pictures, will document:
1. sign-age changes
2. potential businesses reached
3. outreach events with number of attendees; follow-up will take place regarding entrepreneurs
4. number of Kits delivered to partners
5. successes will appear on social media platforms and our website

17. Are there any additional items you may wish to address? (Please limit any response to 50 words)

Thank you for the opportunity to submit.
NEIGHBORHOODS RISING FUND
APPLICATION

Endorsement
To the best of my knowledge and belief, the statements in this grant application are true and correct; the governing body of the applicant has duly authorized the document; and the applicant organization will comply with applicable laws, regulations, terms, and conditions in effect at the time of grant. I understand that LISC and/or CCF, in evaluating this grant application, may, if deemed appropriate, review any and all of the information submitted as part of this request with advisors of the LISC and/or CCF’s choosing.

Signature of authorized representative of organization

Charles L. Schilitte

Printed Name
Charles L. Schilitte

Date
May 8, 2015

Attachments
Please include the following attachments with your grant application:

1. proof of good standing from the state of Missouri or Kansas
2. if applicable, a copy of a current IRS determination letter indicating 501(c)3 tax exempt status
3. current operating budget of the organization (this is typically different from a project budget)
4. either the most recent audit/financial review OR financial statements from the last two fiscal years
5. current bylaws
6. proof of an organization bank account
7. annual report (if available)
8. letters of support from partner organizations (if applicable)
9. bids for services or material (if applicable)
Business Entity Search

Date: 05/07/2015

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State’s office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name: THE DOWNTOWN SHAREHOLDERS OF KANSAS CITY, KANSAS, INC.

Business Entity ID Number: 6072375

Current Mailing Address: 726 Armstrong Avenue, KANSAS CITY, KS 66101

Business Entity Type: KANSAS NOT FOR PROFIT CORPORATION

Date of Formation in Kansas: 12/01/2005

State of Organization: KS

Current Status: ACTIVE AND IN GOOD STANDING

Resident Agent and Registered Office

Resident Agent: ED LINNEBUR

Registered Office: 726 Armstrong Avenue, KANSAS CITY, KS 66101

https://www.kansas.gov/bess/flow/main?execution=e2s7

5/7/2015
Annual Reports

The following annual report information is valid for active and delinquent status entities only.

**Tax Closing Month:** 12

**The Last Annual Report on File:** 12/2013

**Next Annual Report Due:** 06/15/2015

**Forfeiture Date:** 09/15/2015

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.
Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Publication 4221-FC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)
Downtown Shareholders, Inc  
Profit & Loss Budget Performance  
March 2015  

<table>
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<tr>
<th>Income</th>
<th>Mar 15</th>
<th>Budget</th>
<th>Jan - Mar...</th>
<th>YTD Bud...</th>
<th>Annual B...</th>
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<td>8,689.00</td>
<td>16,000.00</td>
<td>18,000.00</td>
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</table>

| 3400 · SSMID Revenue |         |        |              |            |             |
| 3410 · SSMID - Tax Assessment Funds | 22,694.17 | 12,186.00 | 65,803.16   | 36,558.00  | 146,237.00  |
| 3420 · SSMID - Other Exempt Share | 0.00    | 0.00   | 0.00         | 0.00       | 0.00        |
| 3430 · SSMID - UG Share         | 0.00    | 0.00   | 0.00         | 0.00       | 50,000.00   |
| 3440 · SSMID - GSA Share        | 0.00    | 3,515.00 | 3,515.00     | 10,545.00  | 42,180.00   |
| 3460 · SSMID - BPU Share        | 0.00    | 8,000.00 | 4,000.00     | 16,000.00  |             |
| **Total 3400 · SSMID Revenue** | 22,694.17 | 15,701.00 | 77,318.16   | 51,103.00  | 254,417.00  |

| 3500 · DTS · Gov't Contracts & Grants |         |        |              |            |             |
| 3510 · DTS · UG/NBR Funds       | 0.00    | 6,875.00 | 6,875.00     | 6,875.00   | 27,500.00   |
| 3515 · DTS · LISC HUD Grants    | 0.00    | 3,333.00 | 0.00         | 9,999.00   | 40,000.00   |
| 3500 · DTS · Gov't Contracts & Grants - Other | 0.00 | 10,208.00 | 6,875.00     | 16,874.00  | 67,500.00   |
| **Total 3500 · DTS · Gov't Contracts & Grants** | 0.00 | 10,208.00 | 6,875.00     | 16,874.00  | 67,500.00   |

| 3700 · DTS Other Income         |         |        |              |            |             |
| 3717 · Mayor Downtown Holiday Celebrat | 0.00  | 1,100.00 |              |            |             |
| 3716 · KCK Farmers' Market     | 4,095.00 | 4,095.00 |              |            |             |
| 3714 · Blues Festival          | 0.00    | 7,077.00 |              |            |             |
| 3705 · Improvement District Mgmt Fee | 0.00  | 2,500.00 | 9,900.00     | 7,500.00   | 30,000.00   |
| 3710 · Board Meals/Totes       | 156.00  | 130.00 | 156.00       | 390.00     | 1,560.00    |
| 3715 · Membership Luncheon     | 0.00    | 1,880.00 |              |            |             |
| **Total 3700 · DTS Other Income** | 4,251.00 | 2,630.00 | 24,208.00    | 7,890.00   | 31,560.00   |
| **Total Income**                | 27,195.17 | 30,539.00 | 117,090.16   | 91,867.00  | 371,477.00  |
| **Gross Profit**                | 27,195.17 | 30,539.00 | 117,090.16   | 91,867.00  | 371,477.00  |

| Expense                      |         |        |              |            |             |
| 4000 · Program Expenses     |         |        |              |            |             |
| 4100 · Special Event Expenses |        |        |              |            |             |
| 4116 · KCK Farmers' Market  | 4,095.00 | 5,355.00 |              |            |             |
| 4115 · Downtown Events - Blues Fest | 0.00 | 7,077.00 |              |            |             |
| **Total 4100 · Special Event Expenses** | 4,095.00 | 12,432.00 |              |            |             |
| **Total 4000 · Program Expenses** | 4,095.00 | 12,432.00 |              |            |             |

| 5000 · Operating Expenses   |         |        |              |            |             |
| 5200 · Contracted Services  |         |        |              |            |             |
| 5205 · LISC Capacity Grant Expense | 3,000.00 | 7,789.00 |              |            |             |
| **Total 5200 · Contracted Services** | 3,000.00 | 7,789.00 |              |            |             |

| 5300 · DTS Admin/Oper Expenses |         |        |              |            |             |
| 5375 · Membership Luncheon    | 0.00    | 764.75 |              |            |             |
| 5305 · Administrative/Fiscal Agent Fee | 8,051.34 | 8,056.00 | 24,184.02   | 24,168.00  | 96,676.00   |
| 5308 · First Step Sponsorship | 0.00    | 0.00   | 0.00         | 0.00       | 0.00        |
| 5310 · Office Supplies        | 466.90  | 40.00  | 466.90       | 120.00     | 500.00      |
| 5315 · Audit Expense          | 0.00    | 2,000.00 | 0.00         | 2,000.00   | 2,000.00    |
| 5316 · Professional Services Fees | 0.00 | 40.00  | 0.00         | 120.00     | 500.00      |
| 5317 · Legal Fees             | 0.00    | 0.00   | 0.00         | 0.00       | 0.00        |
| 5320 · Postage/Delivery       | 107.35  | 40.00  | 107.35       | 120.00     | 500.00      |
| 5325 · D&O Insurance          | 80.50   | 75.00  | 241.50       | 225.00     | 900.00      |
| 5330 · Technology             | 13.83   | 30.00  | 442.13       | 90.00      | 400.00      |
| 5335 · Banners                 | 0.00    | 0.00   | 0.00         | 0.00       | 0.00        |
| 5340 · Telephone and Internet | 168.81  | 100.00 | 769.71       | 300.00     | 1,200.00    |
| 5345 · Cell Phones            | 77.96   | 80.00  | 237.96       | 240.00     | 960.00      |
Downtown Shareholders, Inc
Profit & Loss Budget Performance
March 2015

<table>
<thead>
<tr>
<th>Item</th>
<th>Mar 15</th>
<th>Budget</th>
<th>Jan - Mar...</th>
<th>YTD Bud...</th>
<th>Annual B...</th>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5450 · Storage Rent &amp; Utilities</td>
<td>385.00</td>
<td>385.00</td>
<td>1,155.00</td>
<td>1,155.00</td>
<td>4,620.00</td>
</tr>
<tr>
<td>5455 · Building Maintenance &amp; Repairs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5460 · Equipment Maint &amp; Repairs</td>
<td>0.00</td>
<td>83.00</td>
<td>0.00</td>
<td>249.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>5465 · Cell Phones</td>
<td>80.00</td>
<td>83.00</td>
<td>157.96</td>
<td>249.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>5470 · Durable Equipment-noncapitalize</td>
<td>0.00</td>
<td>325.00</td>
<td>0.00</td>
<td>975.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>5480 · Entertainment</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5485 · Marketing</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5490 · Other Program Expense</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5495 · Depreciation</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total 5400 · SSMID Program Expenses</strong></td>
<td>22,694.17</td>
<td>26,696.00</td>
<td>77,318.16</td>
<td>77,086.00</td>
<td>305,420.00</td>
</tr>
<tr>
<td><strong>Total Expense</strong></td>
<td>42,389.54</td>
<td>38,967.00</td>
<td>130,507.25</td>
<td>109,901.00</td>
<td>430,856.00</td>
</tr>
<tr>
<td><strong>Net Income</strong></td>
<td>-15,194.37</td>
<td>-8,428.00</td>
<td>-13,417.09</td>
<td>-18,034.00</td>
<td>-59,379.00</td>
</tr>
</tbody>
</table>
DOWNTOWN SHAREHOOLDERS
OF KANSAS CITY, KANSAS, INC.

FINANCIAL STATEMENTS FOR THE YEARS
ENDED DECEMBER 31, 2013 AND 2012
AND INDEPENDENT AUDITORS' REPORT
INDEPENDENT AUDITORS’ REPORT

To the Board of Directors
Downtown Shareholders of Kansas City, Kansas, Inc.
Kansas City, Kansas

We have audited the accompanying financial statements of Downtown Shareholders of Kansas City, Kansas, Inc. (the “Organization”), which comprise the statements of financial position as of December 31, 2013 and 2012, and the related statements of activities and changes in net assets, and cash flows for the years then ended, and the related notes to the financial statements.

Management’s Responsibility for the Financial Statements
Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors’ Responsibility
Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity’s internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion
In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Organization as of December 31, 2013 and 2012, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Pickett, Chaney & McMullen LLP
Overland Park, Kansas
May 20, 2014
# DOWNTOWN SHAREHOLDERS OF KANSAS CITY, KANSAS, INC.

## STATEMENTS OF FINANCIAL POSITION

**DECEMBER 31, 2013 AND 2012**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH</td>
<td>$153,754</td>
<td>$62,924</td>
</tr>
<tr>
<td>ACCOUNTS RECEIVABLE</td>
<td>20,375</td>
<td>4,610</td>
</tr>
<tr>
<td>PREPAID EXPENSES</td>
<td>980</td>
<td>964</td>
</tr>
<tr>
<td>EQUIPMENT, net</td>
<td>543</td>
<td>2,172</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$175,652</strong></td>
<td><strong>$70,670</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES AND NET ASSETS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCOUNTS PAYABLE</td>
<td>$1,000</td>
<td>$565</td>
</tr>
<tr>
<td>SSMID ADVANCES</td>
<td>133,145</td>
<td>43,404</td>
</tr>
<tr>
<td>PREPAID MEMBERSHIP</td>
<td>135</td>
<td>9,410</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>134,280</strong></td>
<td><strong>53,379</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET ASSETS:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>41,117</td>
<td>14,553</td>
</tr>
<tr>
<td>Temporarily Restricted</td>
<td>255</td>
<td>2,738</td>
</tr>
<tr>
<td><strong>Total Net Assets</strong></td>
<td><strong>41,372</strong></td>
<td><strong>17,291</strong></td>
</tr>
</tbody>
</table>

| Total Liabilities and Net Assets            | $175,652   | $70,670    |

See notes to financial statements.
DOWNTOWN SHAREHOLDERS OF KANSAS CITY, KANSAS, INC.

STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS
FOR THE YEAR ENDED DECEMBER 31, 2013

<table>
<thead>
<tr>
<th>REVENUES, GAINS AND OTHER SUPPORT:</th>
<th>Unrestricted</th>
<th>Temporarily Restricted</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental grants and contracts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSMID revenue</td>
<td>$ 255,460</td>
<td>$ 255,460</td>
<td></td>
</tr>
<tr>
<td>Grants and contracts</td>
<td>166,839</td>
<td>166,839</td>
<td></td>
</tr>
<tr>
<td>Total governmental grants and contracts</td>
<td>422,299</td>
<td>422,299</td>
<td></td>
</tr>
<tr>
<td>Blues festival</td>
<td>6,617</td>
<td>3,000</td>
<td>9,617</td>
</tr>
<tr>
<td>Memberships</td>
<td>22,865</td>
<td></td>
<td>22,865</td>
</tr>
<tr>
<td>Other income</td>
<td>1,593</td>
<td>-</td>
<td>1,593</td>
</tr>
<tr>
<td></td>
<td>31,075</td>
<td>3,000</td>
<td>34,075</td>
</tr>
<tr>
<td>Net assets released from restrictions</td>
<td>5,483</td>
<td>(5,483)</td>
<td></td>
</tr>
<tr>
<td>Total revenues, gains and other support</td>
<td>458,857</td>
<td>(2,483)</td>
<td>456,374</td>
</tr>
</tbody>
</table>

EXPENSES:

Program services:

Downtown improvement district          255,460          255,460
Other                                   140,125          140,125

Supporting services:

Administration                          32,490          32,490
Fundraising                             4,218           4,218

Total expenses                          432,293          -            432,293

CHANGE IN NET ASSETS                   26,564          (2,483)          24,081

NET ASSETS, BEGINNING OF YEAR          14,553          2,738          17,291

NET ASSETS, END OF YEAR                $ 41,117        $ 255            $ 41,372

See notes to financial statements.
# DOWNTOWN SHAREHOLDERS OF KANSAS CITY, KANSAS, INC.

## STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS
FOR THE YEAR ENDED DECEMBER 31, 2012

<table>
<thead>
<tr>
<th>REVENUES, GAINS AND OTHER SUPPORT:</th>
<th>Unrestricted</th>
<th>Temporarily Restricted</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental grants and contracts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSMID revenue</td>
<td>$294,742</td>
<td>$294,742</td>
<td></td>
</tr>
<tr>
<td>Grants and contracts</td>
<td>107,890</td>
<td>107,890</td>
<td></td>
</tr>
<tr>
<td>Total government grants and contracts</td>
<td>402,632</td>
<td>402,632</td>
<td></td>
</tr>
<tr>
<td>Contributions</td>
<td>100</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Blues festival</td>
<td>2,949</td>
<td>5,000</td>
<td>7,949</td>
</tr>
<tr>
<td>Memberships</td>
<td>20,170</td>
<td>20,170</td>
<td></td>
</tr>
<tr>
<td>Other income</td>
<td>10,086</td>
<td>10,086</td>
<td></td>
</tr>
<tr>
<td>Net assets released from restrictions</td>
<td>2,262</td>
<td>(2,262)</td>
<td></td>
</tr>
<tr>
<td>Total revenues, gains and other support</td>
<td>438,199</td>
<td>2,738</td>
<td>440,937</td>
</tr>
</tbody>
</table>

## EXPENSES:

- Program services:
  - Downtown improvement district | 294,742 | 294,742 |
  - Other | 74,045 | 74,045 |

- Supporting services:
  - Administration | 58,899 | 58,899 |
  - Fundraising | 5,119 | 5,119 |

Total expenses | 432,805 | - | 432,805 |

## CHANGE IN NET ASSETS

5,394 | 2,738 | 8,132 |

## NET ASSETS, BEGINNING OF YEAR

<table>
<thead>
<tr>
<th>NET ASSETS, END OF YEAR</th>
<th>Unrestricted</th>
<th>Temporarily Restricted</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$14,553</td>
<td>$2,738</td>
<td>$17,291</td>
<td></td>
</tr>
</tbody>
</table>

See notes to financial statements.
CASH FLOWS FROM OPERATING ACTIVITIES:

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in net assets</td>
<td>$ 24,081</td>
<td>$ 8,132</td>
</tr>
<tr>
<td>Changes in operating assets and liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>1,629</td>
<td>1,629</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>(15,765)</td>
<td>(1,339)</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>(16)</td>
<td>(500)</td>
</tr>
<tr>
<td>Accounts payable</td>
<td>435</td>
<td>565</td>
</tr>
<tr>
<td>SSMID advances</td>
<td>89,741</td>
<td>(22,207)</td>
</tr>
<tr>
<td>Deferred revenue</td>
<td>(9,275)</td>
<td>9,410</td>
</tr>
<tr>
<td><strong>Net cash provided by (used in) operating activities</strong></td>
<td><strong>90,830</strong></td>
<td><strong>(4,310)</strong></td>
</tr>
</tbody>
</table>

INCREASE (DECREASE) IN CASH

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INCREASE (DECREASE) IN CASH</strong></td>
<td>90,830</td>
<td>(4,310)</td>
</tr>
</tbody>
</table>

CASH, BEGINNING OF YEAR

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CASH, BEGINNING OF YEAR</strong></td>
<td><strong>62,924</strong></td>
<td><strong>67,234</strong></td>
</tr>
</tbody>
</table>

CASH, END OF YEAR

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CASH, END OF YEAR</strong></td>
<td><strong>$ 153,754</strong></td>
<td><strong>$ 62,924</strong></td>
</tr>
</tbody>
</table>

SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION

Cash paid for interest and taxes

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION</strong></td>
<td><strong>$ -</strong></td>
<td><strong>$ -</strong></td>
</tr>
</tbody>
</table>

See notes to financial statements.
1. DESCRIPTION OF THE ORGANIZATION

Nature of Activities – Downtown Shareholders of Kansas City, Kansas, Inc. (the “Organization”) was formed on December 1, 2005, under the Kansas Non-profit Corporation Code and is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code as a public charity. The purpose of the entity is to provide services and support to promote and encourage the revitalization of the downtown area. The Organization’s members include businesses, individuals, non-profit and governmental organizations located in the Kansas City, Kansas metropolitan area.

Self-Supported Municipal Improvement District (SSMID) – In 2009, approval was received for the Organization to form an SSMID. An SSMID is a means provided under Kansas State Statute whereby property owners submit a petition to establish a tax assessment district to fund improvements within their district. This SSMID was formed to create a clean and safe environment in downtown Kansas City, Kansas.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting and Presentation – The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

The Organization is required to report information regarding its financial position and activities according to the three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets.

Equipment – The Organization capitalizes all significant acquisitions of equipment, which are recorded at cost. Depreciation and amortization are computed on the straight-line method over three years.

Income Taxes – The Organization is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. As a result, no provision for income taxes has been recorded. The Organization accounts for uncertain tax positions in accordance with the provisions of Financial Accounting Standards Board (“FASB”) Codification Topic Income Taxes. Income Taxes clarifies the accounting for uncertainty in income taxes and requires the Organization to recognize in their financial statements the impact of a tax position taken or expected to be taken in a tax return, if that position is more likely than not to be sustained under audit, based on the technical merits of the position. Management has assessed the tax positions of the Organization and determined that no positions exist that require adjustment or disclosure in the financial statements. The Organization is subject to routine audits by taxing jurisdictions; however, there are currently no audits for any tax periods in progress. The Organization believes it is no longer subject to income tax examinations for years prior to 2010.

Contributions – Contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted support depending on the existence or nature of any donor restrictions. When a restriction expires (that is, when a stipulated time restriction ends or purpose restriction is accomplished), temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.
Contributed Services – Contributed services are recognized as contributions if the services (a) create or enhance nonfinancial assets or (b) require specialized skills which are performed by individuals possessing those skills, and (c) would otherwise be purchased by the Organization if not donated. There were no contributed services in 2013 and 2012.

Accounts Receivable – Accounts receivable are stated at outstanding balances. No allowance for doubtful accounts was deemed necessary.

Membership Contribution – The Organization may receive a membership contribution from certain property and business owners. These contributions are recorded as revenue for the year in which the membership relates.

Revenue Recognition – The Organization receives SSMID assessment dollars throughout the fiscal year. The Organization recognizes revenue from the SSMID to the extent of expenses incurred on behalf of the SSMID. As of December 31, 2013 and 2012, the Organization has $133,145 and $43,404, respectively, of funds from the SSMID to be utilized for future SSMID expenses.

Grant Revenues – The Organization receives revenue in the form of grants. The Organization recognizes grant funds received or receivable as revenue to the extent that the related program expenses have been incurred.

Allocation of Expenses – The costs of providing various programs and other activities have been summarized on a functional basis. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

Use of Estimates – The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Date of Management’s Review – Subsequent events have been evaluated through May 20, 2014, which is the date the financial statements were available to be issued, and there were no material events requiring recognition or disclosure.

3. EQUIPMENT

<table>
<thead>
<tr>
<th>Description</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment</td>
<td>$4,887</td>
<td>$4,887</td>
</tr>
<tr>
<td>Less accumulated depreciation</td>
<td>(4,344)</td>
<td>(2,715)</td>
</tr>
<tr>
<td></td>
<td>$543</td>
<td>$2,172</td>
</tr>
</tbody>
</table>

Depreciation expense for the year ended December 31, 2013 and 2012, was $1,629 for each year.

4. CURRENT ECONOMIC CONDITIONS AND RESULTS OF OPERATIONS

The current economic environment presents not-for-profit organizations with circumstances and challenges, which in some cases have resulted in large declines in contributions, decreased funding from grantors, and constraints on liquidity and difficulty obtaining financing. The financial statements have been prepared using values and information currently available to the Organization.
5. MANAGEMENT AGREEMENT

City Vision, Inc. ("City Vision"), provides personnel, accounting and bookkeeping, information technology, and other services to the Organization on a contract basis. As compensation for these management services provided by City Vision, the Organization agreed to reimburse City Vision $8,789 per month and $9,892 per month, for 2013 and 2012, respectively. The agreement renews annually on January 1st, unless modified or terminated by either party to the agreement. The Organization’s expense under this agreement was $105,466 and $118,702, for 2013 and 2012, respectively.

6. GRANTS AND CONTRACTS

Grants and contracts consist of:

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>NBR Funds</td>
<td>$28,125</td>
<td>$22,500</td>
</tr>
<tr>
<td>LISC Funds</td>
<td>135,480</td>
<td>85,000</td>
</tr>
<tr>
<td>Other</td>
<td>3,234</td>
<td>390</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$166,839</strong></td>
<td><strong>$107,890</strong></td>
</tr>
</tbody>
</table>

7. MAJOR CONCENTRATION

The Organization recognized $255,460 and $294,742 of revenue related to the SSMID for the years ended December 31, 2013 and 2012, respectively. This funding represented approximately 56% and 67% of the Organization’s revenues for the years ended December 31, 2013 and 2012, respectively. Revenue from non-exempt property owners tax contributions totaled $147,559 and $185,802, which represented 32% and 42% of the Organization’s revenues for the years ended December 31, 2013 and 2012, respectively. The remaining revenue was from governmental entities totaling $107,901 and $108,940, which represented 24% and 25% of the Organization’s revenues for the years ended December 31, 2013 and 2012, respectively.

SSMID Assessment dollars collected were approximately $237,000 and $161,000 for the years ended December 31, 2013 and 2012, respectively, plus funds collected from governmental entities of approximately $108,000 and $112,000 for the years ended December 31, 2013 and 2012, respectively. The SSMID Assessment runs through December 31, 2016.

During 2011, the Organization was notified by the Unified Government that SSMID assessment dollars received by the Organization were over paid as a result of several property owners successfully protesting the assessed value of their property. The Unified Government refunded SSMID assessed dollars totaling $36,586, back to the property owners. In 2012 and 2013, the SSMID allocations that were made to the Organization, were reduced by this amount.
8. TEMPORARILY RESTRICTED NET ASSETS

In 2013, contributions of $3,000 were received for the Blues Festival and $5,483 were released from donor restrictions by incurring expenses satisfying the restricted purposes, the Blues Festival. As of December 31, 2013, there are $255 of temporarily restricted net assets for the Blues Festival.

In 2012, contributions of $5,000 were received for the Blues Festival and $2,262 were released from donor restrictions by incurring expenses satisfying the restricted purposes, the Blues Festival. As of December 31, 2012, there are $2,738 of temporarily restricted net assets for the Blues Festival.

************
BY-LAWS OF THE
DOWNTOWN SHAREHOLDERS OF KANSAS CITY, KANSAS, INC.
(Updated Mar 2014)

ARTICLE I: STATEMENT OF PURPOSE

1. **Mission.** Recognizing that the downtown area of Kansas City, Kansas is the heart and nerve center of, and directly affects job opportunities and the quality of life throughout Kansas City, Wyandotte County, Kansas and the entire metropolitan Kansas City area, the mission of the corporation is to stimulate, promote and encourage the revitalization of the downtown area as a thriving and profitable center of business, commerce, culture, residence, entertainment and other activity through
   a. the development and redevelopment of properties and related amenities with due consideration to historic preservation, infrastructure, accessibility and accommodation; and
   b. the marketing and promotion of its expanded opportunities to provide an environment in which to live, work, visit and play.

2. **Downtown Area.** The downtown area is generally bounded by Washington Boulevard until 10<sup>th</sup> Street, then along Waterway, to State Avenue then on State to 18<sup>th</sup> Street on the north; the Kansas River and 3<sup>rd</sup> Street on the east; 18<sup>th</sup> on the west; and Sandusky to 10<sup>th</sup> and then on the south side of Minnesota to 18<sup>th</sup> on the south.

3. **Priorities.** The primary concern and emphasis of the corporation shall be the downtown area in which it shall take an active and key role, as a catalyst, to accomplish the mission of the corporation. The secondary concern and emphasis of the corporation shall be facilitating a common view for the downtown area and supporting the efforts and activities of the other councils, associations, organizations and groups taking the primary responsibility for leadership in the other sub areas within the downtown area.

ARTICLE II: OFFICE, RECORDS, SEAL

1. **Registered Office and Registered Agent.** The corporation shall have and continuously maintain a registered office and registered agent in the State of Kansas. The address of the registered office and the name of the registered agent in the State of Kansas stated in the Articles of Incorporation may be changed from time to time by the Board of Directors of the corporation in conformance with applicable provisions of law.

2. **Records.** The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Executive Committee, the Board of Directors and committees having any of the authority of the Board of Directors. The corporation shall also keep at its registered office or principal office a record giving the names and addresses of the Board of Directors.

3. **Seal.** The corporate seal, which may be altered at any time, shall have inscribed thereon the name of the corporation and the words: Corporate Seal – Kansas. The corporate seal may be used by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.
ARTICLE III: MEMBERS

1. **Membership.** Membership of the corporation ("Members") shall be open to any individual, organization, partnership, corporation or not-for-profit corporation of association interested in furthering the purposes of the corporation, provided that such Members shall contribute annual financial support to the corporation in accordance with its minimum annual dues structure. There shall be two categories of Members: Sponsors and contributors.

   **Sponsor Members.** Sponsor Members shall be those who contribute a minimum amount as set by the Board of Directors to Gold Sponsors. They shall be allowed a voice in the nomination of the three seats reserved for Sponsors and in the election of the entire board and they shall gain other benefits as set forth by the Board of Directors.

   **Contributor Members.** Contributor Members shall be those who contribute a minimum amount as set by the Board of Directors to become Corporate Contributors or Individual Contributors. They shall have a voice in the election of the entire board and such other benefits as set forth by the Board of Directors.

2. In addition to setting the annual dues, the Board of Directors shall have the power to assess special dues, which shall be allotted among the various classes of Members, in whole or in part, in such proportions as the Board of Directors shall determine; provided, however, that any Member may voluntarily withdraw as a Member of the corporation by giving written notice to the corporation at any time after receiving notice of any assessment of special dues and upon such withdrawal, such Member shall not be required to pay the special dues assessment to the corporation.

3. No person or business shall become a Member without paying the appropriate dues for the first year. Thereafter, the annual dues shall be paid within 30 days of the beginning of each fiscal year, beginning on January 1. Members who fail to pay their annual or special dues within 30 days from the time they become due shall be notifed by the Secretary, and, if payment is not made within the next succeeding 30 day period, shall be reported to the Board of Directors as in arrears, and if so ordered by the Board shall be dropped from the rolls and shall thereupon forfeit all rights and privileges of membership.

ARTICLE IV: MEETINGS OF THE MEMBERS

1. **Place of Meeting.** The meetings of the Members of the corporation shall be held at such place or places within or without the State of Kansas as may be from time to time designated by resolution or written consent of the Board of Directors of the corporation.

2. **Annual Meeting.** The annual meeting of the Members of the corporation shall be set by the Board of Directors at their first meeting in January and shall be in the month of April.

3. **Special Meeting.** Special meetings of the Members of the Corporation may be held at any time and for any purposes. Special meetings may be called by the President of the Corporation or by the Board of Directors.

ARTICLE V: BOARD OF DIRECTORS

1. **General.** The Board of Directors shall consist of a maximum of twenty one persons: nineteen shall be voting members of the Board and two shall be non-voting.
2. **Directors from Sponsors.** The Gold Sponsors may nominate at least three persons from the Gold Sponsors to serve on the Board. The Members shall ratify the nominees to represent the Gold Sponsors on the Board of Directors.

3. **Specific Directors from Allied Organizations.** These two positions shall be members of the voting Directors and would have **early** knowledge of the history of economic growth within our district and would be representatives from both Wyandotte Economic Development Council and Kansas City, Kansas Chamber of Commerce. These positions would be made for the Executive Director of said organizations or a representative that can commit time and energy in the work needed to drive our economic strategies for the downtown district. These positions were made permanent by a majority vote from the board of directors, and could be removed by the same method.

4. **Youth Directors from DTS District Schools.** These three positions shall be members of the voting Directors they will represent the local youth and school activities. These three positions would be nominated by the principal of the high school and would require these directors to work on strategies that build stronger connections with their student bodies. The three positions would be filled with representatives from Sumner Academy of Arts & Science, Wyandotte High School, and Ward High School. These positions are a mutually agreed position by both DTS Board and School Principals. Discussions would be had between both parties to make sure we all are providing a great learning environment for the students.

5. **Directors from Contributors.** The Members shall choose a minimum of 13 members from the Contributors; they shall be representative of the diversity of the organization’s membership base and include nominees from such membership constituencies as retail businesses, service businesses, the financial industry, neighborhood organizations, non-profit/social services, cultural/artistic interests and government/public sector.

6. **Non-Voting Directors.** The Mayor, representing the Unified Government, may appoint two non-voting directors from the Unified Government including the mayor him/herself or other elected officials or high level departmental staff.

7. **Powers.** The Board of Directors shall have all the powers granted by state law. They shall exercise all powers of management of the affairs of the corporation. There shall never be fewer than thirteen directors including the non-voting directors.

8. **Meetings.** The Board of Directors shall meet in regular monthly sessions and special sessions upon the call of the President and with prior notice from the Secretary.

9. **Executive Committee.** The Executive Committee of the Board of Directors shall consist of the President, Vice President, Secretary and Treasurer, the Chair of the SSMID Advisory Board and the Chairs of the standing committees. The quorum of the Executive Committee shall be a simple majority of the members. They may act for the corporation between the regular or special meetings, but their acts must be ratified by the full Board to be binding. They shall make no binding decisions not previously authorized by the Board of Directors. All meetings of the Executive Committee are open to all Directors who may speak but not vote at such meetings. The Executive Committee shall meet at the call of the President.

10. **Vacancies.** The Board of Directors shall fill vacancies among the directors resulting from death, resignation, incapacity, removal or disqualification of any director or by reason of any increase in the number of directors. A director appointed to fill a vacancy shall be appointed for the unexpired term of his predecessor and until his successor shall have been duly elected and qualified.

11. **Removal.** Any director may be removed by the vote of at least two-thirds of the other directors at any meeting of the Board of Directors, whether regular or specially called for
that purpose, whenever, in the judgment of such other directors, the director no longer fulfills the criteria for Board membership as set by the Board or has accrued three unexcused absences during the calendar year.

12. **Committees.** The Board of Directors may designate one or more committees, which shall consist of one or more directors and may also include Members of the corporation who are not directors. Such committees shall be designated by resolution of the Board of Directors and shall have the authority of the Board of Directors in the management of the corporation to the extent provided in said designating resolution. The Board Development Committee shall be constituted as stated later in these by-laws.

13. **Meeting Place.** The Board of Directors may hold a meeting at any place within or without the State of Kansas as may be determined from time to time by resolution of the Board of Directors or by written consent of the directors.

14. **Special Meetings.** Special meetings of the Board of Directors may be called by the President, Vice President or Secretary of the corporation by giving two (2) days notice of such meeting to each director personally by mail, telephone, e-mail, or telegram, stating the time, place and purpose of any such meeting.

15. **Open Meetings.** All meeting of the Board of Directors shall be open to the Members of the Corporations.

16. **Waiver of Notice.** Notice provided or required to be given to a director may be waived in writing by any of them before, at or after the time stated therein.

17. **Quorum.** At all meetings of the Board of Directors, one-third of the whole Board shall constitute a quorum for the transaction of business. Resolutions shall be passed by a majority of a quorum present except when a larger number is required by law or these by-laws.

**ARTICLE VI: ELECTIONS**

1. **Board Development Committee.** The Members shall in April and at each succeeding Annual Meeting of the Membership in April will elect four persons who are not members of the Board of Directors from among the membership to serve on the Board Development Committee for the coming year. These four along with three persons chosen by the Board of Directors shall constitute the Board Development Committee. All members shall serve until their successors are duly elected and installed.
   a. The Board Development Committee shall seek candidates for each position on the Board of Directors and shall present a slate of nominees to the Annual Meeting of the Membership.
   b. The Board Development Committee shall oversee the choice of candidates for the Sponsors Committee representatives to the Board of Directors.
   c. The Board Development Committee shall, at its discretion, provide Board training throughout the year.

   The Board of Directors shall choose representatives to the Board Development Committee by no later than July of each year.

2. **Terms.** The Board of Directors shall have two-year terms. The initial board shall be staggered as adopted by the Leadership Council in the pre-corporate phase in November, 2005. All directors shall serve until their successor is elected and installed. Board Members shall be installed by the outgoing President, Vice President or Secretary as may be appropriate to guarantee continuity.
3. **Elections.** The Members shall ratify all directors and four members of the Board Development Committee. All directors shall be elected to their offices at the Annual Meeting of the Membership by a majority of those present and voting. All Members shall have just one vote.

**ARTICLE VII: OFFICERS**

1. **General.** The officers of the corporation shall consist of the President, the Vice President, the Secretary and the Treasurer elected annually by the Board of Directors at its annual meeting and shall hold office at the pleasure of the Board of Directors. The officers of the corporation shall be members of the Board of Directors.

2. **Removal.** Any officer, employee, or agent of the corporation may be removed or discharged by the Board of Directors whenever in its judgment the best interests of the corporation is served thereby, but such removal shall be without prejudice to the contract rights, if any, of the persons so removed and shall not be because of prejudice due to race, color, national origin, gender, sexual orientation, disability or religion.

3. **Vacancy.** All vacancies shall be filled by the Board of Directors at the next regular meeting, or at any special meeting called for that purpose.

4. **Delegation of Authority.** The Board of Directors may from time to time delegate any of the functions, powers, duties and responsibilities of any officer to any other officer or to any agent or employee of the corporation or other responsible person. In the event of any such delegation, the officer from whom any such function, power, duty or responsibility has been transferred shall thereafter be relieved of all responsibility for the proper performance or exercise thereof.

5. **President.** The President shall be the Chief Executive Officer of the corporation and shall have all the duties, powers and responsibilities that usually devolve on the Chief Executive of a corporation. He/She shall preside at all meetings of the Members, the Board and the Executive Committee and be ex officio member of all committees. The Board of Directors may further delineate his powers and authorities by resolution.

6. **Vice President.** The Vice President shall work in cooperation with the President, perform such duties as the Board shall assign to him or her, and in the absence or incapacity of the President, shall be vested with all the powers and perform all the duties of the President during his or her absence. The Board of Directors may further delineate his powers and authorities by resolution.

7. **Secretary.** The Secretary shall attend all meetings of the Membership, Board and Executive Committee and shall record or cause to be recorded all the minutes of said meetings. The Secretary shall be the custodian of all the books, papers and records and financial reports and records of the corporation and shall at such reasonable times as may be requested, permit an inspection of such books, papers and records by any director of the corporation. The Secretary shall be the administrative and clerical officer of the corporation under the supervision of the President and Board of Directors.

8. **Treasurer.** The Treasurer shall have the responsibilities of the Chief Financial Officer of a corporation and shall oversee the financial books, papers and audits of the corporate finances. He or she shall keep or cause to be kept a full and accurate account of receipts and disbursements and shall sign disbursements as specified by the financial policies allocated by the Board of Directors. The books and accounts of the Treasurer shall be open to inspection by any Director or any appropriately authorized government agency. The Treasurer shall
render an annual report of the financial condition of the corporation to the Directors and Membership.

ARTICLE VIII: DISSOLUTION

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the corporation in such charitable, educational, religious or scientific purposes as shall at that time qualify as an exempt organization or organizations under Section 501(C)3 of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law), as the Board of Directors shall determine.

ARTICLE IX: EARNINGS

No part of the net earnings of the Corporation shall inure to the benefit of, or be distributed to, its members, trustees, officers or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

ARTICLE X: POLITICAL ACTIVITY

No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

ARTICLE XI: UNACCEPTABLE ACTIVITY

Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)3 of the Internal Revenue Code of 1954 (or corresponding provisions of any future United States Internal Revenue Law) or (b) by a Corporation contributions to which are deductible under Section 170(c)2 of the Internal Revenue Code of 1954 (or corresponding provisions of any future United States Internal Revenue Law).

ARTICLE XII: CUSTODIANS AND DEPOSITORIES

1. **Custodian of Securities.** The Board of Directors may from time to time appoint one or more banks or trust companies to act for reasonable compensation as custodian of all securities owned by the corporation, and to exercise in respect thereof such powers as may be conferred by resolution of the Board of Directors. The directors may remove such custodian at any time.

2. **Depositaries and Checks.** The monies and funds of the corporation shall be deposited in such manner as the directors shall direct in such banks or trust companies as the directors
shall direct in such banks or trust companies as the directors may designate, and shall be
drawn out by checks signed in such manner as may be provided by resolution or resolutions
adopted by the directors.

3. **Bond.** Any officer or employee handling money or securities of the corporation may be
bonded at the corporation’s expense in such amounts as may be prescribed by the Board of
Directors.

**ARTICLE XIII: AMENDMENTS**

The Board of Directors shall have the power to make, alter, amend and repeal the By-Laws of the
corporation by resolution adopted at any annual, regular or special meeting of the Board by a
majority of the members of the Board then duly elected, qualified, and acting.

**ARTICLE XIV: INDEMNIFICATION**

The Corporation shall, to the fullest extent permitted by Kansas law, indemnify any and all persons
whom it shall have power to indemnify under said section from and against any and all of the
expenses, liabilities or other matters referred to in or covered by said section. The corporation may,
but shall not be obligated to, maintain insurance at its expense, or protect itself and any such
persons against any such expenses or liabilities.
Last statement: March 31, 2015  
This statement: April 30, 2015  
Total days in statement period: 30

Page 1  
0121870547  
(14)

Direct inquiries to:  
Your Personal Banker  
Brotherhood Bank & Trust  
756 Minnesota Ave  
Kansas City KS 66101

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THANK YOU FOR BANKING WITH US!

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**Primary Business Checking**

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To: Program Manager, Neighborhoods Rising Fund (NRF)

Strawberry Hill Neighborhood Association supports the efforts of Downtown Shareholders, KCK, in applying for the 2015 $3,000 NRF Grant. Our organization partners with the Shareholders on various issues including economic development. We support the printing and wider distribution of the Business Tool Kits which awarding this grant would allow.

Downtown Kansas City, KS has rich ethnic and economic diversity. However, these very characteristics often pose communication problems. The printing of the Business Tool Kits in both English and Spanish would allow better understanding by current and potential businesses as they seek to comply with the requirements of the Unified Government of Wyandotte County’s zoning and signage ordinances. Working with the Unified Government’s Urban Planning and Land Use Department, Downtown Shareholders, KCK has produced documents to illustrate the processes. These documents, underwritten by a LISC grant, currently exist electronically. Printed copies are needed because technology either is not available or simply not used by several smaller downtown businesses.

The printings would also facilitate continued façade improvement efforts underway downtown. Downtown Shareholders, KCK and the Unified Government’s Department of Economic Development are collaborating on a façade improvement program which may become a model for the rest of the county. Zoning and signage requirements will be central to this effort.

Downtown Shareholders, KCK has agreed to provide our organization printed copies as needed. We will continue to partner on economic development efforts and other issues affecting downtown KCK businesses and residents.

Thank you for considering the NRF application of the Downtown Shareholders, KCK.

Tim Ryan

Strawberry Hill Neighborhood Association

shna66101@gmail.com

785-317-0766
May 6, 2015

To: Program Manager, Neighborhoods Rising Fund (NRF)

The Historic Northeast Midtown Association supports the efforts of Downtown Shareholders, KCK, in applying for the 2015 $3,000 NRF Grant. Our organization partners with the Shareholders on various issues including economic development. We support the printing and wider distribution of the Business Tool Kits which awarding this grant would allow.

Downtown Kansas City, KS has rich ethnic and economic diversity. However, these very characteristics often pose communication problems. The printing of the Business Tool Kits in both English and Spanish would allow better understanding by current and potential businesses as they seek to comply with the requirements of the Unified Government of Wyandotte County’s zoning and signage ordinances. Working with the Unified Government’s Urban Planning and Land Use Department, Downtown Shareholders, KCK has produced documents to illustrate the processes. These documents, underwritten by a LISC grant, currently exist electronically. Printed copies are needed because smaller business owners in Kansas City, Kansas don’t have the technology to access electronic copies or are unaware of the resource.

The printings would also facilitate continued facade improvement efforts underway downtown. Downtown Shareholders, KCK and the Unified Government’s Department of Economic Development are collaborating on a façade improvement program which may become a model for the rest of the county. Zoning and signage requirements will be central to this effort.

Downtown Shareholders, KCK has agreed to provide our organization printed copies as needed. We will continue to partner on economic development efforts and other issues affecting Kansas City, Kansas businesses and residents.

Thank you for considering the NRF application of the Downtown Shareholders, KCK.

Sincerely,

Rachel Jefferson
Executive Director
Historic Northeast Midtown Association
May 4, 2015

Program Manager
Neighborhoods Rising Fund (NRF)

The Department of Urban Planning and Land Use supports the efforts of Downtown Shareholders, KCK, in applying for the 2015 $3,000 NRF Grant. Our organization partners with the Shareholders on various issues including economic development. We support the printing and wider distribution of the Business Tool Kits which awarding this grant would allow.

Downtown Kansas City, Kansas has rich ethnic and economic diversity. However, these very characteristics often pose communication problems. The printing of the Business Tool Kits in both English and Spanish would allow better understanding by current and potential businesses as they seek to comply with the requirements of the Unified Government of Wyandotte County’s zoning and signage ordinances. Working with the Unified Government’s Urban Planning and Land Use Department, Downtown Shareholders, KCK has produced documents to illustrate the processes. These documents, underwritten by a LISC grant, currently exist electronically. Printed copies are needed because technology either is not available or simply not used by several smaller downtown businesses.

The printings would also facilitate continued facade improvement efforts underway in the downtown. Downtown Shareholders, KCK and the Unified Government’s Department of Economic Development are collaborating on a façade improvement program which may become a model for the rest of the county. Zoning and signage requirements will be central to this effort.
Downtown Shareholders, KCK has agreed to provide our organization printed copies as needed. We will continue to partner on economic development efforts and other issues affecting downtown KCK businesses and residents.

Thank you for considering the NRF application of the Downtown Shareholders, KCK.

Sincerely,

Robin H. Richardson, AICP
Director of Planning

JLP
May 5, 2015

Program Manager
Neighborhoods Rising Fund (NRF)
Mohart Center
3200 Wayne
Kansas City, Missouri 64109

Dear Program Manager,

Wyandotte Economic Development Council (WYEDC) supports the efforts of the Downtown Shareholders, in Kansas City, Kansas (KCK), in their application for a 2015 Neighborhoods Rising Fund (NRF) grant. WYEDC partners with the Downtown Shareholders on various projects and initiatives in support of our collective economic development efforts. We support this particular effort which will provide the printing and distribution of the Business Tool Kits to businesses in Downtown KCK.

The printing of the Business Tool Kits in both English and Spanish would allow better understanding by current and potential businesses as they seek to comply with the requirements of the Unified Government of Wyandotte County's zoning and signage ordinances. Working with the Unified Government's Urban Planning and Land Use Department, the Downtown Shareholders has produced guides to illustrate the processes. Printed copies are needed because technology either is not available or simply not used by many of the downtown businesses.

The Business Tool Kits would also facilitate continued facade improvement efforts underway downtown. Downtown Shareholders, WYEDC and the Unified Government's Department of Economic Development are collaborating on a facade improvement program which may become a model for other communities. Zoning and signage requirements will be central to this effort.

Downtown Shareholders has agreed to provide WYEDC printed copies as needed. We will continue to partner on economic development efforts and other issues affecting downtown KCK businesses and residents. We are excited to execute initiatives like this one as soon as possible so it can coincide with the very important revitalization efforts that are occurring today in downtown KCK. Thank you for considering the Downtown Shareholders for this NRF grant. If you have any questions please contact me at jmatlack@wyedc.org or by phone at 913-748-2273

Sincerely,

Jay Matlack
Director of Business Retention and Expansion
QUOTE

SIGNAGE TOOLKIT & DEVELOPMENT TOOLKIT

Both of these items have the same specs and would both have the same prices.

Final Size: 11in x 25.5in

Paper Type: 100lb Gloss Text

Print Instructions: Print oversized to Bleed, Cut to Size and Tri-Fold to Letter Size

100 qty = $858.99

500 qty = $1002.99

1000 qty = $1234.99

MARKET PROFILE

Final Size: 11in x 17in

Paper Type: 100lb Gloss Text

Print Instructions: Print oversized to Bleed, Cut to Size and Folded to Letter Size

100 qty = $208.00

500 qty = $590.00

1000 qty = $935.00

If you have any questions feel free to give us a call anytime

Monday - Friday 9:00 am through 5:00 pm or contact us by Email anytime 24 hours a day.

Thanks,

Modesty L. Jones

Graphic Designer for Minnesota Avenue Printing
May 13, 2015

Mrs. Bridgette D. Cobbins  
Unified Government Clerk  
East Building  

Re: Subdivision Plat Approval for

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of FRANK RUSHTON ELEMENTARY located at 43rd & Springfield and being developed by USD 500.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

[Signature]

Brent E. Thompson, R.L.S.  
County Surveyor

[Signature]

William J. Heatherman, P.E.  
County Engineer

Attachments

[Stamp]  
FILED  
MAY 18 2015  
UNIFIED GOVERNMENT CLERK
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 26, 2015, with ten members present: Vacant, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via telephone); McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Maddox, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Renee Ramirez, Director of Human Resources; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Jody Boeding, Chief Counsel; Ken Moore, Assistant Counsel; Bridgette Cobbins, Unified Government Clerk; Rob Richardson, Director of Urban Planning & Land Use; Henry Couchman, Senior Attorney; Jamie Ferris, Planning Department; Bryon Toy, Planning Department; Chris Slaughter, Wyandotte County Land Bank Manager; Janet Parker, Planning Department; and Captain Steve Haulmark, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox, Holland.

INVOCATION was given by Reverend Mike May, St. Luke’s Lutheran Church.

The agenda for March 26, 2015, was presented.

PLANNING & ZONING AGENDA

Mayor Holland said tonight we have two distinct parts of our meeting. The first is Planning & Zoning which will be handled first and then afterwards our Non-Planning & Zoning meeting. Before we begin, I’ll ask the Clerk if there were any revisions to tonight’s agenda. Bridgette Cobbins, UG Clerk, stated there are no revisions.

I’ll now ask the Clerk to read the Planning & Zoning statement followed by the items on the Planning & Zoning Consent Agenda.
Ms. Cobbins asked if anyone on the commission wished to disclose any contact with proponents or opponents on any of the agenda items. Commissioner Townsend said I wish to disclose contact with an opponent of the special use permit that is not on the Consent Agenda. It is Special Use #SP-2015-6. Commissioner Walker said I had contact with both proponents and opponents of Special Use Permit #SP-2015-6. Commissioner Kane said opponents of the one Howell just said. Commissioner Maddox said I’ve had contact with a proponent of #SP-2014-55. Mayor Holland said let the record show those are all the disclosures at this time.

Mayor Holland asked if there were any set-asides on the Planning & Zoning Consent Agenda. If an item is not set-aside, it will be voted on by a single vote following the recommendation given by the Planning Commission. Carmen Shaw asked to set-aside A-1.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning & Zoning Consent Agenda, excluding the set-aside item.

Mayor Holland said let the record show no one else is moving forward to set an item aside. It is properly moved and seconded.

Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

PLANNING & ZONING CONSENT AGENDA
SPECIAL USE PERMIT APPLICATIONS
ITEM NO. 1 – 080151…SPECIAL USE PERMIT #SP-2014-55 – WILLIAM AND PAULA JOHNSON

Synopsis: Special use permit for the temporary use of land to park three dump trucks at 1508 and 1510 North 17th Street, submitted by Robin H. Richardson, Director of Planning. Mr. Johnson currently parks three Peterbilt dump trucks (1986, 1996 and a 1997) on his property that is zoned R-2 Two Family District and has done so for many years. On October 30, 2008, the Board of Commissioners approved a six-month special use permit to allow the applicant to find a more appropriate place. On August 27, 2009, the Board of Commissioners approved another six-month special use permit to allow the applicant to find a more appropriate place. On September 30, March 26, 2015
2010, the Board of Commissioners denied application #SP-2010-15. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application #SP-2014-55.

Carmen Shaw, Johnson Truck Company, 1508 North 17th Street, said I’m speaking on behalf of Paula Johnson. On behalf of Johnson Truck Company, I would like for it to be removed. Mayor Holland said it’s been removed and now we’re ready to consider it. Would you like to speak to why you would like—what you’d like to see happen? Ms. Shaw said I’m speaking on behalf of Paula Johnson. Someone is going to come and speak on her behalf as well.

Rob Richardson, Director of Urban Planning & Land Use, said, Mayor, at Planning Commission, Ms. Johnson presented a petition that’s being distributed to you right now.

Paula Johnson, Petitioner, 1510 North 17th St., said my husband and I who can’t attend any meetings because he’s a diabetic. He has very bad incontinence problems right now. They’re working on that. I’m here before you this evening to ask that you please approve this permit to allow these dump trucks to be parked on the lot of 1508 North 17th Street. There are two trucks there instead of three. William has one at the shop trying to sell it. If we have two years permit, we would like to find a place if they can’t stay on the property. These trucks have resided at this property at 1508 North 17th Street since 1980 when they were first purchased and the land was purchased ahead of that which was first gravel and dirt. The Kansas City Kansas Police Department said it couldn’t park on gravel and dirt. It had to be an asphalted lot which was turned into asphalt.

William had tractor trailers ahead of that and never had a problem. Then we had a call from Code Enforcement and the Police Department said that the trucks could no longer be there just in 2009. The only problem was that’s told, that the lot had to be asphalted. In 1982 there were no code enforcements. Our trucks have sat in this lot since then. Had I known at the time we had bought this property, he would have bought somewhere else where he could have parked his trucks and had an eye on them. I’m asking that maybe something could be done to the lot that would help approve this. Maybe a shed or a tall fence, something that would shield the trucks from the Oakland side if that’s the problem.

I understand it’s a zoning issue but if you walked out of our driveway and tried to go across to Oakland, it is literally 25 steps to which a business is there, the doctor’s office. We have spoken with the doctors in this office and none of them have a problem with these trucks. I have

March 26, 2015
also spoken with the neighbors and have signatures and addresses and phone numbers. None of
the neighbors have an issue with the trucks also.

William was told today by a gentleman that came to see how he was doing, that he had
gotten a citation from Code Enforcement. The man told him to come to City Hall and ask for a
permit. When he got to City Hall, he said he asked to speak with the gentleman that was in
charge. He said that if he paid $350, which we also did, he could stamp his paper and take it back
to Code Enforcement and he would get a two-year permit. I’m wondering why the same thing
wasn’t done for us. Mr. Richard said we had a six-month permit which we hired an attorney. The
attorney said he spoke with the Mayor and he said it was okay for the trucks to be parked on our
property. I’m really kind of confused as to what should we do here.

**Mayor Holland** said I would like to open up the public hearing. If there’s anyone else who
would like to speak in favor and then I’m going to come to our staff after that. Is there anyone
else who would like to come and speak in favor of this proposal of having the dump trucks
located here? I see no one moving forward.

Mayor Holland asked would anyone like to speak in opposition to these dump trucks being
located here. I see no one coming forward so I’ll close the public hearing at this point and we’ll
ask Mr. Richardson to make comment.

**Mr. Richardson** said this case has a rather long history which is explained, at least the zoning
history explained, on page 4 of your staff report. In September of 2010, the same request was
made and it was denied by this body. Even after the denial, the trucks remained there; and
through Code Enforcement action, this case came before you. The Planning Commission
recommended denial of this case, 7 to 0. Mrs. Johnson mentioned another party that mentioned
being able to pay $350 and get a permit. That’s just to start the process. That’s not to actually get
the permit. That’s the special use permit fee for this type of use. It’s not a pay and get the permit,
it’s a pay to enter the process to get the special use permit.

**Commissioner Maddox** said I also got a call from Mrs. Johnson in representation of William
Johnson and I went to the actual location to see for myself. Where they’re sitting, I don’t know if
you can zoom in closer, I couldn’t even see the vehicles until I went closer to the front of their
property. The vehicles are really not seen from the front side of the property at all. If they’re not
March 26, 2015
driven often and they’re just sitting there, I don’t know if Planning & Zoning has an actual statute or something that they offer to citizens whether it be special use or something. I mean, I don’t see a problem with it but I don’t know who complained in the first place about the trucks. I’m just kind of going off what I was told.

Mr. Richardson said, Commissioner, I don’t know where the complaint originated either but the trucks, it’s my understanding, go out in the morning, early in the morning with construction duties to perform for the day and come back in the afternoon. The issue is that the zoning code, residential zoning doesn’t allow trucks of this gross vehicle weight to be parked in residential zoning. That’s the zoning code issue and the special use permit that’s before you is the vehicle by which they could have that. I don’t know what you’d call it, relief from that particular zoning code. This process is how you’d—if you wanted to let them keep the dump trucks, then it would be to approve this special use permit for a period of time.

Commissioner Maddox said so I guess my other question is why was it denied? On what premises or what? Mr. Richardson said I believe that the Planning Commission felt that it wasn’t a proper use in a residential area. Mayor Holland asked and that was in 2010. Mr. Richardson said and most recently with the Planning Commission vote earlier this month. In 2010, there was public opposition. There isn’t public opposition at this time.

Commissioner McKiernan said as I read back through the staff history here, it says that there was a six-month special use permit granted in October of 2008 and again in August of 2009, each time that special use permit was granted to give time to find a more appropriate place for the vehicles. Am I correct in interpreting that? Mr. Richardson said that is correct.

Commissioner McKiernan asked what obstacles prevented the relocation of the vehicles in 2008 and 2009. Mrs. Johnson said in 2009 is when they said I had six-months to find a place to park the trucks. We checked everywhere: 711, QuikTrip, different places that hosts trucks, and no one had a spot available then, that’s when he hired an attorney to see what he could do to get the two years. That’s when the attorney said it was approved that he talked to the Mayor. We had an attorney, Kevin Cavanaugh, he said it was approved. Commissioner McKiernan asked you hired the attorney in 2009. Mrs. Johnson said yes. I didn’t do it—this is only my second time this year, well, it started last year. I have a blood disorder. I was in the hospital and I had to do
chemo for several rounds and I was sick. That’s why it’s been on the agenda for so long because I wasn’t able to come from 2014 until now.

**Commissioner McKiernan** said I’m still going back to 2009 and again it says here, the special use permit was denied in September of 2010. I would assume after the two, six-month special use permits had both expired, the commission declined to renew them. Is that correct? **Mr. Richardson** said that’s correct. **Mrs. Johnson** said it was never two times back then. It was one time. **Commissioner McKiernan** said it has two separate case numbers though, 2008-18 and 2009-35. **Mr. Richardson** said that’s correct, Commissioner.

**Commissioner McKiernan** said so there were two, six-month special use permits granted. **Mr. Richardson** said correct. **Commissioner McKiernan** said one granted after the first one expired, both with the expressed intent of finding a place to put those trucks before the six months elapsed. **Mr. Richardson** said correct and they had difficulty doing that, in finding another place that was secure. There are places that are not secure where they were afraid the trucks would be vandalized. I believe it’s…**Commissioner McKiernan** asked how secure is the current parking location. **Mr. Richardson** said well, it’s adjacent to their house. They can watch it. It’s not secured in any way. **Commissioner McKiernan** said okay. Thank you. **Mrs. Johnson** said again, this is only my second time with a special use permit. I don’t know where they got that this would be the third time because it was 2009 and just last year, it wasn’t twice.

**Commissioner Townsend** asked this location is in what district. **Mr. Richardson** said it is in zoning district R-2, Residential Two-family. **Mayor Holland** asked whose commission district is it. Commission district, is it in four? **Commissioner Townsend** asked is it one or four or what is it. **Mayor Holland** said it’s in commission district four, Commissioner Maddox’s district.

**Commissioner Townsend** said the question that I have seems to parallel what I think Commissioner McKiernan was getting at. I was under the impression from reading the previous action history that the last time a special use permit was denied was back in 2010. I’m not understanding what’s happened since that time. Were the owners to find a new, safe location and if this permit is granted, how that would be different if this has been going on since 2010? **Mayor Holland** said let me check and see if there—I think that’s a rhetorical question unless,
Commissioner, you would like to hear from the applicant. Commissioner Townsend said yes, no that’s fine.

Mrs. Johnson said with the two-year permit now, he already has one truck up for sale and with his health, he will no longer be able to do the company so his thing is he could probably get rid of all the trucks within the next two years. The gentleman that came before us in 2009 often went to a lodge that is around the corner from our home. He wanted to buy one of the trucks and when he told him it wasn’t for sale, that’s what started the process. Before then, it wasn’t an issue. It was the gentleman that had a problem because he wouldn’t sell him one of the trucks. He came up and sent the Code Enforcement folks out to talk about the trucks being in the neighborhood. Like I said, no one in the neighborhood has a problem, not even the people in the doctor’s offices or the gas station, in the place around the corner, the funeral home, nobody else has an issue.

Commissioner Maddox said this is for Mr. Richardson. I just wanted to know, when did the complaint come forward about the truck leaving I guess in the wee hours of the morning? Mr. Richardson said well, the original complaints were I believe in late 2007 or early 2008 and then most recently in the January-February timeframe of 2014. Commissioner Maddox asked in 2014 you had a complaint about the trucks being driven in…Mr. Richardson said well, Code Enforcement must’ve visited them and they came to us after Code Enforcement visited them. Complaints generally don’t come to me directly, they come through Code Enforcement. Then when Code Enforcement gives someone a notice of violation, then they come see me. Commissioner Maddox said okay.

Then I wanted to ask Mrs. Johnson, how often are those trucks driven and it’s not three anymore, you’re saying it’s two there. Mrs. Johnson said there’re two there. The trucks might go out. This week it went out one time the whole week. Last week they went out two days so it’s not all five days. It’s once a week, twice a week; very seldom they get five days a week.

Commissioner Maddox said okay and I wanted to know what does it take to possibly create an option for an extension of maybe a six-month special permit without any other occurrences. Mr. Richardson said the way this is presented to the Board of Commissioners tonight, it’s recommended for denial by the Planning Commission. This is the first time it’s been before you so you could send it back to the Planning Commission with direction to consider a short-term
timeframe for approval, or you could change the recommendation this evening with eight votes or you could approve the recommendation for denial with six votes.

**Commissioner Maddox** said okay. This is my concern for Mrs. Johnson. When I spoke to her on the phone probably four days ago, she explained to me that she just needs a little more time. I don’t know about two years. I don’t know if every commissioner is willing to make that kind of decision, but if maybe a six-month timeframe for them to be able to remove the trucks, get them sold, whatever takes place, I’m fine with that.

**Action:** Commissioner Maddox made a motion, seconded by Commissioner Philbrook, to send Special Use Permit Application #SP-2014-55 back to the Planning Commission with the option for possibly a six-month special use permit.

**Mayor Holland** said I’m sympathetic obviously about small business efforts. I think that the issue is, it was five years ago that this was denied. I think it’s a wrong precedent that someone ignores the commission vote that says no we don’t approve it and then zero action is taken for five years. I think that precedent that if we’re not going to make any action, if our action of saying no, this doesn’t count, when we have a code violation and we say no to a code violation and five years passes and the law is completely ignored and whatever efforts were made didn’t happen, six more months isn’t going to happen. There were two special use permits for six months. There was five years that have passed when the Planning Commission said no, the Commission said no. The Planning Commission has said no again, I don’t think there’s anything else to talk about except that the answer is no.

I don’t support sending it back to Planning & Zoning. I think it’s been vetted thoroughly over the last six years. Five years ago this commission said no and the property owner has refused to abide by that decision which was a legally binding decision and they ignored it. I think the message that we send to our community is, you can apply for a special use permit but if we say no, you get five more years plus six months and then you don’t ever have to do it. I think that’s the absolute wrong message for our community.

I think that you’ve had six years to move these trucks. You’ve decided not to move these trucks or not been able to move these trucks, and I don’t think another six days, six months, six
years is going to fix it. I think the answer is no, and I don’t think we need to send it anywhere. I think we just need to vote no and move on.

Then we need to have some action taken to move these trucks off the property if the owner will not remove them. I think it’s time after five years we need to abate this situation and get the trucks moved because the owners have refused to abide by the law.

That’s the part that’s frustrating to me when you shirk the law for five years. All the other people in our community apply for a special use permit in good faith. Sometimes you win, sometimes you lose. People are upset. We get a lot of emotion in this room, but when the law is set to ignore the law for five years, I think is a disrespect to this body and a disrespect to the citizens who have set these codes up in order to have our community work in a certain way.

I disagree with sending it back, and I think the trucks need to be moved. We need to take abating action to move them off the property if the owner won’t do it.

Commissioner Townsend said I have a question for clarification. I understood that this item was actually removed was the word that I wrote down or was it set-aside? My question is, if it was removed, do we need to take any action at all as a body? Mayor Holland said I appreciate that. It was set-aside off of the Consent Agenda for evaluation tonight by this body. So, yes, we do need to take action. Commissioner Townsend said thank you.

Roll call was taken on the motion to refer the item back to Planning & Zoning and there were eight “Nays,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia and one “Aye,” Maddox.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to accept the motion that was the direction of the Planning & Zoning Committee.

Mayor Holland said it has been moved to accept the Planning & Zoning recommendation which is for denial. A vote of yes is to uphold the Planning & Zoning recommendation.

Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

March 26, 2015
Commissioner Walker said, Mr. Mayor, based on your statements, I’m assuming that the administration now, through Mr. Richardson and Code Enforcement, will take whatever is the appropriate action for Codes or whomever. Mr. Richardson said what we will do, as is our general practice, is to notify Code Enforcement that the case was denied and they will move forward with the court proceedings that are pending. When she applied for the special use permit the court proceedings were put in abeyance until this process was concluded. We will move forward with the court proceedings.

ITEM NO. 2 – 130106…SPECIAL USE PERMIT #SP-2015-7 – PAUL J. HEIDE WITH ROSEDALE FARMERS MARKET

Synopsis: Renewal of a special use permit (#SP-2013-16) for a farmer’s market at 4020 Rainbow Boulevard, submitted by Robin H. Richardson, Director of Planning. Mr. Heide is requesting a special use permit for the Rosedale Community Farmers’ Market to conduct a weekly Farmers Market on the Commerce Bank property on Sundays at 10:00 a.m. to 4:00 p.m. from May 1 through October 1, 2015. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-7, subject to:

Urban Planning and Land Use Comments:
Any approval should be subject to: five-year permit.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-7 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 3 - 150057…SPECIAL USE PERMIT #SP-2015-9 – CHIP CORCORAN

Synopsis: Special use permit for the temporary use of land for a temporary trailer at 2605 West 43rd Avenue and

PLAN REVIEW APPLICATION ITEM NO. 1 – 150057…PLAN REVIEW APPLICATION #PR-2015-4 – CHIP CORCORAN

March 26, 2015
Synopsis: Preliminary and final plan review for a new school (Frank Rushton) at 2605 West 43rd Avenue, submitted by Robin H. Richardson, Director of Planning. The trailer would be used as a temporary classroom for the 2015 – 2016 academic school year. The preliminary and final plan review is to build a new two-story, 62,350 square foot elementary school, Frank Rushton Elementary School on 6.27 acres. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-9 and Preliminary and Final Plan Review Application #PR-2015-4, subject to:

Urban Planning and Land Use Comments:
1. The temporary, modular classroom shall be removed prior to the opening of the new Frank Rushton Elementary School. The applicant has indicated that the classroom will be used for one year, the 2015 – 2016 academic school year. Staff will not issue a TCO or Final CO for the new school until the trailer is removed from the premises.
   Applicant Response: Acknowledged.

2. Please provide color building elevations.
   Applicant Response: Please see color elevations provided with this response.

3. Staff has concerns about the lack of building articulation with the proposed concrete tilt-up panels. It should be noted that there are different material styles being used on the building with thin brick paneling, precast concrete and precast concrete limestone panels; but with the large, expansive sections of wall, staff does not want this building to appear overly dominant at the pedestrian scale. How do you intend on breaking up the façade through recesses, articulations and incorporating different building materials?
   Applicant Response: Color building elevations and perspective views have previously been sent to Mr. Byron Toy. A description of the use and variety of materials was provided. The design intent of the material placement was explained. An email response from Mr. Toy indicated that this was sufficient evidence that the façade was adequately articulated. In addition, the design team was considering some optional wall treatments to add a level of detail to the brick areas. These refinements would be minor in nature and do not constitute a change from the design intent, but rather an extended expression of what is already proposed.

March 26, 2015
4. There are 99 parking spaces proposed. How many staff members are employed at the school?
   
   Applicant Response: School Administration indicates that 50 parking spaces will be needed by staff.

5. There are two types of fencing proposed on the site, plastic chain-link, which staff presumes is to enclose the soft play area, and wrought-iron with masonry columns every 32’ on center along the east and west property lines. Please clarify and illustrate on the site plan.
   
   Applicant Response: The fence denoted on the plan along the east and west property line is existing and shall remain in place. New fencing will be added both north of the building and south of the building, connecting the existing. This fencing will be black powder coated chain link fencing. Note: the new fencing will be out of the site lines of West 43rd Avenue.

   Staff Response: The applicant has clarified the fence question; however, if a fence is to be constructed around the perimeter of the site, it shall be wrought-iron with masonry columns every 32’ on center along the south, east and west property lines. This stipulation shall include fencing along the north property line adjacent to West 43rd Avenue.

6. The trash enclosure shall be constructed from the building materials as the school. The gate shall be closed at all times, except when in service.

   Applicant Response: Acknowledged.

7. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant’s behalf. The proposed monument sign must be set back at least 15 feet from the property line. It appears that the proposed sign is only set back 3 – 4 feet. The overall sign height, from base to the top of the sign, may only be 5 feet. Additionally, the sign area may be no larger than 40 square feet.

   Applicant Response: Acknowledged.

8. All wall mounted lighting shall be decorative. Wall pack lighting is not permitted.

   Applicant Response: Acknowledged.
9. All lighting, whether mounted on the wall or installed in the parking lot, shall have 90 degree cutoff fixtures.

Applicant Response: Acknowledged.

10. 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: Acknowledged.

11. All trees shall be at least 2” caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted and those that are interior to the site, adjacent to the building, shall be 3 gallons when planted.

Applicant Response: Acknowledged. Landscape plan has been revised accordingly.

12. All landscaping shall be irrigated.

Applicant Response: Acknowledged. Landscape plan has been revised accordingly.

13. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

Applicant Response: Acknowledged.

14. Continue to work with Public Works to locate the pedestrian crossing of 43rd Street appropriately.

15. Add sidewalk from 43rd along the west and south sides of the parking lot.

Public Works Comments:

Special Use Permit:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.

2. Items that are conditions of approval (stipulations): none.

March 26, 2015
3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:  none.

**Plat:**

1. Items that require plan revision or additional documentation before engineering can recommend approval:
   
a. Provide a printout of the map closure report for the plat boundary.
   
   *Applicant Response: Closure report submitted herewith.*
   
b. You will need to provide this office with signed and sealed section corner reference reports with a check and envelope addressed to the Kansas State Historical Society or provide this office with copies of the reference reports, check and a cover letter that was sent to the Kansas State Historical Society.
   
   *Applicant Response: Copies of the section corner reference reports, check and cover letter are attached herewith.*
   
c. What documentation was used to put the PI in the south right-of-way line of 43rd Avenue?
   
   *Applicant Response: The south right-of-way of 43rd Avenue was determined by the use of pins found on Maple Leaf Lots Addition on the west and Ireland & Peterson 1st Addition on the east. These plats were used in conjunction with the County Engineer’s Quarter Section Plat Map, which depicts the angle point in the right-of-way. This angle point also fits the topo along 43rd Avenue which depicts a distinct angle point in the sidewalk, curb lines and retaining walls. Attached please find the County Engineer’s Quarter Section Plat Map and a copy of the Topographic Survey.*
   
d. You will need to provide a 10’ U/E around the outer boundary of the plat.
   
   *Applicant Response: The plat has been revised accordingly. A reviewed copy is attached herewith.*
   
e. You will need to add the following above the signature line for the Register of Deeds

   State of Kansas)
   
   ) SS
   
   County of Wyandotte)

   This is to certify that this instrument.
   
   *Applicant Response: The plat has been revised accordingly. A reviewed copy is attached herewith.*
f. Final plat requires construction drawing review. Because alignment and easement requirements of roads and sewers may affect the final plat, Engineering Division will not recommend approval of the final plat until the construction drawings for public infrastructure are approved.

*Applicant Response:* There are no public improvements contemplated as part of this project.

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.

**Plan Review:**

1. Items that require plan revision or additional documentation before engineering can recommend approval: Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

   *Applicant Response:* Acknowledged.

   Staff Response: Plans have been approved by staff.

2. Items that are conditions of approval (stipulations): Sidewalks/crosswalks, etc., shall be coordinated with the “Safe Routes to School” Project currently underway in Wyandotte County.

   *Applicant Response:* Acknowledged.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: none.

**Staff Conclusion:**

The applicant has worked with staff to resolve the architectural concerns and Public Works’ issues. The redevelopment of this site will be a greater addition to the neighborhood. The layout of the parking lots will help ease the traffic congestion in the neighborhood.

March 26, 2015
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-9 for two years and approve Plan Review Application #PR-2015-4, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

MISCELLANEOUS – ORDINANCES

ITEM NO. 1 – 130310...ORDINANCE


Action: ORDINANCE O-21-15, “An ordinance relating to Enviorns review, Chapter 27 Planning and Development, amending Section 27-152 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas. Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 2 – 120209...ORDINANCE

Synopsis: An ordinance rezoning property at 4300 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning.

Action: ORDINANCE NO. O-22-15, “An ordinance rezoning property hereinafter described located at approximately 4300 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family and C-1 Limited Business Districts to CP-2 Planned General Business District.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

March 26, 2015
ITEM NO. 3 – 140272...ORDINANCE

Synopsis: An ordinance rezoning property at 9910 France Family Drive, submitted by Robin H. Richardson, Director of Planning.

Action: ORDINANCE NO. O-23-15, “An Ordinance rezoning property hereinafter described located at approximately 9910 France Family Drive in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture, R-1 Single Family and CP-2 Planned General Business Districts to CP-2 Planned General Business District.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 4 – 150034...ORDINANCE

Synopsis: An ordinance vacating a 15 foot wide sanitary sewer easement, submitted by Robin H. Richardson, Director of Planning.

Action: ORDINANCE NO. O-24-15, “An ordinance vacating a 15 foot wide sanitary sewer easement, recorded in Plat Bk. 41, Pg. 35, and lying 7.50 feet on both sides of the following described centerline and whose sidelines are either lengthened or foreshortened to terminate at their respective property lines, being all that part of Lot 34, The Legends at Village West, Fifth Plat, a subdivision lying in the Northwest Quarter of Section 2, Township 11 South, Range 23 East, both being in the City of Kansas City, Wyandotte County, Kansas, and being more particularly described as follows: (Note: Held South 88 degrees 02 minutes 00 seconds West along the North line of the Northwest Quarter of Section 2, Township II South, Range 23 East - Matches The Legends of Village West Third and Fifth Plats), COMMENCING at the Northeast corner of the Northwest Quarter of Section 2, Township 11South, Range 23 East; Thence South 88 degrees 02 minutes 00 seconds West, along the North line of the Northwest Quarter of said Section 2, a distance of 1013.22 feet to a point, Thence South 01 degrees 58 minutes 00 seconds East, departing the North line of said Northwest Quarter, a distance of
PLANNING & ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 150056...SPECIAL USE PERMIT APPLICATION #SP-2015-6 – THAI JOHNSON

Synopsis: Special use permit for the temporary use of land to park a tow truck in the driveway at 4708 Kimball Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application #SP-2015-6, subject to:

1. No loaded truck shall be permitted on the property.
2. No Emergency Lights.
3. No idling.
4. The applicant agrees to allow code enforcement officers access to property to investigate neighborhood complaints.
5. Approval is for one year.

Nicholas Porto, Attorney, 1600 Baltimore, Suite 200A, Kansas City, MO, said I am here this evening on behalf of the applicant Thai Johnson as well as his employer, Midwest Tow Service. Mr. Johnson is here today to request a limited special use permit to park a flatbed type tow vehicle at his residence at 4708 Kimball Ave. The special use permit would allow him to park that tow vehicle only on Monday and Wednesday nights from 6:00 p.m. to 6:00 a.m. and every other weekend.
The reason for the application is that as part of his job description from Midwest Tow, Mr. Johnson is required to respond to certain law enforcement type tow requests from certain tow rotations for the Kansas Highway Patrol and the Kansas Turnpike Authority. The way a tow rotation works for those of you who might be unfamiliar is, several law enforcement agencies in the area rely upon participating tow companies to respond to certain serious type tow calls. When a tow is summoned by one of these law enforcement agencies, tow companies are required to respond as quickly as possible.

For his employment, Mr. Johnson works for Midwest Tow and his shift is on Monday and Wednesday evenings from 6:00 p.m. to 6:00 a.m. and every other weekend. Because of the time constraints on Mr. Johnson in order to respond to this call, it is necessary for Mr. Johnson to bring his flatbed type tow truck to his residence in order to respond within 20 minutes.

At no time other than Monday and Wednesday nights from 6:00 p.m. to 6:00 a.m. and every other weekend will the truck be parked in the driveway. During those times, Mr. Johnson will not be driving a recreational vehicle at the same time and he is not permitted to drive his tow truck for his own purpose. Meaning, when he takes his tow truck home at night or on every other weekend, it will stay there with him at all times; therefore, we do not believe an issue that was addressed was safety concerns raised by the neighbors including the ability of children to play on or around the vehicle because Mr. Johnson will be with the vehicle 24/7 while he’s there. We do not believe that to be an issue. At no time will the tow truck ever be loaded with another vehicle. In other words, it will be empty the entire time it is there.

We appeared before the Planning Commission where approval was recommended on a 6 to 1 basis and Mr. Johnson was also agreeable to never activating his emergency lights in his driveway or on the street and to never allow the vehicle to idle, to address any concerns the neighborhood might have.

I will also note that even though the recommended approval was for one year, Mr. Johnson intends to leave his residence in November of 2015; therefore, if a shorter period to allow Mr. Johnson only to use this special use permit for duration of his lease, that would be acceptable too.

Mayor Holland said I’ll now open up the discussion. If there’s anyone here who would like to speak in favor of the applicant. Let the record show I see no one moving forward.

March 26, 2015
Mayor Holland asked if there’s anyone who would like to speak in opposition to this application, you may come forward at this time.

Mr. Richardson said, Mr. Mayor, Mrs. Rupp has several exhibits she would like to show to you and Ms. Parker is passing those down the line at this point in time. Marsha Rupp said, Rob, they’re just a copy of the codes of the city. Can I give them a chance to look at this? Mayor, please, could I give them a chance to each look at this and read it? Mayor Holland said no, go ahead. We get materials all the time that we look at while the message is going on.

Mrs. Rupp said I did want to bring that. This is so important. You know I’ve been to so many meetings up here and I’ve heard you guys talk about comparisons to Lenexa and how they do everything so perfect, comparisons to Johnson County. This is just one reason why we need to work even harder when it comes to code enforcement. This is why we’re having so many problems is because we’re breaking the deal here and letting code violators come in.

When we first spotted this vehicle there on Kimball, my husband saw the tow truck, flatbed rollover, parked in the driveway and he also saw a vehicle parked on the lawn on the grass. I sent Officer McCurley up there with the code violation that you’re still looking at, that you’re all looking at here to give this to the gentleman and let him know that it is not allowed in a residential area. He did do that and he told him to remove the vehicle. That was at 9:46 a.m. on a Thursday morning. I have that time right here. At 9:46 a.m. on July 1, he gave him that material. He showed back up at 1:09 p.m. with the vehicle. A couple of days later, Officer McIntosh went up there and Officer McIntosh told him I have read the law, I know what the law is and it’s against the law to have that vehicle in a residential area. He said if I see it here again, I’m going to issue a ticket. During that time he came up and got a special use permit; but before he even got approved, he was driving that vehicle all the time through the neighborhood. All the time; day, night, all the days that he did not mention. I even mentioned to one of the commissioners, I said, is this right to do this or why is he doing this when it hasn’t even gone to Planning & Zoning yet?

Now we’ve gone through Planning & Zoning and that’s why I’m showing you the codes here because we really need to stick to the laws in our county. Us neighborhood watch leaders and our groups are working so hard to clean up our neighborhoods to make it. These are our safe havens. This is where we come home from all of the industrial and commercial going on. This is where we want to lay back and relax, let our kids go out and play, play safely in the neighborhoods and not have to worry about big vehicles.

March 26, 2015
I called my code enforcement person and I asked him about the vehicles, what was the reason. He said it is for the safety of the children also. Not only is it an eyesore, it’s an industrial vehicle but it’s for the safety of our children. The children love to climb. They have young legs. They like to get upon these things and climb or go underneath them and play hide and seek. Somebody comes out and starts a truck and we have a fatality. We have a steep hill on Kimball. We just had an accident, a fatality of a woman saying she came upon a hill and there were kids out there and she ran over and one was a fatality. This is why this is a code violation.

We have nothing against this gentleman living there. I mean I think that’s wonderful. If he wants to live there for the rest of his life, I think that’s wonderful. We have something against the truck and it says no tow trucks. That doesn’t just mean flatbeds. That says no tow trucks at all. I’m just saying and he says he’s an emergency worker and he…Mayor Holland said, ma’am, you have one minute. Mrs. Rupp asked can I ask for a little bit longer from the Commission and the Mayor.

**Action:** Commissioner Murguia made a motion, seconded by Commissioner Walker to give five more minutes. Motion carried unanimously.

Mrs. Rupp said I would just like to say my husband works for BPU, he did for 27 years. He retired from there. He’s an emergency worker. He got called out at 1:00 and 3:00 a.m. He doesn’t have his truck there. He didn’t have the bucket truck there. He had to get in his regular truck, get dressed just like this guy, and get in his regular truck. All the BPU guys do, all the Gas Service Company they have to go to the location. They have to then get in their truck and then they have to go work for 13,000 and 4160 to light up this county of hospitals and day cares and people that have wheelchairs that need to be charged up, people on breathing machines. Those are emergency workers. If they can do it, he can do it. I understand that he’s got to be somewhere at a certain time. I don’t know how long it takes the gentleman to get dressed and it’s really none of my business, but I can get dressed in five minutes and be at a meeting out at Lone Star out west in 15 minutes. That’s 20 minutes and that’s taking Parallel and State Avenue straight. I’m sure we’ve got enough highways and things like that that would accommodate him.

We just can’t let down on the codes in this city. You’re setting a precedence is what you’re doing. If you let one do it then you’re going to have to let more and more. I’m talking on this microphone so a lot of people from Wyandotte County are listening to this. Pretty soon we’re going to have every tow truck driver, every dump truck driver—why don’t we just bring in the
Deffenbaugh trucks. Why don’t we let them park them in our neighborhoods or Nebraska Furniture Mart or UPS or the concrete trucks? There’re a lot of men/women that drive trucks for a living. Just think what our neighborhood would look like if they all brought their trucks home and how unsafe it would be for our children. We couldn’t even back out of our driveway, we couldn’t see the road.

We have nothing against the man being there. He could live there forever, but I do against his truck. He does have a Jeep. He’s welcome to stay there forever.

Ernestine B. Smith, 2727 N. 46th Street, said I’m the secretary of the 46er’s Neighborhood Watch Group and former secretary of the Kansas City Kansas Branch of the NAACP. I’m against approving the truck traveling or being parked in the driveway on Kimball because the street is too narrow. I traveled that street this afternoon and two cars were close together on that street. I’m against approving it.

Mayor Holland asked if anyone else would like to speak in opposition. Let the record show no one else is coming forward. I will now close the public hearing portion of this.

Mayor Holland said I would give the applicant an opportunity to respond to the comments that have been made if you would like to. You do not need to, but you are welcome to. I’ll open it up now to the Commission.

Commissioner McKiernan said as I go back and look at some of the previous discussion about this that occurred in Planning Commission, it says here pretty much all tow truck drivers take their response vehicles home. Is that true that that happens in Kansas City, Kansas, and if so, how many other code violations do we have out there? Mr. Richardson said a lot; yes, and a lot. We get these on a regular basis. I believe in the staff report there are probably 10 or 12 special use permits out for tow trucks in various places. This one is a little different because the nature of the road. This road is 16 feet wide and it’s not—some of them are on different roads that are more conducive to tow truck driving but there are others out there. There are others that I drive by that I think are probably in violation but they haven’t been turned in. Commissioner McKiernan asked and we’re going to pursue those, right. Mr. Richardson said Code Enforcement pursues those on a complaint basis.
Commissioner McKiernan said another question that I have and this is really just kind of a more fundamental question in regards to your employer. How can an employer reasonably expect knowing that the code ordinances that exist in this city and other cities for any employee to be able to meet their response times when that constricts the area in which that employee can live based on the codes? Mr. Richardson said I do not know. Commissioner McKiernan asked what allowance does the employer make in terms of requiring you to respond within “X” amount of time but then requiring you to live in a house that’s in a residential neighborhood that doesn’t allow your truck. Mr. Richardson said, Commissioner, it’s not the employers that sets that as a—it’s our Police Department and the Kansas Highway Patrol that sets those response times. In many instances on the interstate, they are trying to get the traffic cleared so that other traffic can proceed and so they make that part of their response contract. Commissioner McKiernan said okay, so that is something that you knew about in terms of response times when you chose that house at that location.

Okay, and then in your presentation earlier, you mentioned something about maybe getting a short-term special use permit that would allow time for, or until November, that would allow time for relocation. Mr. Porto said correct. Commissioner McKiernan said vacate the house in November. Mr. Porto said correct. Commissioner McKiernan said that’s different then because here the minutes from Planning Commission say that you’ve investigated alternate locations to park the vehicle and you found none that were acceptable. Mr. Porto said oh, I understand the question now. We did investigate alternatives immediately and we were not able to locate one. Mr. Johnson—this is a rental house. His lease expires in November and he does not intend to renew his lease in November, to my point about how it was originally recommended for approval for a year. Our point is that we do not require a year; we require seven months or whatever. Commissioner McKiernan said thank you very much.

Commissioner Kane said I was going one way and I guess I’m lost in the street. Was it 16 feet? What’s a normal street? Mr. Richardson said our typical standard is either 28 or 32 feet from back of curb to back of curb or a new subdivision street depending on if it’s a regular residential street or residential…Commissioner Kane asked how wide is this tow truck? Mr. Porto said 8.5 to 9 foot. The road’s plenty big. Commissioner Kane said I am sure that road is—because it’s your truck and you can back it in and out. You truck drivers; you’re good at moving the vehicles around. There’s no doubt. My concern is it’s a 16 foot street and you get another truck there like mine with big mirrors, we’re going to knock each other’s mirrors off. Mr. Johnson said I’ll March 26, 2015
always stop, pull over or I won’t even go onto the street if I see somebody else coming. **Commissioner Kane** said I’ve got to gather my thoughts for a second.

**Commissioner Walker** said we just saw an individual that we gave two six-month special use permits. I don’t like, I mean it’s a terrible idea to have a truck in a neighborhood. The same time the guy’s telling us before tonight there was no requirements on him as to what time he had to be home with the truck or any other. Now we know he’s suppose to be there two days and every other weekend and that apparently at least by November, if that’s the operative date we want to use, they’re going to be gone. Now how is it fair that we gave Mrs. Johnson two six-month permits and ignored her for five years and not consider the same limited special use permit here? I mean it’s as much our fault when we require our tow trucks to be on site in 20 minutes. Most tow operators do not have a place of business within a residential community so you can’t live near where you work. As far as the comments about the Board of Public Utilities, that’s true with some workers. There are plenty of workers that take trucks home and use them from home. We pay for that as taxpayers. I suppose the lights going out, there’s no legal requirement that they be back on in 20 minutes. I find that we’re being inconsistent not to let the company or the gentleman, whoever this permit is really benefiting, for a six-month period and enforce the requirements. We’re good at setting down these rules. If he’s there on Tuesday, he’s violated it and revokes the special use permit before November.

We have options but at the same time then we need to change it. We need to have a cop; we’ll keep a cop out on the scene until a tow truck operator can get from home to the tow place, get the truck warmed up and get it out. Sometimes that’s going to be more than an hour, hour and a half. We’re going to pay for that as taxpayers. The Highway Patrol, they insist on 20 minutes. Now you tell me how a person can get from any place in Kansas City, unless you live right in the neighborhood, and go to the tow site and get the tow truck out to the site of a wreck which could be all the way out in Bonner Springs, in 20 minutes. That is an impossibility. I just think I don’t want to give them a year, it’s less, it’s six-months about…**Mayor Holland** said I think it’s eight months. **Commissioner Walker** asked is it eight months now. **Mayor Holland** said April, May, June, July, August, September, October, November; it would be eight months. **Commissioner Walker** said alright, I’m in favor of eight months. I don’t want to do a year because he doesn’t need a year. He’s saying he’s not going to hold over; he’s going to be out of there and the truck will be gone.

March 26, 2015
Action: Commissioner Walker made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2015-6 for eight months, subject to the stipulations.

Commissioner Townsend said I believe this is in District 1. We talk a lot about trying to improve our communities. I know that District 1 and some of the other communities in the northeast area have particular challenges with development. That’s one way of trying to get new development in the areas, one way to make the eastern part of the city look more like the more western part. I think another big issue is, and another methodology we have to employ is, the enforcement of our current code system. I just don’t think it’s appropriate to have commercial vehicles in residential vicinities.

The 20-minute time constraint I think as Commissioner Walker said, that just seems to me to be unreasonable but the occupants of that neighborhood should not be the ones who bear the responsibility or the hardship for some arbitrary number that’s been set by the authorities with the Kansas City Highway Patrol.

I would welcome as I guess Mrs. Rupp said, the applicant remaining in his home and in the 1st District. I’m also aware that whatever his intentions are tonight to leave in November, for a variety of other reasons, he may decide to stay and then where would we be with this situation.

I would really not be in favor of granting this special use permit but at most I could see maybe two to three months to give him an opportunity to make other arrangements but certainly not longer than that. If we had to, I would recommend that that be the timeframe. I think anything longer is too long because basically we have a code violation here and the long standing residents of that community need to be honored and their property values appreciated.

Doug Bach, County Administrator, said I just want to make clarification. When it comes to requirements that Kansas City Kansas Police Department or our Sheriff’s Department or even that of the Kansas Highway Patrol puts on tow companies to response, our position is not one that we’re thinking somebody has to have it at home. That’s a requirement on that tow company that they may be 24/7 around the clock and how they could do it.

There are tow companies that respond all times of the day so because they choose to elect an operation where they will put their people at home and on call, it’s that call of the tow company. We put that out to them. It’s their responsibility to determine the legal and correct way as to how they will have their responders on duty to respond to any service call that we make.

March 26, 2015
**Mayor Holland** said well, and to that point, I think there are a couple of issues here: 1) I agree with Commissioner—I agree with everything that’s been said. We have codes. I don’t want commercial vehicles parked in our residential areas. I did vote for the two six-month extensions for the last one in 2008 and 2009 but then it didn’t get honored. I do agree with Commissioner Walker that eight months for this gentleman because I think we have a larger issue in our city. Based on the staff report, this is happening everywhere. Some have special use permits and some don’t. We have, I believe, two companies under contract with the Unified Government. Is that right for towing; three? One of them is Midwest Tow.

The towing contracts with cities are highly competitive. People want those contracts. I think we need to look at our contract and the contract language with all three of our tow companies that we contract with and say, you are not allowed to require residency in terms of the tow truck being at someone’s home in our neighborhoods. I think we can go back to our own contracts and start to clean that up and put it back on the tow companies to say, stop forcing your drivers, who are good hard-working men and women, stop forcing them to bring their trucks home in order to keep their jobs. That’s not fair to them and it’s not fair to our neighbors. I think we need to look at that requirement in our contracts and I think that’s a good place to start.

We also, I think, it would be worthwhile looking at—and this would be interesting, if a tow operator is requiring someone, I don’t know if we can penalize the tow company and fine the tow company, and say if you’re requiring someone to take it home without providing a provision for your response time by requiring it to be in a residential neighborhood. I don’t know if there’s a way that we can penalize the tow companies for that but I think we ought to look into that as well.

I think the resolution of this case; I think this gentleman, Mr. Johnson, has been caught up in a situation. He’s doing what everybody else is doing. This is not a good place for a tow truck. It’s in a residential neighborhood and the tow truck doesn’t belong there, but I think we have a larger issue so I would support the eight month extension. I would want us to take proactive action particularly with the three companies that want our business to say, you cannot continue this practice because it’s unacceptable. I think that’s a good place to create some leverage.

We have a motion and a second. It is a change from what is on here because the approval is for one year. To change it down to eight months would require eight votes. Is that correct? Alright, we have a motion and a second. It would require eight votes in order to lower it to eight months otherwise we’re back to the recommendation by the Planning & Zoning.

March 26, 2015
Roll call was taken on the motion to approve Special Use Permit Application #SP-2015-6 for eight months, subject to the stipulations, and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Walker, McKiernan, Murguia, Maddox; and one “Nay,” Townsend.

REGULAR AGENDA

MAYOR’S AGENDA
No items

NON-PLANNING CONSENT AGENDA
Mayor Holland asked if anyone in attendance or anyone on the commission would like to set an item aside please do so now. Anything not set-aside will be voted on with a single vote.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.

Commissioner Maddox asked is this the Land Bank. Mayor Holland said no, not yet. Let the record show no one is moving forward to set an item aside.

Roll call was taken on the motion and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 1 – 150044…ORDINANCE: TERMINATE TREMONT TIF DISTRICT
Synopsis: Ordinance terminating the Tremont Redevelopment District, submitted by Lew Levin, Chief Financial Officer. On March 9, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: ORDINANCE NO. O-25-15, “An ordinance terminating the Tremont Redevelopment District created pursuant to Ordinance No. O-10-97 and terminating tax increment financing with respect to such redevelopment district.” Commissioner Kane made a motion, seconded by Commissioner McKiernan,
to approve the ordinance. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 2 – 150062…RESOLUTION: JMHCP GRANT

Synopsis: A resolution approving submission of a $200,000 grant application for the FFY15 Justice and Mental Health Collaboration Program (JMHCP) through the US Dept. of Justice, submitted by Lisa Stimetz, PSBO. Funds will be used to expand the already established law enforcement and mental health collaboration plan. The $50,000 in-kind match will be a percentage of salary and benefits of KCK Police Dept. and Wyandot Center staff. On March 16, 2015, the Public Works and Safety Standing Committee, co-chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.

Action: RESOLUTION NO. R-22-15, “A resolution approving the Kansas City, Kansas Police Department’s submission, on behalf of the Unified Government, of a grant application in the amount of $200,000 in federal funding, and a $50,000 match requirement, for the FFY15 Justice and Mental Health Collaboration Program (JMHCP). Grant funding will be used to expand the already established law enforcement and mental health collaboration plan between the Kansas City, KS Police Dept., Wyandotte County Sheriff’s Office, Wyandotte County Detention Center, Wyandot Center, Heartland RADAC, District and Municipal Courts, Community Corrections and the State Dept. of Corrections.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 3 – 150039…GRANT: COMPREHENSIVE FOOD SYSTEM ASSESSMENT

Synopsis: Request to submit a grant application to the Greater Kansas City Healthcare Foundation in the amount of $177,115 to fund a comprehensive food system assessment, submitted by Dr. Larry Franken, Public Health Director. No cash match required; in-kind staffing in the amount of $72,307. On March 16, 2015, the Public Works and Safety Standing Committee, co-chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 4 – 150047…GRANT: 20/20/20 CAMPAIGN

Synopsis: Request to submit a grant application to the Greater Kansas City Healthcare Foundation in the amount of $56,095 to fund the 20/20/20 Campaign (20 miles of high priority sidewalks, 20 miles of trails, and 20 miles of bike lanes by the year 2020), submitted by Dr. Larry Franken, Public Health Director. Cash match required which will be achieved with funds already secured through CDC REACH grant and Slide for Health funds. In-kind staffing will be met with a percentage of current Healthy Communities Wyandotte Program supervisor salary. On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 5 – 150048…ACCEPT FUNDS: SLIDE FOR HEALTH CONTEST

Synopsis: Request to accept funds in the amount of $9,468.32, which were charitable funds raised by the Slide for Health contest sponsored by Healthy Communities Wyandotte (HCW), submitted by Dr. Larry Franken, Public Health Director. The funds will promote physical activity by improving levee trails in the county or help build new recreational trails. Schlitterbahn offered HCW to sponsor the Verrückt opening in the summer of 2014. On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.
ITEM NO. 6 – 150049...ACCEPT FUNDS FROM GM

Synopsis: Request to accept charitable funds on behalf of Healthy Communities Wyandotte in the amount of $5,000 from General Motors Fairfax Assembly Plant, submitted by Dr. Larry Franken, Public Health Director. The funds will support the work of the Infant Mortality Action Team. No match required. On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 7 – 150059...PROPOSED CHANGES: HUMAN RESOURCES GUIDE

Synopsis: Request proposed changes to the Human Resources Guide, submitted by Henry Couchman, Senior Attorney.

1.2 Definitions
2.1 Equal Opportunity in Employment
2.2 Harassment in the Workplace
5.6 Family and Medical Leave
7.1 Rules and Discipline
7.2 Grievance Procedure
7.5 Social Media

On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 8 – MINUTES

Synopsis: Minutes from special sessions of February 19, 26 and March 5, 2015; and regular sessions of January 22 and February 5, 2015.
March 26, 2015

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL
Synopsis: Weekly business material dated March 5, 12, and 19, 2015.
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to receive and file and authorize fund transfers. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

PUBLIC HEARING AGENDA
No items

ADMINISTRATOR’S AGENDA
No items

STANDING COMMITTEES’ AGENDA
No items

COMMISSIONERS’ AGENDA
No items

Mayor Holland adjourned as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA
ITEM NO. 1 – 150043…COMMUNICATION: LAND BANK APPLICATIONS
Synopsis: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Board of Trustees has recommended approval.
On March 9, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

91 Applications for yard expansion, unless noted otherwise:

3304 N. 57th St. - LaVerta Hulse for a garden
235 S. 21st St. - Brenda Juardo for a garden
1007 Seminary St. - Pleasant Valley Baptist Church for parking
1700 N. 7th St. - New Bethel Church, Inc. for parking
1702 N. 7th St. - New Bethel Church, Inc. for parking
1704 N. 7th St. - New Bethel Church, Inc. for parking
12204 Pebble Beach Dr. - Katherine Dodd for single-family construction
220 S. 8th St. - Joannie Hillesheim
3544 R N. 59th St. - Leonita Davis
2943 N. 27th St. - Doris Winston
1511 N. 18th St. - Ann Bridgewater
823 S. Mill St. - Alicia Hook
1705 Walker Ave. - Luis Amiel
4729 Farrow Ave. - Roy Perez
2320 N. 9th St. - Aldama Socorro
13646 Martin Luther King Ave. - Jeffery Barger
334 N. 40th St. - Ricardo Berumen
3530 N. 35th St. - Michael Jackson
1860 S. Pyle St. - Wilberto Linares
1231 S. 40th St. - Sergio Castillo
654 Rowland Ave. - Eugene Hall
1707 Waverly Ave. - Ernest Moore
1928 N. 26th St. - Roberto Maldonado
2930 N. 12th St. - Francisco Torres
27 S. Tremont St. - Olga Flores
2952 N. 35th St. - Jason Young
2115 Lombardy Dr. - Carl Campbell
3306 Freeman Ave. - Lidia Mejia
1432 S. 29th St. - Pedro Salazar
2912 Washington Ave. - Reyna Rodriguez
3036 N. 42nd St. - Ruben Weaver, Sr.
2905 N. 13th St. - Eh Tee Ta
2942 N. 43rd St. - Manuel Hernandez
812 Quindaro Blvd. - Jacquetta Noble
1934 N. 25th St. - Sam Soundara
342 N. 40th St. - Linda Clark
61 S. 26th St. - Felix Luque-Borquez
3015 N. 48th Terr. - Ubertino Contreras
318 N. 20th St. - Reynalda Morales
85 S. 19th St. - Jose Alfredo Soria
6838 Webster Ave. - Madella Henderson
2113 S. Ferree St. - Michael Mitchell

March 26, 2015
535 S. 71st St. - Jason Indorf
124 R N. 98th St. - Charles Stites
329 Walker Ave. - Warren Robinson
2315 N. 47th St. - Roxanne Robertson
403 Troup Ave. - Steven McCord
429 Quindaro Blvd. - Steven McCord
2218 Garfield Ave. - Talishia Robins
1532 Yecker Ave. - Kenneth Ellison
1955 Stewart Ave. - Maria Murillo
1739 Haskell Ave. - Marchita Butler
2430 Farrow Ave. - Shellaine Bradford
2312 N. 26th St. - James Wheeler
2519 N. 18th St. - Joseph Esry
1300 S. 36th St. - Alejandro Aguilar
2817 N. Tremont St. - Dorothy Youngblood
1115 S. 40th St. - Rosa Fisher
1905 Parallel Ave. - Francisco Ramirez
1923 Parallel Ave. - Francisco Ramirez
1506 Richmond Ave. - Tanya Bland
3608 Garfield Ave. - Peggy Graham
937 S. 135th St. - Kevin Cook
1603 W. 39th Ave. - Leslie Karnahan
1130 N. 32nd St. - Guillermo Medina
1513 N. 17th St. - Carol Evans
29 S. Tremont St. - Michael Valentine
3020 Parkwood Blvd. - Eric Jones, Sr.
2150 S. 38th St. - Adela Moreno
940 Kansas Ave. - Richard Sanchez
1607 N. 55th St. - David Stracke
430 Troup Ave. - Elys Segovia
1917 N. 11th St. - Juan Martinez
3228 Brown Ave. - Juan Franco
3240 Cleveland Ave. - Truman Road Corridor Assoc., Inc.
650 N. 62nd Pl. - Tecumseh Long, Jr.
1707 N. 25th St. - SC & ND Real Estate Investment, LLC
2720 N. 20th St. - Eddie Williams/Doris Jones
219 N. 27th St. - Vickie Browning
2234 Richmond Ave. - Dennis Smith
1981 Richmond Ave. - Marco Mendoza
2305 N. 11th St. - Fernando Apodaca
2416 N. 11th St. - Bryant Huskey
1333 Oakland Ave. - Eric Jenkins
2203 N. 45th St. - LaTuessa Halliburton
1354 Brown Ave. - Edward Taylor
1836 N. 18th St. - Steve Jaklevic
1846 N. 18th St. - Steve Jaklevic
228 S. 21st St. - Wade Lytch
2015 S. 51st St. - Argus Rothmeyer
3010 N. 32nd St. - Isabelle Riley

March 26, 2015
7 Applications for transfers to Land Bank:
5122 Crest Dr. from City of KCK
4821 Crest Dr. from City of KCK
4718 Crest Dr. from City of KCK
5127 Crest Dr. from City of KCK
2805 S. 51st St. from City of KCK
2859 Highland Dr. from City of KCK
(Future development with a not-for-profit in the Highland Crest neighborhood)
1508 Quindaro Blvd. from Unified Government
(Land Bank has been contacted by owner of 1510 Quindaro Blvd. to obtain)

Commissioner Markley said, Mayor, I’m just noting that there is one on this list that I believe was actually recommended for denial so I’m guessing that’s just a typographical error. That would be the South 53rd Street, 2921 S. 53rd Street. It’s at the top of page 8ish. Mayor Holland said, say that again. Commissioner Markley said it’s about one, two, three, four, five, six, seven, eight down from the top; 2921 S. 53rd Street. This was the one that was recommended for denial by the…Commissioner Murguia said the Standing Committee. Commissioner Markley said and well, by the neighborhood group, the advisory committee. Chris Slaughter, Wyandotte County Land Bank Manager, said yes, that’s a typo. That should not be on this list. Mayor Holland said thank you. That one will be removed.

Mr. Slaughter said also, we’re going to ask that 3530 N. 35th Street be removed from the vote tonight. We received another application and we’re going to come back later with a best and final. Mayor Holland said that one will be removed. Are there any others on the consent items that folks on Item No. 1 would like to remove?

Action: Commissioner Murguia made a motion to approve.

Commissioner Maddox said yes, I would like to remove and look at 1700 N. 7th Street, 1702 N. 7th Street and 1704 N. 7th Street. Mayor Holland asked so the three at the top of page eight. Is that right? Okay, those will be removed.

On this Consent Agenda is also Item No. 2 which is the Land Bank Policy. Mr. Bach, do you have comment. Mr. Bach said I just want to clarify, and I don’t think it needs to be removed, but the instructions within the document indicated that the Administrator will assign staff to this. It was clarified, I think, during the committee that we would actually—one of those would be a member of NRC so that was put into the document and that’s different from what
went to standing committee. We just specified that a representative of my appointments will include NRC. **Mayor Holland** asked was that the intention all along. It was a clerical error that it was not included initially? **Mr. Bach** said yes.

**Mayor Holland** said so with that clerical correction, we now have the remaining items before us. All except on the top of page eight, the first three: 1700, 1702 and 1704 North 7th, 2921 was typographical and should not be included, it was already been denied by the standing committee, and then 3530 N. 35th Street has been removed by request of the staff to look at a best and final because there’s another option.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve all remaining items.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

**Mayor Holland** said that brings us to the three items that were pulled off: 1700, 1702 and 1704 North 7th Street. Commissioner Maddox, would you like to make comment. **Commissioner Maddox** said I just wanted to ask Mr. Slaughter was the Douglass-Sumner Neighborhood Association contacted about these three properties. I know that in this area they currently have a partnership with the LISC Organization for a Neighborhoods Now Initiative which they’ve been building homes along the 7th Street corridor. My question is, 1) has the Douglass-Sumner Neighborhood Association been contacted in regards to these three properties because it’s right in the area where they’re building homes. **Mr. Slaughter** said there have been previous conversations with the neighborhood group and they were fine with the applications. Then basically we came back at a later time and we put the area on hold. Then basically I contacted the church and said we’re going to just kind of hold off right there. Since then and kind of part of the reason we put them on hold is, they were in the process of obtaining additional property from a private owner. They have since obtained that property and we don’t have time to put a map up, but if you really look at the map of the area, there’s a small corner that is Land Bank and that is these three properties.

I felt it only made sense that since they already controlled the rest of the property maybe it could be considered a good anchor tenant for the development of the neighborhood and that’s why I made the decision to bring it forward. **Commissioner Maddox** said right, so my question
still is, have you contacted the neighborhood association or the president about this area, these three properties within the Neighborhoods Now Initiative. Mr. Slaughter answered not since the last conversations, no. Commissioner Maddox asked which was when. Mr. Slaughter answered probably the fall of last year, maybe last summer. Commissioner Maddox said okay, well I’d like to possibly hold off on those until we can contact the neighborhood association to make sure that that is not a conflict with the Neighborhoods Now Initiative as they continue to move forward and build those homes.

Mayor Holland said so you would like to move to send this one back to the standing committee. Commissioner Maddox said yes, sir, pending contact with the Douglass-Sumner Neighborhood Association. Commissioner Murguia asked, are you making a motion. Mayor Holland asked do you want to hold it over to this group or to the standing committee. I’m open to either one. We could just bring it back to this group at our next commission meeting. It’s going to be the same result, right? Commissioner Maddox said yes, it can come back to the commission. Mayor Holland asked come back to the Commission. So we’ll just send it back and we’re going to table it. We’re going to table these three to this group, to the Commission, pending your conversation with the neighborhood group. At our next meeting...Ms. Cobbins said April 9th will be the next meeting. Commissioner Walker said if you contact them within the next few days or early next week, we can have it on the next agenda. Mayor Holland said yes, we can have it next week. We can table it for one week until April 9th pending this conversation with the neighborhood group. Mr. Slaughter said if that’s what the board wants. I will already have items on that agenda anyway so it’s not a problem.

Action: Commissioner Maddox made a motion, seconded by Commissioner Kane, to table 1700, 1702, and 1704 N. 7th St. applications until April 9, 2015, and for Mr. Slaughter to contact the neighborhood group.

Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 2 – 150046...REQUEST: ADOPT REVISED LAND BANK POLICY

Synopsis: Request to approve a revised Land Bank policy, submitted by Chris Slaughter, Land Bank Manager. On March 9, 2015, the Neighborhood and Community Development Standing March 26, 2015
Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

PUBLIC ANNOUNCEMENTS

No items

MAYOR HOLLAND ADJOURNED

THE MEETING AT 8:12 P.M.

MARCH 26, 2015

Bridgette D. Cobbins
Unified Government Clerk

March 26, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, May 14, 2015, with ten members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Walker, Commissioner At-Large Second District and Mayor Pro Tem; presiding. Holland, Mayor/CEO; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Ken Moore, Deputy Chief Legal Counsel; Gordon Criswell, Asst. County Administrator; Joe Conner, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; and Maureen Mahoney, Asst. to Mayor/Chief of Staff.

MAYOR PRO TEM WALKER called the meeting to order.

ROLL CALL: Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walker.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, May 14, 2015, at 6:00 p.m. in the 9th floor conference room of the Municipal Office Building for an executive session regarding litigation update.

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.
Commissioner Markley made a motion, seconded by Commissioner Philbrook, to go into executive session for 45 minutes regarding a litigation update. Motion carried unanimously.

MAYOR PRO TEM WALKER RECONVENED INTO SPECIAL SESSION AND ADJOURNED THE MEETING AT 6:45 P.M.

Carol Godsil
Deputy Unified Government Clerk
Memorandum

To: Doug Bach  
   County Administrator

From: Bridgette Cobbins  
      UG Clerk

Date: May 7, 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
1. **CONTRACT:**

Chris Callegari/Foley Company, for WWTP #20 Primary Clarifier Drive Unit Replacements, Project ID 6302, $94,600.

**Action:** Approved by County Administrator and received and filed.

2. **COMMUNICATION:**

Bridgette Cobbins, UG Clerk, listing bids received May 6, 2015, for Project ID #3344-ITS Improvement (Village West Area-State Ave.)

**Action:** Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor, and Public Works.

3. **PERSONNEL ACTION COMMUNICATION, DATED APRIL 30, 2015:**

   **Section I - Appointment**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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<tbody>
<tr>
<td>Chester E. Hansford</td>
<td>Comm Corr/Juvenile</td>
<td>5/7/15</td>
<td>Program Aide</td>
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   **Section V - Increases per Memorandum of Understanding**

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<tbody>
<tr>
<td>Richard Allen III</td>
<td>Police/Animal Control</td>
<td>5/15/15</td>
<td>Animal Control Offr</td>
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<tr>
<td>LaTonya A. Nolan</td>
<td>Police/Admin</td>
<td>5/6/15</td>
<td>Office Asst III</td>
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**Action:** Received and filed. Copy previously forwarded to Payroll.
### Section I - Appointments

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<thead>
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<tbody>
<tr>
<td>Katrina F. Brennan</td>
<td>Health/PHS</td>
<td>5/21/15</td>
<td>Dietitian</td>
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<td>Melissa A. Bynum</td>
<td>Commission</td>
<td>4/23/15</td>
<td>Commissioner(At-Large)</td>
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<td>Anthony N. Garcia</td>
<td>Parks/Rec</td>
<td>5/7/15</td>
<td>Caretaker</td>
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<tr>
<td>Harold L. Johnson</td>
<td>Commission</td>
<td>4/23/15</td>
<td>Commissioner</td>
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<tr>
<td>Mychal B. Nelson</td>
<td>Health/PHS</td>
<td>5/7/15</td>
<td>Admin Supt Asst</td>
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<tr>
<td>Tania N. Taylor</td>
<td>PW/WPC</td>
<td>5/7/15</td>
<td>General Maint Worker</td>
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<tr>
<td>John D. Wayne</td>
<td>B &amp; L/Security</td>
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<td>Security Officer</td>
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### Section II - Transfers

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<tbody>
<tr>
<td>Terry K. Brehneisen</td>
<td>Health</td>
<td>4/23/15</td>
<td>Deputy Director</td>
<td>Director</td>
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<tr>
<td>Sharron L. Gauna</td>
<td>DA's Office</td>
<td>4/9/15</td>
<td>Admin Supt Specialist</td>
<td>Prof Programs Asst</td>
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<tr>
<td>Justin A. Parmalee</td>
<td>Fire/EMS</td>
<td>4/23/15</td>
<td>Firefighter V</td>
<td>Firefighter V</td>
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<td>Erick T. Verser</td>
<td>Finance/Treasury</td>
<td>5/7/15</td>
<td>Fiscal Suppt Asst</td>
<td>Fiscal Suppt Specialist</td>
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<td>Eugene H. Vigil</td>
<td>Fire/Communications</td>
<td>4/30/15</td>
<td>Sr Fire Driver</td>
<td>Fire Captain</td>
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### Section III - Separations

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<tbody>
<tr>
<td>Lesley N. Bejan</td>
<td>Election Office</td>
<td>4/23/15</td>
<td>Temp Election Worker</td>
</tr>
<tr>
<td>Kayla M. Crowe</td>
<td>Election Office</td>
<td>4/23/15</td>
<td>Temp Election Worker</td>
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<tr>
<td>Margaret J. Daugherty</td>
<td>Election Office</td>
<td>4/23/15</td>
<td>Temp Election Worker</td>
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<tr>
<td>Brett A. Doolittle</td>
<td>Police/Public Safety</td>
<td>4/23/15</td>
<td>Police Sergeant</td>
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<td>Harley B. Grady Jr.</td>
<td>Election Office</td>
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<td>Temp Election Worker</td>
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<td>Elizabeth A. Hernandez</td>
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<td>Temp Election Worker</td>
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<td>Jasmine E. Holmes</td>
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<td>4/23/15</td>
<td>Temp Election Worker</td>
</tr>
<tr>
<td>Tammy E. Holmes</td>
<td>Election Office</td>
<td>4/23/15</td>
<td>Temp Election Worker</td>
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<td>Ramey R. Hunt</td>
<td>Election Office</td>
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<td>Temp Election Worker</td>
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<tr>
<td>Sandy Keomanyvong</td>
<td>Health/PHS</td>
<td>5/6/15</td>
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<td>Linda G. Kincaid</td>
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<td>James J. Lange</td>
<td>Election Office</td>
<td>4/24/15</td>
<td>Temp Election Worker</td>
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<tr>
<td>Marjorie J. Lange</td>
<td>Election Office</td>
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<td>Temp Election Worker</td>
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<td>Leslielisa Lopez</td>
<td>Election Office</td>
<td>4/24/15</td>
<td>Temp Election Worker</td>
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<tr>
<td>Tarence Maddox</td>
<td>Commission</td>
<td>4/22/15</td>
<td>Commissioner</td>
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<tr>
<td>Lisa Marcial</td>
<td>DA's Office</td>
<td>5/8/15</td>
<td>Admin Supt Asst</td>
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<tr>
<td>Sheri L. Seeman</td>
<td>Process Server</td>
<td>1/23/15</td>
<td>Admin Supt Specialist</td>
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Section IV - Leaves of Absence

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<th>Lv. Ends</th>
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<tr>
<td>Robert N. Hammon</td>
<td>Police</td>
<td>3/2/15</td>
<td>7/2/15</td>
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<td>Samuel P. Lagle</td>
<td>Police/Communications</td>
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Section V - Increases per Memorandum of Understanding

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<tr>
<td>Timothy M. Adcox</td>
<td>Fire/EMS</td>
<td>5/1/15</td>
<td>Firefighter/MICT II</td>
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<tr>
<td>Brian J. Goertz</td>
<td>Fire/EMS</td>
<td>5/1/15</td>
<td>Firefighter/MICT II</td>
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<tr>
<td>Andrew S. Mayfield</td>
<td>Fire/EMS</td>
<td>5/1/15</td>
<td>Firefighter/MICT II</td>
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Section VII - Reclassification

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<th>New Job Title</th>
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<tbody>
<tr>
<td>Vacant</td>
<td>Fire Suppression</td>
<td>4/23/15</td>
<td>Master Firefighter</td>
<td>Fire Driver</td>
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Section VIII - Other Requests

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<th>Name</th>
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<tr>
<td>Henry Horn</td>
<td>Police</td>
<td>ACD change effective 5/14/15</td>
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<tr>
<td>Cotaino Mendez</td>
<td>Police</td>
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<tr>
<td>Stephen Rios</td>
<td>Police</td>
<td>ACD change effective 4/30/15</td>
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<td>John Turner</td>
<td>Police</td>
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<tr>
<td>Amber Thomas-Hickerson</td>
<td>Police</td>
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<tr>
<td>Rance Quinn</td>
<td>Police</td>
<td>ACD change effective 5/14/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Wayne Cooper, 435 North Bluegrass, Apt 7, Bonner Springs, KS, alleging damages to vehicle caused by a police officer.
Rodney Peterson, 3621 SW Holly Lane, Topeka, KS, alleging damages to vehicle by UG workers.

Phyllis Salazar, through Joseph M. Fridkin, Attorney, 10620 Johnson Drive, Ste. 100, Shawnee, KS, alleging injuries sustained by UG employees on May 22, 2014.

**Action:** Received and filed. Copies previously forwarded to Legal.

6. **NOTICE OF CLAIMS:**

Phyllis Salazar, 630 Freedman Drive, Apt. 2-A, Kansas City, KS, through Joseph M. Fridkin, Attorney, 10620 Johnson Drive, Ste. 100, Shawnee, alleging injuries sustained by UG employees on May 22, 2014 (2).

**Action:** Received and filed. Copies previously forwarded to Legal.

7. **TRAVEL REQUESTS:**

Charles Adams and Rayshunda White, Sheriff’s/Juvenile Detention, travel to Portland, OR, May 4 – May 7, 2015, to attend Juvenile Services Training Institute 2015, JDFF.

Trenton Foglesong, Public Works Water Pollution Control, travel to Louisville, KY, May 18 – May 21, 2015, to attend Cutting Edge Issues, Opportunities and Strategies for Urban Wet Weather Management Programs, WPC.

John Paul Jones and James M. Schmidt, Fire Department, travel to Brandon, SD, April 19 – April 20, 2015, to serve as honor guards for a funeral, Training & Travel.

Victor Hicks and Michael Kroening, Sheriff’s/Detention, travel to Denver, CO, May 17 – May 21, 2015, to CIT Training, SCAPP.

Jackie Lynn and Stephen Mansaw, Police/Investigations Unit, travel to Atlanta, GA, June 7 – June 13, 2015, to EEOC Training, SLETF.

Lori Mundhenke, Public Works Engineering, travel to Louisville, KY, May 18 – May 21, 2015, to attend Cutting Edge Issues, Opportunities and Strategies for Urban Wet Weather Management Programs, WPC.

Lucas Pruitt, Police Department/Community Support Division/K-9 Unit, travel to Pipe Creek, TX, April 27 – May 8, 2015, to attend Canine Handlers Class, N/A.

Sara Toms, Community Corrections/Criminal Justice Programs, travel to Washington, DC, July 26 – July 30, 2015, to attend NADCP, Special Alcohol Tax/Drug Court.

**Action:** Approved by County Administrator’s Office and received and filed.

8. **CERTIFICATES OF INSURANCE:**

Andy Frain Services, Inc. DBA Andy Frain services, Inc.
Garda World Security Corporation  
Mendoza Ground Transportation  

**Action:** Referred to License.

### 9. BUSINESS BONDS:

**Electrical Contractor’s Bonds:**  
A.B. May Company  
Marcario Arenas DBA Marcus Electric  
The Islas Fam  
Safehouse Electric

**Heating Ventilation and Cooling Bond:**  
The Islas Fam

**Master Electrician Bond:**  
Rice Equipment Co.

**Mechanical Contractor’s Bonds:**  
American Boiler Services, Inc.  
CMS Mechanical Services, LLC (2)

**Mechanical/HVAC Contractor’s Bonds:**  
A.B. May Company  
Tim Arnold DBA 1st Priority Heating & Cooling, Inc.

**Plumber’s Bonds:**  
A.B. May Company  
Aqua Works Plumbing Solutions, LLC  
Century Enterprises, Inc. DBA Century Plumbing Co.  
Needham Plumbing & Mechanical  
Reliable Mechanical Services, Inc.

**Second Hand and Junk Dealer’s Bonds:**  
Jeff Pearson DBA Pearson Restorations  
Scrap Management, LLC

**Sign Installation Bond:**  
Custom Signs, LLC

**Action:** Referred to License.

### 10. CONTINUATION OF CERTIFICATES:

**Electrical Contractor’s Bonds:**  
Fred Roberts II, Inc. DBA Suburban Electric  
James O. Meinershagen DBA J & W Electric  
Virgal Williams
11. REINSTATEMENT NOTICE:

Farr Mechanical, LLC

Action: Referred to License.

12. RIDER:

A-Moore Service, Inc.

Action: Referred to License.

13. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Trevecca Security, Inc./Bill Pippin DBA Trevecca Security, Inc., 8320 N. Oak Trafficway #L100, Kansas City, MO
Command Protection Agency/Gallaton Thomas DBA Command Protection Agency, 3228 Delavan Ave., KCK

Action: Referred to License.
To: Doug Bach  
County Administrator  

From: Bridgette Cobbins  
UG Clerk  

Date: May 14, 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. **CONTRACT:**

   Gunter Construction Company, Minnesota Avenue for 8th to 7th, Project No. 1610, $1,060,616.

   **Action:** Approved by County Administrator and received and filed.

2. **COMMUNICATION:**

   Bridgette Cobbins, UG Clerk, listing bids received on May 13, 2015, for Project ID #4424 – Pierson Lake Dam and Spillway Repair, and Project ID #6197 – Pump Station Improvements.

   **Action:** Received and filed. Copies previously forwarded to County Administrator, Legislative Auditor, Public Works, Parks and Recreation and Emma Scovil.

3. **PUBLIC NOTICE:**

   Alandon Tow, 6224 Kansas Ave., listing vehicles sold at a public auto auction on May 5, 2015.

   **Action:** Received and filed.

4. **COMMUNICATIONS:**

   Dennis A. Degner, Chief, Solid Waste Permits Section, KDHE, to Tim Reed, MedAssure Heartland, LLC, 1020 S. Spencer, Newton, KS, granting Permit No. 0883 renewal for Transfer Station; Wyandotte County, for the period of May 25, 2015 through May 24, 2016.

   Stacy Baalman, Solid Waste Permits Section, KDHE, to Rex Wallis, Amsted Rail Company (Griffin Wheel), 7111 Griffin Road, (Industrial) Permit No. 0235 must be renewed by July 1, 2015.

   Stacey Baalman, Solid Waste Permits Section, KDHE, to Ingrid Setzler, BPU-Quindaro, 300 N. 65th Street, (Industrial) Permit No. 0210 must be renewed by July 1, 2015.

   Stacey Baalman, Solid Waste Permits Section, KDHE, to Ingrid Setzler, BPU-Nearman Creek, 300 N. 65th Street, (Industrial) Permit No. 0413 must be renewed by July 1, 2015.

   Stacey Baalman, Solid Waste Permits Section, KDHE, to Ingrid Setzler, BPU-Maywood, 300 N. 65th Street, (Industrial) Permit No. 0533 must be renewed by July 1, 2015.

   **Action:** Received and filed.
5. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

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<th>FUND/VENDOR</th>
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<td>113/Parks &amp; Rec V #22000 Payment Plus Expired</td>
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<td>5/1/2015</td>
<td>$20.58</td>
<td>564/Emergency Medical Services V #80631 Destroyed</td>
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<td>759598</td>
<td>2/20/2015</td>
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<td>160/County General Fund V #J5056 Expired</td>
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<td>752586</td>
<td>11/12/2014</td>
<td>$153.17</td>
<td>162/County Elections V #E2787 Expired</td>
</tr>
<tr>
<td>763294</td>
<td>4/10/2015</td>
<td>$1,171.09</td>
<td>110/City General Fund V #PA137 Garnishment Cancelled</td>
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<tr>
<td>764263</td>
<td>4/15/2015</td>
<td>$47.30</td>
<td>162/County Elections V #E2487 Wrong Vendor</td>
</tr>
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</table>

Action: Received and filed.

6. PERSONNEL ACTION COMMUNICATION, DATED MAY 12, 2015:

**Section I - Appointment**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
</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>
</thead>
<tbody>
<tr>
<td>Robert A. Angell</td>
<td>Police</td>
<td>5/14/15</td>
<td>Police Captain</td>
<td>Police Captain</td>
</tr>
<tr>
<td>Randall E. Balliet</td>
<td>Police/Public Safety</td>
<td>5/14/15</td>
<td>Police Captain</td>
<td>Police Captain</td>
</tr>
<tr>
<td>Dale A. Bruscher</td>
<td>PW/B&amp;L</td>
<td>4/23/15</td>
<td>Fac Maint Specialist</td>
<td>Skilled Tradesperson</td>
</tr>
<tr>
<td>Kristen A. Czugala</td>
<td>Police/Victims Assist</td>
<td>5/7/15</td>
<td>Program Specialist</td>
<td>Program Supervisor</td>
</tr>
<tr>
<td>LeShon Williams</td>
<td>Finance/Treasury</td>
<td>5/7/15</td>
<td>Fiscal Supt Asst</td>
<td>Fiscal Supt Asst</td>
</tr>
<tr>
<td>Catina R. Willis</td>
<td>Finance/Treasury</td>
<td>5/7/15</td>
<td>Fiscal Supt Asst</td>
<td>Fiscal Supt Asst</td>
</tr>
</tbody>
</table>

**Section III - Separations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laurence J. Franken</td>
<td>Health Dept</td>
<td>4/22/15</td>
<td>Director</td>
</tr>
<tr>
<td>Christopher A. Heaton</td>
<td>Sheriff/Juvenile</td>
<td>4/26/15</td>
<td>Juv Det Offr</td>
</tr>
<tr>
<td>Julie M Huen</td>
<td>Fire Communications</td>
<td>5/7/15</td>
<td>Fire Comm Dispatcher</td>
</tr>
</tbody>
</table>
Section IV - Leave of Absence

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Leave Beg</th>
<th>Leave Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darrell W. Peterson Jr.</td>
<td>PW/WPC</td>
<td>4/13/15</td>
<td>5/12/13</td>
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</table>

Section VII - Reclassification

<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>
</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>Transit</td>
<td>5/7/15</td>
<td>Operations Supervisor</td>
<td>Program Coordinator</td>
</tr>
</tbody>
</table>

Section VIII - Other Requests

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelly L. Herron</td>
<td>Police</td>
<td>Amend PAC 5/7/15 to reflect ACD change effective 5/14/15</td>
</tr>
<tr>
<td>Anthony A. McDaniel</td>
<td>PW/Parking Control</td>
<td>Out of class pay effective 5/6/15</td>
</tr>
<tr>
<td>Janelle Smith</td>
<td>Finance/Treasury</td>
<td>ACD change effective 5/6/15</td>
</tr>
<tr>
<td>Vacant</td>
<td>Finance/Treasury</td>
<td>ACD change effective 4/1/2015</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

7. PERSONNEL ACTION COMMUNICATION, DATED MAY 14, 2015:

Section I - Appointment

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>James A. Floyd</td>
<td>DA's Office</td>
<td>6/4/15</td>
<td>ADA I</td>
</tr>
</tbody>
</table>

Section II - Transfer

<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>
</thead>
<tbody>
<tr>
<td>Amanda Sappington</td>
<td>Delinquent Real Estate</td>
<td>5/21/15</td>
<td>Inspector I</td>
<td>Real Estate Abstractor</td>
</tr>
</tbody>
</table>

Section VIII - Other Requests

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Baumli</td>
<td>Police</td>
<td>ACD change effective 5/14/15</td>
</tr>
<tr>
<td>Steven Chastain</td>
<td>Police</td>
<td>ACD change effective 5/14/15</td>
</tr>
<tr>
<td>Leslielisa Lopez</td>
<td>Health</td>
<td>ACD change effective 6/4/15</td>
</tr>
<tr>
<td>David Mitchell</td>
<td>Police</td>
<td>ACD change effective 5/14/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

8. AMENDED NOTICE:

Anita M. Cash f/k/a Anita M. Clark, 301 N. 17the St., vs. BPU/UG/City of Kansas City, Kansas, through H. Reed Walker and Dan Saathoff, Attorneys, 6901 Shawnee Mission Parkway, Suite 250, Overland Park, KS.

Action: Received and filed. Copy previously forwarded to Legal.
9. **NOTICE OF CLAIM:**


**Action:** Received and filed. Copy previously forwarded to Legal.

10. **TRAVEL REQUESTS:**

Gene Bryan Jr., Appraiser’s Office, travel to Salina, KS, May 6 – 8, 2015, to attend Appraising Green Residences/Appraisal Review Training, Employee Training & Travel.

Bridgette D. Cobbins, Department of Administration/Clerk, travel to Wichita, KS, June 5, 2015, to attend The Sanborn Institute Academy Masters, Employee Training & Travel.

Colin Welsh, Legal Department, travel to Detroit, MI, May 19 – 21, 2015, to attend 2015 Reclaiming Vacant Properties Conference, Employee Training & Travel.

**Action:** Approved by the Administrator’s Office and received and filed.

11. **CERTIFICATES OF INSURANCE:**

- Martin Herman d/b/a Special Response Corporation
- NMS Security Services, LLC
- The Judy Company Inc., TJC Leasing, LLC

**Action:** Referred to License.

12. **CANCELLATION NOTICES:**

- **Electrical Contractor’s Bonds:**
  - Anthony D. Fort d/b/a Complete Home Services
  - Current Electric, LLC
  - Shamrock Electric, Inc.

- **Mechanical Contractor’s Bond:**
  - Farr Mechanical, LLC

- **Mechanical/HVAC Contractor’s Bond:**
  - Corvus, Inc.

- **Miscellaneous Bonds:**
  - Insight Mechanical Contractors, LLC
  - John Wood Group PLC d/b/a Wood Group Field Services, Inc. d/b/a Thomason Mechanical

May 14, 2015
Plumber’s Bonds:
   Michael Burkin d/b/a Burkin Plumbing
   John Foulk Plumbing
   Hydro-Tech, LLC d/b/a Hydro-Tech Plumbing
   S & S Mechanical Contractors, LLC

Retail Fireworks Sales Bond:
   Francis Vertz (4)

Sign Hanger’s Bond:
   Sign Craft Inc.

**Action:** Referred to License.
**Staff Request for Commission Action**

**Tracking No. 150144**

- [ ] Revised
- [ ] On Going

**Type:** Standard  
**Committee:** Full Commission

**Date of Standing Committee Action:**  
(If none, please explain): Full Commission

**Proposed for the following Full Commission Meeting Date:**  
**Confirmed Date:** 5/28/2015

- [ ] 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>5/22/2015</td>
<td>Joe Connor</td>
<td>5030</td>
<td><a href="mailto:jleverich@wycokck.org">jleverich@wycokck.org</a></td>
<td>jl</td>
<td>CAO</td>
</tr>
</tbody>
</table>

**Item Description:**  
The Unified Government-Hollywood Casino Grant Fund Recommendation Report is being presented for your review and approval.

**Action Requested:**  
For Approval

- [ ] Publication Required

**Budget Impact: (if applicable)**

- Amount: $
- Source:
  - [ ] Included In Budget
  - [ ] Other (explain)

---

[File Attachment]

[File Attachment]

Unified Government-Hollywood Casino Grant Fund  
2015 Grant Awards  
Mayor Mark Holland

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oak Ridge Youth Development Corp.</td>
<td>Nutrition, Education &amp; Fitness</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Revolve</td>
<td>KCK Earn-a-Bike</td>
<td>$4,990.00</td>
</tr>
</tbody>
</table>

Total $44,990.00

__________________________  __________________________
Signature                  Date
**Unified Government-Hollywood Casino Grant Fund**  
**2015 Grant Awards**  
**Commissioner Melissa Bynum**

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turner Community Connection</td>
<td>Healthy Turner Community Project</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>US Conference of Catholic Bishops</td>
<td>Blessed Sacrament Health Programs</td>
<td>$5,990.00</td>
</tr>
<tr>
<td>Rosedale Development Assn. Inc.</td>
<td>Rosedale Infrastructure Project</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Cultivate KC</td>
<td>Beans &amp; Greens</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Downtown Shareholders of KCK, Inc.</td>
<td>DTSKCK Economic Enhancement</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Young Women on the Move</td>
<td>Youth advocates for a Healthy KCK</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>

Total $44,990.00

Signature  
Date
Unified Government-Hollywood Casino Grant Fund  
2015 Grant Awards  
Commissioner Harold Walker

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ks Black Chamber Foundation</td>
<td>KC BLUE DOGS SPORTS MINISTRIES</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Argentine Eagles Post 213</td>
<td>Youth Softball Field Renovation</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Turner Recreation Commission</td>
<td>Turner Community Garden needs</td>
<td>$5,825.00</td>
</tr>
<tr>
<td>Historic NE Midtown Association, Inc.</td>
<td>Learn to Earn</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Vaughn-Trent Community Services, Inc.</td>
<td>Fresh Foods Program</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Revolve</td>
<td>RevolveKCK Earn-a-Bike Program</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>County Fair Foundation</td>
<td>Fair Ground Shooting Park</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Wyandotte County Parks Foundation</td>
<td>Spring Valley Curbs &amp; sidewalk repairs</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Turner Community Connection</td>
<td>Healthy Turner Community Project</td>
<td>$5,165.00</td>
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</tbody>
</table>

Total $44,990.00

__________________________
Signature

__________________________
Date
**Unified Government-Hollywood Casino Grant Fund**  
**2015 Grant Awards**  
*Commissioner Gayle Townsend*

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic NE-Midtown Association</td>
<td>Learn to Earn</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Connecting for Good</td>
<td>Juniper Gardens Community Project</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Friends of Kaw Point, Inc.</td>
<td>Kaw Point Park Activities</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Cultivate Kansas</td>
<td>Beans &amp; Greens</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Kansas Black Chamber Foundation</td>
<td>KC Blue Dogs Sports Ministries</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Quindaro Gardens Institute</td>
<td>Parkwood Colony Neighborhood Ctr</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Concerned Citizens for Old Quindaro</td>
<td>Old Quindaro Healthy Lifestyle</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>After The Harvest</td>
<td>Produce Procurement Program</td>
<td>$3,990.00</td>
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</tbody>
</table>

Total $44,990.00

__________________________
Signature

__________________________
Date
**Unified Government-Hollywood Casino Grant Fund**

**2015 Grant Awards**

*Commissioner Brian McKiernan*

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catholic Charities of Northeast KS</td>
<td>New Roots for Refugees Program</td>
<td>$10,990.00</td>
</tr>
<tr>
<td>Caritas Clinics, Inc.</td>
<td>Moving the Dial on Diabetes</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>Turner House Children's Clinic</td>
<td>Turner House Healthyu Lifestyles</td>
<td>$16,000.00</td>
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</tbody>
</table>

Total $44,990.00

______________________________
Signature                       Date
## Unified Government-Hollywood Casino Grant Fund
### 2015 Grant Awards
#### Commissioner Ann Murguia

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentine Betterment Corporation</td>
<td>A Healthy Active Argentine for All Ages</td>
<td>$22,495.00</td>
</tr>
<tr>
<td>Wy Co Parks Foundation #2060309</td>
<td>Spring Valley Curb, apron/sidewalk repairs</td>
<td>$22,495.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$44,990.00</strong></td>
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---

Signature  Date
**Unified Government-Hollywood Casino Grant Fund**  
**2015 Grant Awards**  
*Commissioner Harold Johnson*

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillcrest Ministries of Wy Co</td>
<td>Health &amp; Wellness for the Homeless</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Downtown Shareholders of KCK</td>
<td>DTSKCK Downtown Enhancement</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>US Conference of Catholic Bishops</td>
<td>Blessed Sacrament Health Programs</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>KS Black Chamber Foundation</td>
<td>KS Blue Dogs Sports Ministries</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Young Women on the Move</td>
<td>Youth Advocates for a Healthy KCK</td>
<td><strong>8,490.00</strong></td>
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</table>

Title $44,990.00

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Signature  
Date
Unified Government-Hollywood Casino Grant Fund
2015 Grant Awards
Commissioner Mike Kane

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mo Kan 20-20 Vision, Inc.</td>
<td>Outdoor Classroom &amp; Trail Dev.</td>
<td>$24,990.00</td>
</tr>
<tr>
<td>County Fair Foundation</td>
<td>Fair Ground Shooting Park</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Bishop Ward High School</td>
<td>ACE- Athletic Camp Expansion</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

Total $44,990.00

Signature

Date
# Unified Government-Hollywood Casino Grant Fund

## 2015 Grant Awards

**Commissioner Angela Markley**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentine Betterment Corporation</td>
<td>A Healthy Active Argentine for All Ages</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Turner Recreation Commission</td>
<td>Turner Community Garden needs</td>
<td>$5,825.00</td>
</tr>
<tr>
<td>Argentine Eagles Post 213 American Legion</td>
<td>Youth Softball Fields Renovation</td>
<td>$5,378.00</td>
</tr>
<tr>
<td>Cultivate Kansas City</td>
<td>Beens &amp; Greens</td>
<td>$8,787.00</td>
</tr>
</tbody>
</table>

Total: $44,990.00

---

**Signature**  
**Date**
# Unified Government-Hollywood Casino Grant Fund
## 2015 Grant Awards
*Commissioner Jane Winkler Philbrook*

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecting for Good</td>
<td>Juniper Gardens Health Projects</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>El Centro Inc.</td>
<td>Promotores de Salud -Rico Y Sano</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Freewheels For Kids Inc.</td>
<td>Bike Clubs for a Healthy Wyandotte</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>KS City Community Gardens, Inc.</td>
<td>Fresh Fruit &amp; Vegetables for Wy</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>The Family Conservancy</td>
<td>Healthy Parents, Healthy Kids</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>Young Women on the Move</td>
<td>Youth Advocates for a Healthy KCK</td>
<td>$11,990.00</td>
</tr>
</tbody>
</table>

Total $44,990.00

---

Signature

Date
Unified Government-Hollywood Casino Grant Fund
2015 Grant Awards
Commissioner Jim F. Walters

Total Amount of Funds to be Distributed $44,990.00

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Title</th>
<th>Grant Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vaught-Trent Community Services</td>
<td>Fresh Foods Grant</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Mo Kan 20-20 Vision, Inc.</td>
<td>Bonner Springs Sandlot Kids</td>
<td>$15,760.00</td>
</tr>
<tr>
<td>Bonner Springs Educational Foundation</td>
<td>BS/Edwardsville Healthy Life Initiative</td>
<td>$19,230.00</td>
</tr>
</tbody>
</table>

Total $44,990.00

Signature

Date