

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, AUGUST 27, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 27, 2015, with ten members present: Bynum, 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; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Mayor Holland, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District; was absent. The following officials were also in attendance: Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Bridgette Cobbins, Unified Government Clerk; Ken Moore; Deputy Chief Counsel; Rob Richardson, Director Urban Planning and Land Use; Bryon Toy, Planner; Jamie Ferris, Planner; Janet Parker, Administrative Assistant; Bill Heatherman, County Engineer; Chris Slaughter, Land Bank Manager; Debbie Jonscher, Assistant Finance Director; Maureen Mahoney, Assistant to Mayor/Chief of Staff; and Captain D. L. Dungan, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Holland.

INVOCATION was given by Sister Therese Bangert, Our Lady & St. Rose Catholic Church.

Mayor Holland asked if there were any revisions to the agenda.

Bridgette Cobbins, UG Clerk, said yes, Mr. Mayor, a blue sheet has been distributed. Under the first order of business we have a new item, a Proclamation proclaiming August 27, 2015 as Larry Drew Day. Under the Mayor's Agenda we have a clerical correction, it's Item No. 1. It's correcting the clerical error to reflect the September 17th meeting date. It's changed to the September 24th date.

Mayor Holland said we are going to start with a bit of fun. Our first item on the agenda is to recognize a native son of Kansas City, Kansas who's gone on to do great things. I'm going to ask the Clerk to please read the Proclamation we have tonight and I'd invite any of the commissioner's who'd like to join me down front to do so at this time.

Ms. Cobbins, UG Clerk read the proclamation as follows:



Larry Drew, Proclamation Recipient, said first of all I would like to say thanks to my family for being here. It's always nice when you get an opportunity to come back home. Kansas City, Kansas will always be home for me and I've been gone since 1980.

I've had an incredible, incredible journey as a player, as a coach. I always end up with the opportunity to come back home to Kansas City, Kansas and spend time with my family. It just seems like every year the NBA season gets longer and longer. We just finished a month ago and we're back to working in another week and a half.

I'd like to thank my family, I'd like to thank all of you for recognizing me and as I said it's always good to come home to see familiar faces and again thank you.

August 27, 2015

Mayor Holland said I am going to ask for one additional privilege since Pastor Drew, Larry Drew's brother, is here and is a pastor and in an unrelated story a neighbor of mine. I asked if he would be willing to offer a prayer for the young people that they might be guided by the role models in our community to see great things as well.

Pastor Drew said a prayer for the youth of the world.

Action: The proclamation was presented.

Mayor Holland said I was going to ask if there are any other pastors that wanted to give a prayer, but I guess we'll just move on with our meeting now.

That was the fun part of our agenda. I anticipate it'll go downhill from there. Tonight we have two distinct parts of our meeting. The Planning and Zoning part will be handled first followed by our regular Commission meeting.

I'll now ask the Clerk, people ask me all the time why we read this statement every time. It's fairly long. One Bridgette loves it. Ms. Cobbins loves this statement. It's required by law so everyone has the opportunity to understand it. As we enjoy the next reading, here again these familiar words.

Ms. Cobbins, UG Clerk, asked if any members of the commission wished to disclose contact with proponents or opponents on any item on the agenda. **Commissioner McKiernan** said I've had contact with proponents of agenda Item A-1 and the related Item D-1. **Mayor Holland** said I have had the same. **Commissioner Murguia** said I've had contact with Vacation Applications that's falling under Consent, correct, #S-2015-7. **Commissioner Walker** said A-1. I don't believe there are any others. I've not seen them if we do, but A-1. **Mayor Holland** asked proponents? **Commissioner Walker** answered proponents.

Mayor Holland said it has been noted, I see no one else identifying any contact.

Ms. Cobbins, UG Clerk, read all items on the Consent Agenda.

Mayor Holland asked would any member of the commission or anyone in attendance tonight wish to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-

August 27, 2015

aside, it will be voted on by a single vote. Would anyone like to set an item aside at this time, please come forward to the microphone and state your name and because it's Planning and Zoning state your address for the record.

Ramiro Romo said good afternoon I'm coming in as a business consultant and interpreter for Mr. Francisco Ramirez who is a neighbor of the development on Item A-1 of the proposed Consent Agenda and we have the question that that be set-aside please.

Mayor Holland said we will set-aside A-1, we will also set-aside D-1 which goes along with it. So we'll set-aside both A-1 and D-1. Thank you and we'll call you when we are ready.

Would anyone else like to set an item aside? It has been moved and approved. Let the record show no one else has come forward to set an item aside.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the remaining items on the Planning and Zoning Consent Agenda.** Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

Mayor Holland said that brings us to the item that was removed, number A-1. We'll ask the proposer to come forward at this moment and present.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 150228...CHANGE OF ZONE APPLICATION #3092 – ERIC WATTS/NORTHPOINT REDEVELOPMENT and MASTER PLAN AMENDMENT #MP-2015-3.

Synopsis: Change of Zone from R-1 Single Family District to MP-1 Planned Light Industrial and Industrial Park District for an industrial park at 6925 Riverview Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant, Eric Watts wants to build three industrial buildings totaling over 1.44 million square feet at 6925 Riverview Avenue on 123.09 acres. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-3 and Change of Zone Application #3092, subject to:

Urban Planning and Land Use Comments:

August 27, 2015

General Planning:

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

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

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

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

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

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

Landscaping and Screening:

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

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

2. Sec. 27-468(g) A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact

of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property.

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

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

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

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

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

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

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

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

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

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

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

5. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures.

Applicant Response: This is understood.

Signage:

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

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

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

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

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

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

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

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

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

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

Applicant Response: This is understood.

3. All tenant signage shall have channel letters.

Applicant Response: This is understood.

Construction Timing:

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

Applicant Response: This is understood.

Public Works Comments:

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

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

- 1) The Unified Government is currently considering improvements to the adjacent intersection of Riverview Avenue and Turner Diagonal. The current overpass will be replaced with either (a) an at-grade intersection or (b) a new bridge, to be determined by the Unified Government after additional technical analyses and public input. Both options are envisioned to fall on the modified alignment of Riverview Avenue in front of applicant’s property as shown in their plan. Applicant shall design their project and entrance such that it can work in either scenario, (a) or (b).
- 2) The applicant’s project will create impacts to traffic at Riverview Avenue and Turner Diagonal that in normal circumstances would have required major offsite improvements to ramps, signage, signalization and which would have influenced the location of their entrance. Public Works judges that mitigations of these impacts can be adequately incorporated into the planned reconstruction project. If the development agreement mentioned before is approved, then these impacts will be factored into the design of the UG-led offsite improvement and the developer’s obligations towards their own impacts would be satisfied by their commitments in that agreement. However, if said agreement is not approved, then the applicant would remain responsible for completing, at their own and sole expense, all offsite improvements and redesign of their entrance as would be found necessary to mitigate their traffic impacts. The scope of such improvements would be decided by the Director of Public Works in consultation with the County Engineer. KDOT/KTA approval or concurrence must also be received. There is no design or decision available at this time for what would be needed in that scenario.

August 27, 2015

- 3) All right-of-way and easements for construction of the improvements along Riverview Avenue and Turner Diagonal shall be dedicated to the Unified Government at no expense.
- 4) The access road labeled 69th Street shall be private. A commercial association shall be created to maintain it. The roadway will be built to public standards for industrial collector.
- 5) The cul-de-sac turnaround shown for phase one must meet truck turn radius for design vehicles proposed to be used. The final design of the turnaround in later phases will be examined at that time.
- 6) Only one access to the site is shown. A secondary emergency access per Fire Department standards is required unless the Fire Marshall makes other determination.
- 7) Project shall coordinate construction traffic with UG, KDOT and KTA, keeping in mind the coordination needed with the adjacent public roadway improvements.
- 8) Street lighting will be required on the access driveway.
- 9) Additional detailed analysis of the trip generation and traffic movements is underway. Final traffic engineering comments must be resolved prior to receiving Preliminary Plan approval.
- 10) The traffic study indicates that a traffic signal at 69th and Riverview is warranted under full development conditions. This signal shall be installed at the time of Phase 2 development and is the responsibility of the developer – including all costs. Costs for this would not be part of any proposed City improvements. The study states that there will be no significant negative interaction between this location and the potential signal at Riverview and Turner Diagonal. Specific design details to coordinate between such two signals would be required.
- 11) This proposed intersection construction shall be completed in a timely manner. The Plans shall have been reviewed and approved, and constructed before any new building shall receive a Certificate of Occupancy.
- 12) The Sanitary Sewer memorandum shows three different methods for evaluating the sewer flow rates for the proposed facility. The method chosen should reflect the number of personnel expected for the facility plus consideration for the type of use proposed in the change of zone request.

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

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Brent Miles, NorthPoint Development, said good evening Mayor and Commissioners and in follow-up to your comment Mayor, this is the first let down after the ceremonies tonight. I'm not Eric Watts.

As many of you know we've been working on what was previously called the Turner Woods Project. We now call it Turner Commerce Center. For about a year I looked actually—we've been working on it for about 14 months with Country Club Bank who currently owns the project or the site.

We've been through Planning Commission, we've been through Standing Committee, we went through Full Commission on the development agreement at your last session. As you know it's about 1.5M square foot industrial park. What we're doing involves the site grading and construction of three industrial buildings. There's a component to it that we pay an assessment in. That assessment goes directly to the Unified Government and that is used to reconstruct Riverview Avenue. As a site now we've had a great meeting today with UG staff on the implementation of that infrastructure.

We had our community meeting, we had about 60 to 70 notices go out. We had about 12 to 18 people show up to that. I think we addressed a lot of the concerns; number one was sanitary sewer where it went. There was concern about it going south and we routed that sanitary sewer to the north. Storm water, there is an existing issue on Speaker Road. Folks south of Speaker Road get flooded out due to lack of infrastructure. Our grading and the BMP Manuel and everything that the UG requires, requires detention ponds on site and actually improves the current situation to the folks getting flooded out on Speaker Road.

Third was related to I would say a school bus kid standing out on the streets on Riverview Avenue and how that would be coordinated with access to the school over on the east side of Turner Diagonal and the school bus stops. We're still trying to address that issue.

The fourth issue was related to noise with the J.E. Dunn current facility that happened. There were some noise concerns. I would say that half of the public also said that there wasn't any noise concerns because they were use to the trains and the noise by 70.

The gentleman who pulled off the item tonight I know he has four or five questions. We thought if it's alright with you, let him address the Commission with those questions and then we can respond. **Mayor Holland** said that's our process. We'll open it up and then you'll have an opportunity as the presenter to make summative comments.

Mayor Holland said we will now at this time open up the public hearing. First I would like to ask if there's anyone who would like to speak in favor of this proposal to please come forward at this time. If you'd like to speak in favor, please come forward and state your name. We only ask for address on Planning and Zoning.

Ralph Miller, 120 S. 65th Street, said I have a 12 acre plot there that I live on and my property is east backs up to the property in concern here. I've been at the two prior meetings, one here and one up the street from us and they've addressed all the issues that were brought up at the community meeting. I feel comfortable they've met all those issues and I am by far approving this application.

Mayor Holland asked if anyone else would like to come and speak in favor. Let the record show no one else is coming forward.

If anyone would like to speak in opposition please come forward at this time.

Mayor Holland said may I make a request as well sir? Because this is officially Unified Government business, I would like to ask our Unified Government interpreter to speak directly into the microphone so she can offer the translation. If you have an objection to her translation, raise your hand and I'll recognize it. Because it's official business we'd like to have our official interpreter. Thank you.

Francisco Ramirez said my first question that I spoke at the last meeting was how is the traffic going to be impacted at that area?

Ramiro Romo said if you would just allow me I'm also a business consultant. I'm not just a translator. He has hired me as a business consultant as well. I need to go ahead and speak on his behalf. He did not ask that question all in full. It's not just the traffic but the type of traffic, being commercial traffic.

Mayor Holland said thank you for the clarification.

Mr. Ramirez asked what is going to be the environmental impact? What is going to be the impact of the water because when it rains I have a small river on my property and all of the water drains off into my property? What is going to be the impact on my property? There's going to be an impact because it's going to be changed from residential to commercial so what is going to be that impact on my property?

Mr. Romo said he means the value of his property. How is that going to be impacted, the fear that they will go ahead and divide up his property now that he has a commercial development so nearby.

Mayor Holland said I will ask you this. We will have at the close of our public hearing an opportunity for the developer to speak to these four issues. Would you like to speak in opposition to the project or do you just want the questions and answers entered into the record?

Mr. Ramirez said both. **Mayor Holland** said okay both.

Mr. Ramirez said the last time I saw that all of you trying to do the best that you can for the community, I realize that. My question to all of you is if you lived next to that area, would you accept that? **Mayor Holland** said can you specify also where you live on the map? **Mr. Ramirez** said right there where that little...**Mr. Romo** said right east of that. That's the home that is right above the H-1 number. **Mayor Holland** asked can everyone see where the property is. Where the affected property is, is where the mouse is? **Mr. Ramirez** said yes. **Mayor Holland** said above where the mouse is right there. **Mr. Romo** said it's the one right below actually. **Mr. Ramirez** said tell them please that that's where my house is over there and when the water drains out it all goes into my property.

Mayor Holland said at this time we have your questions on the record, would you like to speak in favor or against this project at this time? **Mr. Ramirez** said against. I can't say yes.

Mayor Holland asked is there anyone else who would like to speak in opposition to this development. Is there anyone else who would like to speak in opposition? Let the record show no one else is coming forward. We will close the public hearing at this time and we will invite the developer to come forward to respond if you would like to each of the issues that were raised.

Mr. Miles said I believe the first issue that was raised was in regards to traffic. Continental Consulting Engineers, Phil Gibbs and Dave Lotz are engineers on this project and did the traffic study, submitted a supplement to Bill Heatherman and his staff. I know in particular Lideana, we've spent a couple of hours with Lideana on the traffic study itself.

The level of service off memory is a C which again if on an A through F, I believe when Dave Lotz spoke at the Planning Commission, many communities accept a level D, this is a level C. Basically what we're doing is working on final details of how that interacts with whatever component infrastructure that the UG built. We'll have to update that study as time progresses too because of the tenant mix. These are speculative buildings and the traffic flows from that, but it's built in accordance with APWA Standards. The study was done with other standards involved in it. The Institute of Traffic Engineers and the level of service was acceptable and that's what we had presented at the Planning Commission.

The second issue is storm water and storm water run-off. **Mayor Holland** said environmental I believe was his second. Environmental contamination was his second issue. **Mr. Miles** said obviously the particulates that go down the sanitary sewer that's controlled by the Unified Government in coordination with them I would guess maybe he's talking about storm water run-off...**Mayor Holland** said that's the next one. **Mr. Miles** said in the parking lots and the environmental, obviously that's part of the storm water review as well. It has to do with the zoning and uses. These buildings are basically concrete boxes that have distribution inside of them. There's not something outside that would have environmental contamination or something like that. At worst you might be talking about some drips from a car or something like that.

The storm water run-off kind of molded into a third issue which is he has a river running through his property to the east. Obviously, we'll have a final storm water plan with our final development plan that the UG will review and approve. We have a preliminary study in to them.

August 27, 2015

In very short summary, basically it's being regraded. Any run-off and issues that he has now is probably going to change and get better due to that. This thing has 30 foot peaks and valleys. It probably does run through his property now, but our consultants—we'll make our consultants available with him and his translator at the final development plan if he want to see that specifically and what it does to his property. In general storm water doesn't really run this way.

As a final plan I think there's somewhere between seven and nine detention ponds that we're installing as part of this project.

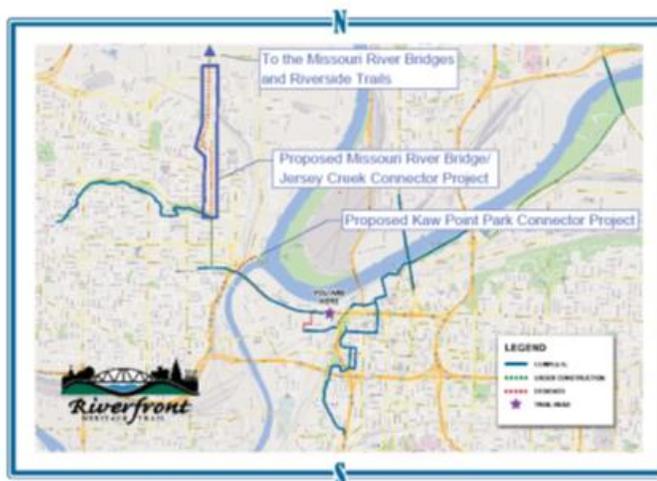
Commissioner McKiernan asked does the opponent live on with an address of South 65th Street? **Mr. Ramirez** said yes 26 South 65th. **Commissioner McKiernan** said my first question then would be the concern about traffic, a change of traffic. Is that traffic on Riverview, on 65th, on Speaker Road or on the site itself? **Mr. Richardson** said, Commissioner, I might be able to answer that for everyone. The traffic from this development will enter and exit onto Riverview unless, there's still some secondary access for emergency services that would be only during an emergency, but 99.99% of all the traffic always will go to Riverview and exit at the new interchange or intersection that's constructed there. There should not be any change in traffic on Riverview, east of the Turner Diagonal or on 65th Street unless a truck driver makes a wrong turn. **Commissioner McKiernan** said so when I look at this site it's about halfway north/south between the Turner Diagonal and Speaker Road and the traffic will be on Riverview into and from the site. There appears to be a separation of a tree line and a depth of trees between the back of this property and the development site. **Mr. Miles** said that's correct. **Commissioner McKiernan** said that is correct alright.

Regarding environmental impact, has the or will the UG Staff comment on or make an assessment of potential environmental impact? **Mr. Richardson** said let me talk about storm water first. As far as storm water goes there will be a storm water study and a B & P or Best Management Practices Study related to stormwater quality and so they will be required to maintain the current velocity and volume of water leaving their site in each different drainage basin that exists, and they will be required to meet the marked standards for pretreatment of stormwater or stormwater quality to prevent any oils or anything that might be on the parking lots from flowing downstream. Those pretreatment systems are designed to pretreat the water to get those oils and solids out of the stormwater before it moves into our stormwater system and the conveyance system on other people's property. That is done at final plan review and as Brent noted he will offer his consultants available to the neighbors to discuss that part of the project.

August 27, 2015

As far as other environmental issues go the only one I can think of would be particulates related to the exhaust of the trucks. Those are regulated in other areas but nobody lets their trucks idle anymore because it cost too much money and the new trucks don't have all the same issues as the old ones did with starting when it was cold and things like that. I really think it's an in and out issue it's not—there won't be trucks sitting there idling. We could add that stipulation, but I don't think that, companies just don't do that anymore.

Commissioner McKiernan said would it be reasonable to say that given the fact that you're going to take a sloping site and flatten it out coupled with review by UG Engineers, the run-off from this site should actually go down compared to where it is today. **Mr. Miles** said that's what our initial studies says especially as it relates to Speaker Road.



Commissioner Bynum said question Mr. Miles. With regard to the map, would the green dot that is the north and western most green dot...**Mr. Miles** said yes...**Commissioner Bynum** asked is that your starting spot for construction? **Mr. Miles** answered no. **Commissioner Bynum** said where will you start? **Mr. Miles** answered no. This was an important factor when we talked about the sewer. Previous plans had a sewer running down this creek. This creek is already derogating, it's eroding away. This is where you're heavily treed is a long this creek of course.

When we got our solution to run sewer north and not tie into that stream and not disrupt it that was a big thing that we thought the community supported and that's what we heard at our community meeting out at the KCK Technical Center. Yes, we own this, but it is not disruptive.

August 27, 2015

We basically come in; I'm trying to look at where it lines up, our site entrance will be somewhere right in here again depending on that final alignment of the future infrastructure. Ninety-nine percent sure I think if I look at Bill that Riverview Bridge whether it's a bridge or an interchange will not exist in this location. It will most likely be pushed to the south. If you've come off I-70 you know we're trying to gain as much distance here between the 70-off ramp and the intersection here with Riverview. If you can picture this Riverview being routed further south and then our entrance into the site, you have a building that sits approximately right in here, a building that sits approximately right in here and a building that sits approximately right in here.

Commissioner Walters said, Rob, I have a question for you. I think I heard you say that our standards are that runoff velocity and amounts are based on current coefficients or current volumes so that leads me to believe that the standard is that you can't make runoff matters worse than they are now.

Would it be fair to say if Speaker Road is flooding now it will flood after this development is built? **Mr. Richardson** said I think I'll have Mr. Heatherman answer that. He's in the audience and he's the County Engineer. I want to get the expert. **Mayor Holland** said Mr. Heatherman would you like to comment on the coefficient.

Bill Heatherman, County Engineer, said Commissioner if you could just restate the question for me so I make sure. **Commissioner Walters** said I have a question on what our criteria is when we review stormwater management on a big site like this. What I heard Mr. Richardson say was in general developments like this can not increase velocity I think he said or runoff quantities beyond what they currently exist at. My question is, we've heard testimony in Standing Committee that Speaker Road floods and my question is if Speaker Road floods now and the standard is we shouldn't allow developers to make a situation worse than it currently is, should we expect that Speaker Road would continue to flood with this development.

Mr. Heatherman said there are several parts to that question. The final and most immediate is if Speaker Road is flooding or however Speaker Road is flooding now, would it be reasonable to expect that that would not necessarily go away as a result of the development and I think that's correct. Whatever issue we have at Speaker Road and whether or not we need to prioritize an action at Speaker Road is separate and there's no reason to think that this development or in

general when development goes in that they will make a downstream further problem better to the point of providing something acceptable if it's not acceptable now.

We have no plans to replace the drainage on Speaker Road at this point. We can always have that discussion separately, but yes it would be reasonable to think that if it floods in the current condition that it would continue to flood the same way now.

Commissioner Walters said I just wanted to clarify that because I kind of heard some comments that this project might solve a lot of problems in the general vicinity. I don't want people to get the wrong impression because our standard is, just don't make it any worse in laymen's terms right. **Mr. Heatherman** said in laymen's terms, that's correct. **Commissioner Walters** said thank you. **Mr. Miles** said I'd like to address that. In laymen's terms there's a pipe that's broke. **Commissioner Walters** said the pipe that's broke...**Mr. Miles** said there are pipes all along Speaker Road that are clogged and crushed and broke. **Commissioner Walters** said but this project won't address any of that right. **Mr. Miles** said it will. **Commissioner Walters** said you're going to replace those. **Mr. Miles** said yes, that's what we've committed too to the community.

From study wise I'm not smart. I'm not going to say I'm smart. I don't know about coefficients. I do know and I step out there and the things filled with mud and broken and we told them that we're going to fix it, it's probably going to get better because it's backing up full of sediment, it rains Speaker Road has mud all over it.

Mr. Heatherman said Rob and I were just discussing we have not approved the stormwater study or plans at this point because of the nature of the planning action. I'm not entirely sure of the details of the commitment that is being made or has been made and I've asked Rob to clarify if the stipulations do in fact require that all of the coverts along Speaker Road be upgraded by the applicant.

Mayor Holland asked, Mr. Richardson, are you prepared to answer that. **Mr. Richardson** said I think that Brent made that commitment at their public meeting and it has not been made a formal part of the stipulations. **Mayor Holland** said this will come back to us, is that right? **Mr. Richardson** said no, it will only come back through the Planning Commission for final plan review and so you could make that a stipulation by amendment tonight or accept his word for it. **Commissioner Walters** said that's fine with me.

August 27, 2015

Commissioner Walker said assuming there's no further discussion I intended to make a motion for approval with the now amendment, the additional stipulation that the commitment made by NorthPoint here verbally to replace the pipes along Speaker Road and the covert, whatever is clogged up and blocking and preventing the water from draining and causing the water at least in part to flood the gentleman's property. As long as that is included in whatever future plan review and so forth is done, I would move for approval. **Commissioner Johnson** seconded it.

Mayor Holland said I would ask Legal can we include A-1 and D-1 as a single action or would you need two actions? **Ken Moore, Deputy Chief Counsel**, said yes you could. I take that back I think you need to vote on them separately because now that the first one has been amended it requires eight votes whereas the second one only requires six.

Mayor Holland said I'm going to go ahead and include them as a single vote and if there are fewer than eight votes, we'll backup and do them separately. Does the motion maker and the second both agree with the terms? **Commissioners Walker and Johnson** both said yes.

Action: **Commissioner Walker made a motion, seconded by Commissioner Johnson, to approve Items A-1 and D-1 subject to stipulations.** Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 150230...SPECIAL USE PERMIT PETITION #SP-2015-4 – JOSE D. LLAVES

Synopsis: Special Use Permit for a dirt fill at 4301 Powell Avenue, submitted by Robin H. Richardson, Director of Planning. Mr. Leon is representing Mr. Domingo in requesting a dirt fill for residential landscaping use. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-4, subject to:

Urban Planning and Land Use Comments

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

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

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

August 27, 2015

Applicant Response: 35 to 45 days

3. Approval is for two years.

Public Works Comments

None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2015-4 for two years. Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 2 – 150232...SPECIAL USE PETITION #SP-2015-42 – PETER DUFFEY/PEAK SOCCER PERFORMANCE

Synopsis: Special Use Permit for an indoor sports facility with a focus on soccer at 3140 South 28th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Peter Duffey with Peak Soccer Performance, Inc. wants to operate a 19,376 square foot, three field indoor soccer facility at 3410 South 28th Street. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-42, subject to:

Urban Planning and Land Use Comments:

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

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

smaller. Even if every field were full with coaches and kids (6 half fields) with one coach and 6 kids per half field that would be 42 people.

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

Applicant Response: The hours of operation will be from:

- Monday through Thursday – 4:00 PM to 10:00 PM*
- Friday – 4:00 PM to 12:00 AM*
- Saturday – 6:00 AM to 12:00 AM*
- Sunday - 6:00 AM to 10:00 PM.*

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

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

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

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

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

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

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

42 people bringing the total to 95. I plan to have 48 parking spaces available. Please see the attached diagram.

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

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

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

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

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

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

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

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations): None

August 27, 2015

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-42 subject to stipulations. Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 3 – 150225...SPECIAL USE PERMIT PETITION #SP-2015-43 – LENG YANG

Synopsis: Special Use Permit for racing pigeons at 3406 Webster Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant, Leng Yang, wants to keep racing pigeons on the property. As the property is less than one acre, the applicant is also seeking a variance (BZA 2165) to allow him to apply for this special use permit. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-43, subject to:

Urban Planning and Land Use Comments:

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

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

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

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

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

Applicant's Response: The wastes are used in my vegetable garden. I scoop them up with a shovel and spread them into my vegetable garden. The waste is cleaned up one time per day.

August 27, 2015

4. What is the diet of the pigeons? Where and how is the feed stored?

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

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

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-43 subject to stipulations. Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 4 – 150233...SPECIAL USE PERMIT PETITION #SP-2015-44 – PATRICIA SOTO

Synopsis: Special Use Permit for a horse, at 741 South 76th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Patricia Soto, wants to keep one horse on her property. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-44, subject to:

Urban Planning and Land Use Comments:

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

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

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

Applicant Response: Wood shaving.

August 27, 2015

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

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

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

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-44 subject to stipulations. Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 5 – 150234...SPECIAL USE PERMIT PETITION #SP-2015-46 – WIL ANDERSON/BHC RHODES

Synopsis: Special Use Permit for a recycling operation at 822 North 49th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a Special Use Permit to fill and remove dirt on the property for a materials recycling operation. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2015-46, subject to:

Urban Planning and Land Use Comments:

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

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Construction plans shall be reviewed and approved prior to Planning Commission consideration.
- B) Items that are conditions of approval (stipulations): None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-46 subject to stipulations. Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

VACATION APPLICATIONS

ITEM NO. 1 – 150235...VACATION APPLICATION - #U/E-2015-6 – SHAWN WOODS/WOODS DEVELOPMENT GROUP LLC

Synopsis: Vacation of utility easements at 3412 and 3414 North 109th Terrace, submitted by Robin H. Richardson, Director of Planning. The applicant, Shawn Woods, wants to vacate the five feet utility easements on both sides of the current property line between the two lots, totaling a ten feet utility easement vacation. The applicant wants to build two homes on the properties stated. Both homes match the current style of homes in the subdivision—Swanson Farm—but one home is larger and requires a larger lot. This will require an administrative lot split, which is concurrently being pursued. Both homes, built as proposed, will meet R-1 Single Family District setback regulations. The Planning Commission voted 9 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2015-6, subject to:

Urban Planning and Land Use Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #U/E-2015-6 subject to stipulations. Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 2 – 150236...VACATION APPLICATION - #S-2015-7 – ROGACIANO MEZA

Synopsis: Vacation of a street at 4826 McGurk Street, submitted by Robin H. Richardson, Director of Planning. Rogaciano Meza is seeking a vacation of the entirety of McGurk Street. The Planning Commission voted 9 to 0 to recommend approval of Street Vacation Application #S-2015-7, subject to:

August 27, 2015

Urban Planning and Land Use Comments:

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

Applicant Response: See Attached

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

Applicant Response: Acknowledged

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

Applicant Response: Acknowledged

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

Applicant Response: Acknowledged

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #S-2015-7 subject to stipulations. Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 3 – 150111...VACATION APPLICATION - #U/E-2015-8 – CURTIS PETERSON/POLSINELLI PC FOR DFA

Synopsis: Vacation of utility easements at 1405 North 98th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Curtis Petersen, wants to vacate a telephone company easement, five waterline easements, two power easements, three sanitary sewer easements, and two utility easements to continue the development of the new Dairy Farmers of

America project. The Planning Commission voted 9 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2015-8, subject to:

Urban Planning and Land Use Comments:

1. This vacation request is allowing the continued development of the new Dairy Farmers of America office building. Staff does not find any outstanding issues with this proposal.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations): None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #U/E-2015-8 subject to stipulations. Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

MASTER PLAN AMENDMENT

ITEM NO. 1 – 150228...MASTER PLAN AMENDMENT - #MP-2015-3 – ERIC WATTS/NORTHPOINT DEVELOPMENT. This item was heard with A-1, Change of Zone Application #3092.

ORDINANCE AMENDMENT

ITEM NO. 1 – 150237...ORDINANCE AMENDMENT

Synopsis: Adding a new Section 27-740 Planning and Development of Kansas City, Kansas Code of Ordinances, adding a substitution clause to Division 11 (Signs) of the zoning code, submitted by Robin H. Richardson, Director of Planning.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

**MISCELLANEOUS – ORDINANCES (Final action on previously approved items)
August 27, 2015**

ITEM NO. 1 – 150201...ORDINANCE AMENDMENT

Synopsis: An Ordinance vacating right-of-way (#R/W-2015-4) at 9020 State Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-56-15**, “An ordinance vacating Tract 1- All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 19, 20, 21, 22, 39, 40, 41, 42, and 43, of San Marcos Village Addition, and all that part of Everett Street (platted as El Cajon Street), La Mesa Street, and Santa Rosa Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 2 – 150237...ORDINANCE

Synopsis: An ordinance allowing the substitution of noncommercial speech on signs containing commercial speech; adding a new Section 27-740 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of this ordinance amendment.

Action: **ORDINANCE NO. O-55-15**, “An ordinance allowing the substitution of noncommercial speech on signs containing commercial speech; adding a new Section 27-745 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 150229... CHANGE OF ZONE APPLICATION #3093 – BLAKE WATSON/NATURE’S TOUCH LANDSCAPING, LLC

Synopsis: Change of Zone from A-G Agriculture District to C-3 Commercial District for storage of landscaping materials in conjunction with existing business at 5201 and 5204 North 97th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Blake Watson, wants to change the zoning of this property from A-G Agriculture District to C-3 Commercial District to store landscaping materials in conjunction with his existing business. The Planning Commission voted 8 to 1 to recommend approval of Change of Zone Application #3093 as a special use permit for two (2) years, subject to:

Urban Planning and Land Use Comments:

1. Customers may not visit this site in a retail capacity.

Applicant Response: Agreed.

2. Plant material used for screening of shed and storage of landscaping materials shall provide coverage of at least fifty percent in the first growing season. Total coverage must be accomplished by the third growing season.

Applicant Response: Agreed.

3. If the shed is 120 square feet or greater, a building permit must first be acquired, as well as approval by the Building Inspections Department.

Applicant Response: Agreed.

4. Where will the palettes of stone be stored on the property? Please provide a visual reference.

Applicant Response: Please see Exhibit A attached to this letter for highlighted area.

5. Will any façade improvements be made to the existing building (not the shed)?

Applicant Response: No, just clean up around the building.

6. How often and during what hours will work vehicles come and go from the property?

Applicant Response: Business Hours 7 a.m. to 5 p.m. on week days. Activity will be intermittent at the site usually 2-3 days a week and for short periods of time.

August 27, 2015

7. Will any signs be placed on the property?

Applicant Response: No.

8. Parking lot must be made to be code compliant.

Applicant Response: Agreed.

9. If approved, this should be approved as a special use permit.

Applicant Response: Agreed.

10. Any new fencing must have masonry columns every 32 running feet.

Applicant Response: Agreed.

Public Works Comments:

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

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

a) Storm water detention is required per UG Guidelines when site improvements are made.

Applicant Response: Agreed.

b) Storm water quality BMP's are required per UG Guidelines when site improvements are made.

Applicant Response: Agreed.

c) Drive aisles within stone storage yard shall be paved per UG Guidelines when site improvements are made.

Applicant Response: Agreed.

d) Part of the construction site appears to be located within a floodway. Additional documentation shall be required.

Applicant Response: Please specify additional documentation.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: 1) None

Matt Watkins, Reece Commercial, 11130 Whispering Lane, Kansas City, KS, said I come on behalf of Blake Watson as well as the property owner Mike Jacobi.

August 27, 2015

I represent Nature's Touch. They are a stone and landscaping company from Platte City. They build high-end backyard, living rooms, pools those kinds of things, mostly in the south part of town. They deal in stone and high-end rock for many of these projects.

The property we're talking about today is the old Wolcott Grade School. It is just off of 435 and K-5. It's really the first thing you come to as you go back west on K-5. It was assumed in the Piper School District after the Wolcott District went with Piper and then Piper sold it to Mr. Jacobi several years ago.

Mr. Jacobi is in support of this application to help construct and follow through with a portion of the business for Nature's Touch. It's the old grade school there just to the west of K-5. The actual address is off of North 97th Street. The actual address is off of No. 97th St.

Commissioner Walker asked is this related to the nursery. **Mr. Watkins** said no. This is a separate property. Family Tree Nursery is about four parcels to the north. It was the old Wolcott Grade School. Mr. Jacobi has owned the property for about eight years. He had a couple different opportunities within the property and I've had it for sale for about two years.

The applicant today came to purchase the property. We met with staff that has been exceedingly good to work with to try to developed a plan to bring the landscaping and stone company here to Wyandotte County. My client is planning to use the property for an ancillary building to his business. He really travels from Platte City all the way over the Metro so it becomes a very easy place for him to stop and store his equipment, store stone for his jobs and whatnot.

We initially met with staff and applied for a change of zone and through that process staff recommended a special use permit. We are in agreement with that for a special use permit so this looks a little unorthodox as it were, but we are in agreement with the special use permit.

We had the neighborhood meeting. We didn't have any attendees. I've spoken to several of the neighbors up there. Sandra Walker, Sherman Weeche, he farms the ground to the west. Both are in agreement. They're excited to see some new life come to the property, really clean it up and do what we're planning to do.

The applicant plans to, following this action tonight, he's going to complete the purchase, follow through with updates that we've agreed to on the property including fencing and cleaning up the property generally. Then we'll proceed to start running a portion of his business out of the property.

I'm happy to take questions or...**Mayor Holland** said we're going to first open up the public hearing. Is there anyone in attendance tonight who would like to speak in favor of this application? Anyone who would like to speak in favor? Let the record show no one is stepping forward. Is there anyone who would like to speak in opposition to this tonight? Let the record show no one is moving forward.

Commissioner Walker said I couldn't quite make it out. Are you saying Mike Jacobi owns this? **Mr. Watkins** said correct he's the owner of the property right now. **Commissioner Walker** said is Mike Jacobi the realtor? **Mr. Watkins** said correct.

Commissioner Kane said what type of fence are you talking about? **Mr. Watkins** said we're willing to abide by the fencing guidelines in the code. **Commissioner Kane** asked, Rob, can you help me here? **Mr. Richardson** said it's the standard commercial fence like you'd see at Plaza at the Speedway. Some of it may be open, wrought iron, might be solid wood or metal, but it will have the masonry columns and the...**Commissioner Kane** said I wish you hadn't said that because the fence at the Plaza at the Speedway is not a very good one. **Mr. Richardson** said I'm sure it'll be constructed much better than that one. **Mr. Watkins** said, Commissioner, my client is a land and landscape high end stone dealer and so he...**Commissioner Kane** said it needs to be, and I'm sure it will be, but it needs to be one heck of a lot nicer than the one you're talking about.

Mayor Holland said we'll scratch that previous recommendation off the record and just start over with a nice fence. **Mr. Watkins** said we've agreed to do the stone columns every 32 feet. **Commissioner Kane** said okay and move for approval.

Action: **Commissioner Kane made a motion, seconded by Commissioner Walters to approve Change of Zone Application #3093 for two years subject to stipulations.** Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 150231...SPECIAL USE PERMIT APPLICATION #SP-2015-23 – SUSAN PRUCKA

August 27, 2015

Synopsis: Special Use Permit for a kennel for six dogs at 2610 South 27th Street, submitted by Robin H. Richardson. The applicant, Ms. Susan Prucka, wants to keep six dogs on their .69 acre property located at 2610 South 27th Street. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application #SP-2015-23 for six months, subject to:

Urban Planning and Land Use Comments:

1. How frequently do the dogs go outside? For how long are they in the yard? Are they supervised while outside?

Applicant Response: 6 times daily for 20 – 30 minutes.

2. How frequently do you pick up the dog waste in the back yard?

Applicant Response: Bi-weekly.

If approved, the applicant must meet the following stipulations:

1. The applicant's property specifically where the dogs are free to roam when outside, is currently fenced. The fence must be properly maintained throughout the extent of the special use permit.
2. The number of dogs living on the premises shall never exceed six. This permit is for the existing dogs only, they may not be replaced.
3. All dogs must be supervised while in the yard.
4. The yard must be cleaned weekly to avoid odor problems.
5. Approval is for six months.

Public Works Comments:

No Comments

Susan Prucka, 2610 South 27th Street, said this about an issue of trying to get a special zoning that will allow me to keep my six pets.

I've got that letter that said things that I should do to conform to whatever the commission thought was in the best interest of the community which I saw no problem with any
August 27, 2015

of the suggestions whatsoever. I'm absolutely willing to comply to the suggestions that were made. I brought the little fly swatter to show and what I do is I smack it and that's all I have to do and the dogs just, it scares them the little snap, but I do not beat my dogs. This is the item.

I don't have anything else to add that's already been said. Nothing else new has come up. The dogs are still just living there day to day and I'm just waiting to find out if I can be approved so I can go on and conform to the suggestions made and take care of my family.

Mayor Holland said we're going to open up the public hearing. You'll have an opportunity as the applicant to come back up at the close of that if you'd like to respond to any of the comments. **Ms. Prucka** said okay thank you.

Mayor Holland said we will now open the public hearing. If there's anyone who would now like to speak in favor of the application, I'd invite you to come forward at this time. Anyone who'd like to speak in favor? Let the record show no one coming forward.

Is there anyone who would like to speak in opposition to the proposal? Please come forward at this time.

Dorothy Kelly, 2607 South 28th Street, said our properties are adjacent and I can hear every move those dogs make. They bark, bark, bark and I think that we are too close to have that many dogs in a small place.

Mayor Holland asked if anyone else would like to speak in opposition. Let the record show no one else coming forward and we will now close the public hearing. Ms. Prucka, if you would like to make a closing comment you're welcome to though you need not to. Ms. Prucka said no. **Mayor Holland** said okay thank you. The item is now before us.

Commissioner Markley said alright I was just looking, Rob, it doesn't look like there's anything in the stipulations to deal with the barking although I noticed it was addressed in some of the questions earlier on in the agenda items we get that if the dogs are left outside to their own devices, I think the language said that they would be prone to barking. In here it says applicant responds they'll be let out six times daily for 20 to 30 minutes, but I don't see that reflected in any of the stipulations. Am I correct or am I just looking in the wrong place? **Mr. Richardson** said you're correct. We addressed that with or attempted to anyway with Item No. 3 the
August 27, 2015

supervision while in the yard. This is only recommended for approval for six months so I think that if they don't follow their word we'll find out about it quickly.

Mayor Holland said I'll just go on record out of obligation to state that I think there are too many dogs and fewer dogs is better. I say that every time a multiple dog application comes forward so just for consistency I thought I should say it again. I wouldn't want six dogs living next door to me. **Commissioner Markley** said I will say I'll support this tonight, but only because it is for such a limited period. I think that Ms. Prucka is on notice that her neighbors have concerns and that if in six months they still have those concerns, you know the ultimate punishment will be she may have to get rid of some of her dogs. I trust that she will keep that in mind and follow the stipulations closely.

Commissioner Murguia said I support what Commissioner Markley said about this particular situation. Ms. Prucka I would just give you some friendly unsolicited advice. I encourage this on all neighborhood issues where there is a differing of opinion. I really would suggest that you would reach out to your neighbors and try to determine over time their level of satisfaction with the barking to make sure that they're happy. That hasn't been occurring or ways that you can be a good neighbor since you're asking to be the exception. Okay?

I happen to know Ms. Kelly and I think she's a wonderful person and a great resident of Wyandotte County. I would hope that you would reach out to her and figure out a way so she will be satisfied with this as well.

Mayor Holland said alright I have a motion, did I hear a second? Alright it has been moved and seconded.

Action: **Commissioner Markley made a motion, seconded by Commissioner Murguia to approve Special Use Permit Application #SP-2015-23 for six months subject to stipulations.** Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

August 27, 2015

REGULAR SESSION:**MAYOR'S AGENDA****ITEM NO. 1 – 150243...RESOLUTION**

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

Action: **RESOLUTION NO. R-54-15**, “A resolution amending Resolution No. R-27-15 by changing a meeting date of the Unified Government Commission, and repealing that portion of Resolution No. R-27-15 which conflicts with this Resolution.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

NON-PLANNING CONSENT AGENDA

Mayor Holland said that brings us to our Non-Planning Consent Agenda. Would anyone here tonight like to remove any item from the consent agenda, any item remaining will be voted with a single vote. Let the record show no one came forward to remove an item.

ITEM NO. 1 – 150241...COMMUNICATION: 2016 HOLIDAY SCHEDULE

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

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve.**

Commissioner Murguia said I apologize, Mayor, I just want to confirm that Resolution No. 1 the funding for the Kaw Point Park Trail, is that on that's not on this agenda. **Mayor Holland** said no that's our next item. **Commissioner Murguia** said okay thank you moving on.

Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

August 27, 2015

ITEM NO. 2 – 150218...RESOLUTION: CRICKET WIRELESS AMPHITHEATER REPAIRS

Synopsis: A resolution authorizing improvements to Cricket Wireless Amphitheater, and requesting the Public Building Commission issue revenue bonds, submitted by Joe Connor, Assistant County Administrator. On August 10, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-55-15**, “A resolution authorizing certain improvements to Cricket Wireless Amphitheatre for Wyandotte County, Kansas; and requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue revenue bonds for the purpose of paying a portion of the costs thereof.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

ITEM NO. 3 – 970013...APPOINTMENT: BOARDS OF COMMISSIONS

Synopsis: Appointment of John J. Jurcyk to the Landmarks Commission, August 27, 2015 – May 30, 2017, submitted by Commissioner Philbrook.

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the appointment.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

MINUTES...MINUTES

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

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

August 27, 2015

WEEKLY BUSINESS MATERIAL...WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 13 and 20, 2015.

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to receive and file.** Roll call was taken and there were nine “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

PUBLIC HEARING AGENDA

No items of business.

ADMINISTRATOR’S AGENDA

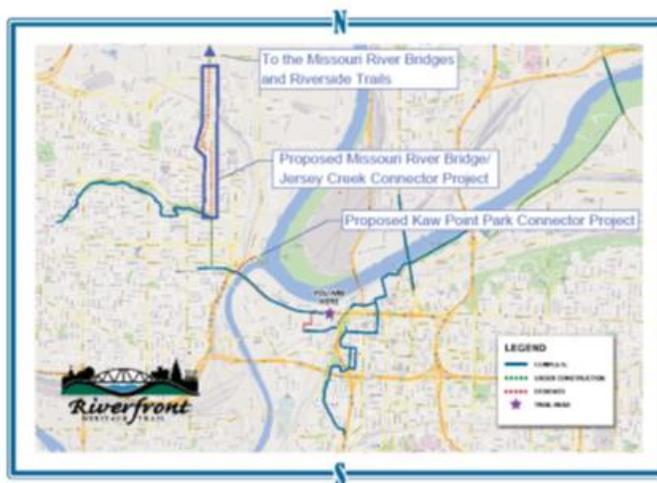
No items of business.

STANDING COMMITTEES’ AGENDA**ITEM NO. 1 – 150208...RESOLUTION: FUNDING INCREASE-KAW POINT PARK TRAIL**

Synopsis: A resolution increasing authorized funds to \$760,000 for the Kaw Point Park Connector Trail 2013, CMIP 971-7865 improvements, submitted by Dave Clark, Public Works. This project is included in the proposed 2015 Amended CMIP Budget. On November 21, 2013, the commission unanimously adopted Resolution No. R-107-13 authorizing \$510,000 in GO debt for the project. On August 10, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted 5 to 1 to approve and forward to full commission.

Bill Heatherman, County Engineer, said this item is to provide additional funding as stipulated in the modified budget for Amended Budget 2015.

August 27, 2015



In order to complete the Kaw Point Park Trail I do have a zip drive with our sketch of the trail if that's helpful during the presentation. We have endeavored almost as long as Mr. Lewis and Mr. Clark did to embark on a way to get to Kaw Point Trail other than driving there. It's been a very difficult project.

Those of you who have been on the Commission for a long time know that we've had various iterations of efforts. We do now have a project plan. We bid it once, it was way over budget. We made quite a few efforts to come up with alternate plans that could lower the revised budget. In the end for safety purposes the Federal Highway Administration, KDOT and

August 27, 2015

ourselves after looking at many options, agreed that the original plan was the best one. It was just more expensive than we thought and this was a grant funded project.

We competed for it in 2013, it ranked very high. In light of all those factors KDOT actually offered to increase the grant amount continuing at the 80/20 split on construction in order to help us get this project done. Those grant fundings do expire if we don't bid this project in the upcoming KDOT bid letting. We are simply at a point where we brought forward a cost increase in order to meet our local match in order to carry the project forward.

I can stand for any questions. I will reiterate this amount is in the Amended Budget and the actual action tonight is the financing resolution which normally you see those as one big batch in November, but because of the KDOT timing we needed to move this one up.

Commissioner Murguia said, Mr. Heatherman, I apologize; I sent Mr. Heatherman some questions I believe late last night only because that's when I got to reviewing my agenda. I apologize. I have not been home all day to review if you sent me the answers to these questions. I apologize in advance Mr. Heatherman.

I need to go over these really quickly with you. In 2013 you told us during the standing committee that this project was originally approved. Is that correct? **Mr. Heatherman** answered that is correct. **Commissioner Murguia** said and in 2013 the amount of money that was grant funded for this project that was authorized as a grant was how much? **Mr. Heatherman** said the...if you give me just a second, in the original grant application, we anticipated \$1.216M of federal funds and as part of our local programming we allocated \$510,000 for a total project cost of \$1.726M. **Commissioner Murguia** said let me just repeat this. I'm going to round it off if you don't mind. We got a grant for \$1.2M and as part of the grant requirement we needed to fund \$510,000 in addition to the \$1.2M, correct? **Mr. Heatherman** said that is correct Commissioner. **Commissioner Murguia** said the total project cost is \$1.7M, is that accurate? **Mr. Heatherman** said yes ma'am. **Commissioner Murguia** said then let me break this down real quick. Just our last standing committee which was a week ago Monday... **Mr. Heatherman** said yes...**Commissioner Murguia** said it came in front of us as individual project for the first time with the amendments to the budget, correct? **Mr. Heatherman** said the project did not come for the first time. **Commissioner Murguia** said okay let me ask it a different way. In 2013 we approved a \$1.7M project and you brought it back in front of us just a week ago Monday to ask us to contribute as the Unified Government's portion \$250,000 more to this project, right? **Mr. Heatherman** said yes we brought the request for the additional

August 27, 2015

\$250,000 at the Public Works Standing Committee. **Commissioner Murguia** said making the total amount that the Unified Government would commit at \$760,000 correct? **Mr. Heatherman** said correct. **Commissioner Murguia** said was that an increase in the total project cost or just an increase in our portion? **Mr. Heatherman** said no, that was part of funding and an increase in the total project cost. **Commissioner Murguia** said that moved the total project cost to how much? **Mr. Heatherman** said the working estimate for the total project cost is now \$2.7M plus or minus.

Commissioner Murguia said this is a bike trail connector, correct? **Mr. Heatherman** said it is a bike trail pedestrian connector to Kaw Point Park. **Commissioner Murguia** asked how long is it? **Mr. Heatherman** said the total connector from the park to the Riverfront Heritage Trail is .3 miles. **Commissioner Murguia** said .3 miles? **Mr. Heatherman** said 0.3 miles. **Commissioner Murguia** said okay. This is my concern and as you know I was concerned in standing committee so just so everyone's aware I was the dissenting vote on this project.

I was disappointed I think—I believe I'm not sure, but I think I'm the only avid bike rider on the Commission. **Mayor Holland** said me, I am. **Commissioner Murguia** said okay so we have two bike riders that ride on a regular basis bikes so it's disappointing because this is a \$2.7M, .3 mile long bike trail that we're going to have to spend \$760,000 of general operating as I would call it out of our general fund money. I understand we're debt financing it, but my point is that this is \$760,000 that is not restricted money that we could spend anyway that we would want to, correct? There are no restrictions on this \$760,000 that Unified Government is paying. **Mr. Heatherman** said that is correct. It's general obligation debt. **Commissioner Murguia** said, one, I just think that's a lot of money to spend on .3 mile of a bike trail. In addition to that I was concerned when I heard that it was already approved in our budget process.

Now I understand that it was just an amendment in the cost of the project. It wasn't actually approval of the project as it had already been approved in 2013. I'm concerned that when we have a \$250,000 increase in the cost of a project that it should've been discussed in a public setting where everybody knew because it was such an increase in cost. I'm not saying it wasn't highlighted; I'm sure it was but to find this in, as Commissioner Walker would say in a budget book that is two or three inches thick, would be very difficult. I just think it's a significant enough increase where we should've talked about it.

I just wanted to highlight those specifics about the bike trail for my fellow Commissioners that didn't serve on the standing committee.

August 27, 2015

Mayor Holland said I would say too one of the things I'm excited about for this because this proposal has been around I think since '08. There have been a number of attempts to connect this trail to the Heritage Trail. One of the things about Wyandotte County is we've been behind the rest of the metro area in hike and bike trails largely because we're not connected. We have the rivers that have isolated the majority of our community and so the trails out of Johnson County north of the river and from Missouri have all been—we just don't have the access.

This trail actually connects—I mean there are several things that are happening that this is a pretty key link to. One is the trail comes across the river and it comes across into our community and then there's no way to use it in terms of getting off in a safe way. This is kind of a tangled traffic mess area.

We also have the completing of this trail that's been a long time coming; this last connector piece which is why it's been held up. Then you have on the north of Fairfax we have a new bridge being built by MODOT and KDOT combined. It's going to be the new bridge out of Fairfax. That bridge is going to have a hike and bike trail on it that will connect Wyandotte County for the first time to the trails, the extensive levy trails north of the river. This one extends us to extensive trails to the east of us through Missouri and my stated goal that I've talked about a lot is to open up our levies for hike and bike trail. One of the ways, the Fairfax Levy actually is a five mile structure that's already in place.

This connector will basically open up dozens of miles of our hike and bike trail to active use which is long overdue. I will also say, and this might interest some of the members of the Commission, General Motors is excited about the Fairfax Trail and has recently given a letter of support for opening up the Fairfax Levy Trail. This piece is an expensive piece no question an expensive piece of a much larger hike and bike network and it's the missing piece that we've been working on for a number of years.

We also have a ton of federal money that's coming into this that I would hate to turn down, but if we're getting a \$2M link for this cost, we would not be able to do this on our own. I'm excited about this and as a hiker and biker I think this will connect us. We also have a bike trail; Mid-America Regional Council also recently gave us a grant for a full north/south bike trail, 10th Street and 12th Street which will connect us from the Johnson County line to the south all the way north to Fairfax as well.

We're actually in the next 12 months will be fully integrated into the network of hike and bike trails for the entire metropolitan area. That has been 50 years in the coming.

August 27, 2015

Commissioner Walker said, Mayor, when you get the Kaw Valley Drainage District and Fairfax Drainage District to agree to allow us to use their levies for hiking and other activities, their levies that were built with federal, state and a small amount of local resident taxation, I'll vote for this connector link. I am not going to agree to throw good money after bad. At this point it is not worth the linkage to throw another \$250,000 into this. Sorry, I just I like bike trails; I like hiking. We'll never link up with the Kaw Valley Drainage District. They refuse to let any of the public utilize those structures and those are natural already built walking and bike paths that could be utilized. That's where I'm standing on it right now.

Mayor Holland said well to your point, Kaw Valley has already opened up a section of their levy, they were the first ones. They opened up a section starting at the Proctor and Gamble near 18th Street and Kansas Avenue. We do have a hike and bike section there. They were the first ones in our area to open up a test section and have been the leaders in helping us to do that.

We've already begun the process, Kaw Valley Drainage District has already been our lead partner in getting that done. Progress is under way Commissioner.

Commissioner Markley said, Mr. Heatherman, could sort of guesstimate maybe based on the numbers that we used to estimate sidewalk but how much trail could we get if it weren't a complex trail, if we were just going to put a trail in one of our parks or along one of our roads. How much trail would we get for the \$760,000 if it weren't for the complexities of this particular project? **Mr. Heatherman** said off the top of my head I want to be a little cautious about doing the quick math. The cost of retrofitting a trail in an existing area is really quite the key and as we've discussed with our CNIP projects when we talk about how much would a sidewalk here or a sidewalk there would cost, it all kind of depends on what's in the way. If we were talking—broadly speaking for our sidewalk projects, the sidewalk itself may be about 20 to 30% of the cost of those projects, but we've been asking you to let us estimate about a \$100 to \$125 dollars a foot conceptually when we set out to plan these projects. If we used \$100 a foot and we were \$760,000 that's 7,600 feet, a little over a mile. **Commissioner Markley** said I'd like to say he did that faster than I could find the calculator on my computer. That's pretty good.

Mr. Heatherman said I want to draw your attention to something that is true on sidewalks as it is on streets; bridges are a lot more expensive. If you were to measure the cost of a road by the linear foot of the bridge you might ask yourself whether that bridge is very cost effective. I can

August 27, 2015

certainly tell you that 2 ½ years ago when we were putting this grant application together it was not our intent to propose something that cost that much money per mile with the idea that that's the value of it. It's just however much walking you've got in that segment. It was about the linkage that that creates to the much broader network around it. That in fact is the only reason the project scored well at the Mid-America Regional Council and it's the only reason it scored well with KDOT and the Federal Highway Administration.

Some of the benefits of the project that are articulated, and my only job is to remind you of the discussions that we had, it's your role to decide the policy was that Kaw Point Connector is a major national historical site or Kaw Point Park is and that all the momentum that we've had lately is about building that park and making it more accessible and making it more of a focal point. It is not possible as a pedestrian to get to that park. There is no safe route unless you are starting in Fairfax and are walking along the grass going south to get to that park. If you want to go to that park today you must drive there. If you want to bike at that park, you must put your bike on a car and drive into the parking lot of that park. If we want to hold major festivals in Kaw Point Park and have satellite parking or have people make a connection to downtown in the park, we would have to run buses. There is no acceptable safe pedestrian pathway there. All that's there now is a three foot sidewalk with a crumbling concrete stair going down the bridge abutment.

The connector, and that's been the key word in this project all a long, it's the connector to the Riverfront Heritage, to the Kaw Point Park, bringing Kaw Point Park connected to downtown and bringing all of that into what could be someday the Fairfax Area Trail which we do have authorization to do a starter line, not up on the top of the levy but down on the riverbank, and those conversations have preceded.

That is the reason and I do hope that you all understand I'm fairly stingy. I ask you for big dollars up front because I know I've got to try to make it with what we have. We certainly wouldn't have traded in the amount of roadwork that we could do for that amount of money if we thought that this was not something particularly special at the time that we applied. Federal Highways must feel the same way because we racked our brains to find something lesser to do. At one point we were seriously looking at making a crosswalk across the beginning of the ramp by the Bartlett Grain Elevator and just coming in from the backside. Federal Highways and KDOT struggled with that and in the end they said we just don't want you to do that. We think this project is important. We will add another \$800,000 to the budget if that's what it takes to move this over the hump.

August 27, 2015

Commissioner Bynum said I don't sit on this standing committee, but I attended the meeting on August 10th I believe sitting in for Commissioner McKiernan. I didn't chair this meeting, but I asked a question that evening that I'd like to ask again and have clarification around and that is; that in this synopsis it states this project is included in the proposed 2015 Amended CMIP Budget. What I'd like clarification on is does that mean that this governing body by adopting our budget adopted it at the \$760,000 authority for this project? I realize our finance staff isn't here.

Mr. Heatherman said, Commissioner, you are correct that the budget as adopted August 1st already makes provision for the addition of this \$250,000 to the original principle of \$510,000 and the actual resolution that we are asking for is normally part of the implementation step of debt financing.

Commissioner Townsend said I think I was going to address the point of other things that Commissioner Bynum just brought up. I know that there's some disappointment with the original numbers and what they came out to be, however, I believe that's out of our control and I would encourage the Commission even though there are some reservations which are understandable to go through with this project for the long term not only the short term but the long term benefits of it. I think Mr. Heatherman already alluded to the projects that are going on in the Fairfax District. The improvements, the (inaudible) Kaw Point Park, plans for future festivals down there within the next year and I think this is just completing the many improvements that have been down there.

Yes, there would be a lot of money for other sidewalks if you're just going to compare that, but I think this is the needed link to make this the total project effective.

Commissioner McKiernan said, Mr. Heatherman, if I've got my math right roughly \$2.7M total cost, our part .8, we're leveraging 1.5 so we're going about 2 to 1 leverage of outside dollars? That's not correct? **Mayor Holland** said more than that. **Mr. Heatherman** said yes sir that's the right ballpark. **Commissioner McKiernan** said yes, so about 2 to 1 leverage on our dollars. If we were to delay to not move forward with it this time, we would forfeit those leverage dollars correct? **Mr. Heatherman** said that is correct. **Commissioner McKiernan** said what would you estimate is the chance that we could leverage similar dollars or get a similar match in the future if we decided next year yes we really do want to do this? I assume the price

August 27, 2015

tag overall would stay about the same. What are the chances that we could get an external match? **Mr. Heatherman** said you know it's hard for me to predict those things. I guess the factors—the round that we applied for these projects was a special pot of money. KDOT had for some reason had been holding on to a lot of trail only type funds. They had a special statewide call for projects and we actually applied for three projects. We got what I would call one-and-a-half in that we got the completion of the 5th Street trail as you know from Parallel up to Rowland Drive and we got this project. This project ranked very high on the state list. This last funding round the projects that funded the safe routes to school and the 10th and 12th Street, to have a project that would award at one point at a \$2M per project that would've swamped the boat, if you will, for that particular funding round.

I'm not anticipating seeing large enough pots of money very frequently to be able to see projects of this magnitude fit in easily. Now if we came back in a few years and said we've confirmed our desire to do this project and put it as our number one project, it would probably score well and we can fight for it. Please understand if we sacrifice this project right now our credibility with the Mid-America Regional Council and with KDOT in one or two years will not be very high. If it were only a question of waiting a couple of years, it would be my strong project management recommendation to say that you have a bird in hand is worth two in the bush.

If in fact this is not a project that the Commission wants and is willing to just say we've worked on it this long, but no more, then I would say that you're making a final decision.

Commissioner McKiernan said one other question and I'm sorry I didn't think of this one before. KDOT has plans in the next 20 years to change the configuration of the ramps that connect intercity Lewis and Clark Viaduct to Kansas City, Kansas. I haven't even looked at it. Is there any chance that any of those changes of ramp configurations could affect this project somewhere down the road? **Mr. Heatherman** said no Commissioner. The plans for the ramp have always known that we were considering some form of connector so the notion of how everything works together was certainly taken into account.

There's nothing about the new proposals that somehow provides a third alternative that would magically appear. This is fact—this particular route is actually better than the first project we tried which was more of a direct connection off of the Woodweather Bridge going down to the riverbank and kind of coming in from underneath if you will. That particular project would've had a lot of conflict with future replacement of the bridge. This one is much more

elegantly far away, kind of gets away from the zone of influence. This project works quite well with the Lewis and Clark Viaduct proposal and has been planned accordingly.

Mayor Holland said alright I want to—it was brought up the NorthPoint Development is putting about one-half million dollars of their project for their \$350,000 industrial building into improvements at Kaw Point Park. This Kaw Point Park is becoming a focal point not only of our community but of the region and the improvements that are being made there, there's significant capitol improvement going in Kaw Point Park. Significant movement in terms of hike and bike trails. I think the reason the Mid-America Regional Council and the Kansas Department of Transportation want this link is because of the big picture of linking us to the other communities. That has been very difficult because of the rivers. We have the opportunity, the once in a lifetime opportunity right here, where we're going to leverage other people's money to build a connector that the whole metropolitan area can use.

The whole metropolitan area uses the hike and bike trails and have made major capitol investments in their trails and I think this capitol investment puts Wyandotte County in keeping with the whole region and is the reason why people are willing to put big money into it because of its importance. I can't over stress the importance of this and the need for us to be a leader and frankly we're not even a leader. This is even just catching us up to being on the map with the rest of the metropolitan area hike and bike.

This would be a major lost opportunity that we've been working on for many years and while the cost has gone up and that's a disappointment, it's one of those things that I would say we can't afford not to do. This is a critical piece of infrastructure for those who care about the active living hike and bike healthy communities; this is a piece of the connection to pass up at the eleventh hour I think would be a huge policy mistake.

Commissioner Walters asked could you help me understand a little bit about this connection that I keep hearing about. The map you're showing us I think shows a yellow line going toward proposed Kaw Point Park Connector Project and dead-ends at the park, right? **Mr. Heatherman** said yes sir. **Commissioner Walters** said so what is it connecting other than the park. **Mr. Heatherman** said it's connecting two things: 1) the park itself is the major destination and then as part of the application it was fully intended that the park itself served as a destination, but in addition as any levy trail extensions occur along Fairfax, you would have a connection along the Missouri River all the way around. Then in some future manner could actually connect up to

August 27, 2015

what's going to be the pedestrian bikeway that is being built with the US 69 bridges over the Missouri River into Riverside. **Commissioner Walters** said okay well I see that, but this doesn't really connect anything other than potential future trails does it. **Mr. Heatherman** said well it connects to Kaw Point Park. **Commissioner Walters** said yes, it dead-ends at Kaw Point Park at this point.

Mayor Holland said we have active proposals right now for opening up the levy trails both north and south along the Kaw Valley to the south and Fairfax to the north. One of the pieces to being able to open that built infrastructure, it's already there, it's built with our federal dollars.

We're the only group in the entire region Manhattan, Topeka, Lawrence, Parkville, Riverside and Kansas City, Missouri all allow hike and bike along the river. It's happening everywhere in the nation. It will happen in our community. We have those talks ongoing and we have done planning sections of both, both on the Fairfax to the north and on Kaw Valley to the south. These are critical linkages. This project leverages the opening of those trails and I would argue if we don't do this connector, it sabotages our ability to open those trails because it wouldn't open it up to the whole metropolitan area. It is a vital link and a vital key to this larger metropolitan bicycle infrastructure. It's in our neighborhood.

Action: **Commissioner Walker made a motion to disapprove the resolution. Commissioner Kane seconded.**

Mayor Holland said there's a motion on the table. Roll call. There's a motion to not approve? **Commissioner Walker** said to not approve. **Mayor Holland** said let me ask it. Okay motion to not approve, so if you vote yes you're voting to not approve.

Roll call was taken and there were four "Nays," Townsend, McKiernan, Johnson, Bynum, Holland and five "Ayes," Walker, Murguia, Kane, Markley, Walters. **Ms. Cobbins** said the vote is 5 to 4. Mayor Holland voted "no." **Ms. Cobbins** said the vote is 5 to 5.

Commissioner Bynum said I need to understand since I was not here in 2013 when the project was adopted by this governing body in apparently this form, is the only objection the additional dollars? **Commissioner Walker** said I'll address it from my standpoint. The objection is a zoo. We won't fund other necessary projects in this community that I won't mention, but that would

be \$250,000 and we throw \$250,000 at a connector trail to a park not for the benefit of our community primarily, but for the people elsewhere that want to use these trails. That's how I see it.

I'm angry about the fact that I can't get funding for things that have been in this community for 160 years and we're worrying about a connector to a trail that leads to a park and we think that's going to bring what to this community, great revenue, lots of people. I don't see any benefit to the people that are paying the bill. That's frankly my view. Now if other people—I'll listen to other arguments. Three tenths of a mile for \$2.1M, do you know how much \$2.1M would buy in sidewalks in every one of your district's neighborhoods. I guarantee you it'll get a lot more use than this trail is ever going to get.

Commissioner Kane said if this was, and we have been working on it for a while and for a while we've said they're going to let us have permission to walk on the levy and they haven't. I know everybody—it's kind of a joke about well we don't have a park in District 5, other than Wyandotte County Lake. Well the people out west want a park and we've got ground. It wouldn't take but \$40,000 to put some stuff in an area we already own and that our people would use.

I really don't care if Johnson County comes over and uses our stuff. Missouri comes over and uses our stuff. What I care about is what our community the people that pay the taxes, the people that live here and this goes on. We've been promised they're going to let us, they're going to let us and, Mayor, I don't know about any letter. I don't know about any talks because nobodies saying in the Commission that we've got this working and that's the problem. Nobody tells us anything and then we're up here and we're trying to vote on something and we're voting on 0.3 of a mile and that just doesn't work for me.

Commissioner Bynum said clarify and I'll stop after this. In 2013 the governing body was satisfied at \$510,000, but we can't swallow, tolerate the additional \$250,000. If that's the position then I can live with that. I just want to clarify that that is the position.

Mayor Holland said alright I want to, the motion failed. I have a question for our staff because we don't have a vote to take action on this item. In terms of the—Mr. Heatherman what is the timing on this application in terms of the GO financing with KDOT. **Mr. Heatherman** said if this project is not approved, I'm obliged to let KDOT know that I don't have the financing. They

August 27, 2015

are preparing the project in the final stages to place it on the October bid letting which means that they will advertise it in mid to early September. The KDOT process is like a battleship. It moves when it moves, but you can't really wave it off at the last minute.

I don't know what the eleventh and a-half hour option is at KDOT, but I would be obliged to tell them tomorrow morning that we don't appear to have the funding.

Mayor Holland said alright well we didn't, we weren't able...**Commissioner Townsend** said Mayor, I have a question. Since it sounds like we don't know the ramifications for not moving forward, is it possible to move this item to a later meeting where we have all of the information in front of us with regard to the ramifications of that. I still believe that this is something that members of our community would use and it's just a step we need to take to complete it. Again, I understand the disappointment in the fact that it came in a lot higher than what anyone expected, but that aside and I also remember probably about 1 ½ years ago a meeting where there was a discussion about opening the levy because I particularly mentioned concerns about safety in that area. So, I know that that project is ongoing. We just have to look back at the record in one of the earlier meetings, well later meetings in 2013. I don't think it was 2014.

There is a connection that this would lead to or add to assuming that that levy is going to open up. Also, I would point out if it's already been mentioned the 5th Street Connector project that goes all the way as far north as Garland Park and then drops down to 7th Street. This would just be another link in that.

I'd like to know if it's possible to move this item to another agenda pending what Mr. Heatherman finds out from KDOT.

Mayor Holland said yes we can do that. If you would like, we can ask Mr. Heatherman to communicate with KDOT tomorrow to find out what their full process is in terms of this and we can bring this back to a future item since there was no action taken on it tonight.

Action: No action taken.

COMMISSIONERS' AGENDA

No items of business.

August 27, 2015

Mayor Holland said I will—we're moving now to the Land Bank Board of Trustees Consent Agenda. The items before us are all on consent at this time. Would anyone in the meeting tonight like to come forward and set an item aside?

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 150216...COMMUNICATION: LAND BANK APPLICATIONS

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

Side-lots

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

Best & Finals

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

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

Donation to Land Bank

4714 Vista Dr. - Wells Fargo REO Community Development Program
 (Property will be donated with a clean title to the Land Bank. The Land Bank will then submit a development agreement with ABC for the rehab of the property.)

Transfers from Land Bank

710 Oakland Ave. - CHWC, Inc. for single-family home construction similar to others on the block.

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

Transfers to Land Bank

1907 N. 10th St. - Unified Government
 116 S. 16th St. - Unified Government
 214 S. 18th St. - Unified Government
 2600 N. 5th St. - Unified Government
 2801 N. 5th St. - Unified Government
 1935 N. 6th St. - Unified Government
 2600 N. 6th St. - Unified Government
 2604 N. 6th St. - Unified Government

August 27, 2015

2529 N. 6th St. - Unified Government
 2525 N. 6th St. - Unified Government
 2606 N. 6th St. - Unified Government
 2527 N. 6th St. - Unified Government
 2528 N. 6th St. - Unified Government
 2530 N. 6th St. - Unified Government
 2700 N. 6th St. - Unified Government
 2610 N. 6th St. - Unified Government
 2612 N. 6th St. - Unified Government
 2608 N. 6th St. - Unified Government
 1922 N. 6th St. - Unified Government
 1914 N. 6th St. - Unified Government
 436 Walker Ave. - City of Kansas City, KS
 336 Walker Ave. - Unified Government
 627 S. Pyle St. - City of Kansas City, KS
 730 Tauromee Ave. - City of Kansas City, KS
 732 Tauromee Ave. - City of Kansas City, KS

(Per the December 2014 NCD Standing Committee presentation, property controlled by the UG, city and Board of County Commissioners that are delinquent will be transferred to the Land Bank to have delinquent property taxes abated.) On August 10, 2015, the Neighborhood and Community Development Standing Committee, co-chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Sara Garcia, 1849 North 24th Street, said I just wanted to set my application aside. Will consider my application? **Mayor Holland** asked which one is that. **Ms. Garcia** said its Jacino Cazares my husband. **Mayor Holland** said it's 2236. **Ms. Garcia** said 1849 North 24th Street. It's 2236 Richmond Avenue. **Mayor Holland** yes, that one will be set-aside.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all remaining items.** Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

Mayor Holland said that brings us to item 2236 Richmond Avenue, Mr. Slaughter.

Chris Slaughter, Land Bank Manager, said this is a Best & Final that we brought forward for 2236 Richmond Avenue. We don't have an overhead, but in your packet there should be a picture that kind of outlines the way the property sits and where the two applicants sit. Mr.

August 27, 2015

Smith's property is parallel to the property while the other applicant here it's pretty much perpendicular and only shares a small portion of the property.

The Land Bank's recommendation is for Mr. Smith and we'd be open to give them an opportunity to state anything they would about why they've applied and their reasoning for the property.

Mayor Holland said if you'd like to come forward ma'am, you can state why you've applied and your objection to the recommendation.

Sara Garcia, 1849 North 24th Street, said I've been living there for over eight years already. I help clean branches and grass that grows in the front of for the streets. He cuts, somebody cuts it and he told us if we clean because there's a big tree in the middle of the lot because they cut out the tree from another house and they just left it there. I've been kind of cleaning and the neighbor that's on the side helping me clean the back. There's no grass, it's only dirt and rocks. I didn't know it was available so I came in and make my application. I thought was really hopeful to get it, but I'm really interested in having more space. Thank you for my kids and grandkids.

Mayor Holland said so the recommendation is for Dennis Smith from the board. That item is now before us.

Action: **Commissioner Kane made a motion, seconded by Commissioner Walters, to follow the recommendation of the Land Bank.** Roll call was taken and there were nine "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum.

Mayor Holland said final announcement. There was a Public Building Commission Meeting called for tonight that has been cancelled.

PUBLIC ANNOUNCEMENTS

No items of business.

August 27, 2015

MAYOR HOLLAND ADJOURNED

THE MEETING AT 8:45 P.M.

August 27, 2015

cm

Bridgette Cobbins
Unified Government Clerk

August 27, 2015