The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, February 26, 2015, with nine members present: Vacant Seat, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via conference call); Murguia, Commissioner Third District; Maddox, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO. McKiernan, Commissioner Second District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Interim County Administrator; Jody Boeding, Chief Legal Counsel; Lew Levin, Chief Financial Officer; Edwin Birch, Public Information Officer; Rob Richardson, Director of Urban Planning & Land Use; Byron Toy, Planning; Carol Godsil, Deputy UG Clerk; and Major Michael York, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia, Holland.

INVOCATION was given by George Kemper, Ebenezer Ministries.

Mayor Holland asked if there are any revisions to tonight’s agenda. Carol Godsil, Deputy UG Clerk, stated a blue sheet has been distributed indicating the addition of a proclamation which I can read into the record at this time. Mayor Holland said please. Ms. Godsil read the proclamation.
Mayor Holland said thank you very much. Before we continue with our agenda, I would like to recognize former Mayor Carol Marinovich, who is in the audience tonight. Another dignitary, former Public Works Director Bob Roddy is here. I just want to point out that snow removal has gone much better since Roddy’s not here anymore and I don’t know—Bob Roddy said there hasn’t been any snow. Mayor Holland said anyway an improvement nevertheless. Welcome back.
THE AGENDA for February 26, 2015, was presented. Ms. Godsil asked if any members of the Commission wished to disclose any contacts with proponents or opponents on any items on the agenda.

Commissioner Philbrook said yes, #SP-2014-52, a conversation with the lady that wants the temporary use. Mayor Holland said I have had contact with the proponents of #PR-2014-27, the new hotel, and I’ve had conversations with proponents of the ordinance revision for the environs review ordinance. Commissioner Walker said I’ve had contact with I guess all three of the ones already cited; proponents only.

PLANNING AND ZONING CONSENT AGENDA

Mayor Holland said I’d like to ask anyone now who would like to step forward. If anyone would like to pull an item off of the Consent Agenda, please step forward and state your name and address for the record.

Steve Warger, Warger Associates, 1617 Swift, North Kansas City, MO, said this is on Item No. 1, the Consent Agenda for Item No. 1 actually. We would like to have that held over until the March 26th meeting if possible. Mayor Holland said this is #3082, A-1. Mr. Warger said yes, sir. Mayor Holland said it will be pulled off the Consent Agenda and we will deal with it individually.

David Nelson, Box 19151, Lenexa, KS, said I am wanting to visit tonight about Item B-1, the storage unit. Mayor Holland asked Item D-1. Mr. Nelson said b as in boy. Mayor Holland said B-1 for #SP-2014-56, Cheryl Stewart. Mr. Nelson said yes. Mayor Holland said it will be pulled off the agenda.

(Commissioner Maddox left the meeting at 7:11 p.m. and returned at 7:32; therefore, did not vote on the Consent Agenda items.)

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the Planning and Zoning Consent Agenda, excluding the set-asides.
Roll call was taken and there were seven “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

**CHANGE OF ZONE APPLICATION**

**ITEM NO. 1 – 150031….CHANGE OF ZONE #3082 – STEVE WARGER WITH WARGER ASSOCIATES**

*Synopsis:* Change of zone from R-1 Single Family District to CP-3 Single Planned Commercial District for storage units and parking of RV, boat, etc., and antique car restoration/retail, at 7756 Holliday Drive, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Petition #3082 subject to:

**Urban Planning and Land Use comments:**

1. The CP-3 Planned Commercial District landscaping requirement is one tree for every 7,000 square feet of site area. The Commercial Design Guidelines requires that landscape exceed the district requirement by at least 75 percent. Based on the site area, 2.44 acres (106,286.4 square feet), 27 (26.57) trees are required based on the guidelines. Please revise the landscape plan to meet this requirement.

*Applicant Response: Acknowledged.*

*Staff Response:* While the applicant did not submit a revised landscape plan, the applicant should understand that 27 trees will be shown on the landscape plan during the final plan review.

2. Landscaping shall be irrigated.

*Applicant Response: Acknowledged.*

3. Staff sees that a fence will run the perimeter of the property. What type of fencing is proposed? A solid fence with masonry pilasters every 32 running feet is required.

*Applicant Response: Fencing was anticipated as chain link for the use proposed. We would request that any fence in the rear (north) of the project be chain link and we can use wood other than the gate up front with stone pillars. The area to the rear of the project is the railroad.*

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Staff Response: The applicant need not replace the existing fence from the northwest corner of their western building to the north property line with the railroad. Additionally, they may use chain link along the railroad right-of-way. All other fencing shall be a solid fence with masonry pilasters every 32 running feet.

4. Staff understands that this facility will house recreation vehicles (RVs), boats, and antique/vintage cars. Will there be 24 hour access to the site? Will access be provided by a key, key code or some other type of unlocking mechanism?

*Applicant Response:* The storage facility will have a gate with a key card type opener. This will allow for 24 hour access but it is not anticipated there will be a lot of traffic to the facility.

5. Because the applicant is proposed to phase this project, each subsequent phase will necessitate its own final plan review, which requires City Planning Commission approval.

*Applicant Response:* Acknowledged.

6. Are you proposing any exterior lighting? Any and all proposed lighting shall have 90 degree cutoff fixtures and not exceed one footcandle at the property line.

*Applicant Response:* There will be lighting and we acknowledge the requirements.

7. All parking, loading and maneuvering areas shall be paved and striped.

*Applicant Response:* In previous discussions it was stated that there could be ribbon of concrete around the storage parking with other material (gravel or something else) inside of that. This is what was intended by our design.

Staff Response: Self storage facilities are not exempt from having to pave their parking, loading and maneuvering areas. All surfacing must be dust-free. Asphalt millings can be used for storage areas but not drive aisles.

8. Please provide building elevations of the proposed structures.

*Applicant Response:* We are working on the elevations and will send in a separate email, but we intend to match the type of construction to the west.

Staff Response: The exterior building must meet Overlay Design Standards.
**Public Works comments:**

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

1. Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

2. Additional right-of-way may be required by Public Works. Contact UG County Surveyor Brent Thompson at 913-573-5710 for verification.

3. Note that parking area shall be paved.

4. Stormwater detention will be required per UG Guidelines. Revise concept Site Plan drawing to show that a detention basin or underground detention will fit into your proposed layout.

5. Stormwater treatment BMP’s shall be required per UG criteria. Revise concept Site Plan drawing to show that stormwater quality BMPs will work with detention basin and fit into your proposed layout.

6. Explain what bold line is running thru parking lot on Demolition Plan.

**Staff Conclusion:**

The applicant has worked with staff to address the majority of the issues. Planning and Engineering has approved the plans based on the change of zone. More detail will be submitted related to final engineering during the final plan review process. The storage facility buildings will meet the Commercial Design Guidelines.

**Mr. Warger** said the reason for pulling it is because the owner and the potential operator are considering potentially a different plan. That came up today and the one guy is out of town so we can’t get a decision for that so we wouldn’t want to go through with the rezoning now or the plan that’s associated with it and then have to come back and change it. **Mayor Holland** asked are you the petitioner. **Mr. Warger** said yes, well I’m the applicant, yes. **Mayor Holland** said you’re the applicant. **Mr. Warger** said yes, sir, and the owner of the property is here with us too if you want—**Mayor Holland** said so the request is to send it back. This is by applicant, Mr. Richardson, how do we handle it? **Rob Richardson, Director of Planning,** said he would ask that you hold it over at the Board of Commissioners for 30 days and they will make their
decision as if they’re going for this plan or a new plan. If they go forward with this plan, they would ask that you have it on your agenda next month. If not, they will ask you to send it back or withdraw it completely. Mayor Holland asked do we need an action tonight. Mr. Richardson said you would need a vote to hold it over at the Board of Commissioners if that’s what you wish to do.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Kane, to hold Change of Zone Petition #3082 until March 26, 2015, as requested by the applicant. Roll call was taken and there were seven “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

**SPECIAL USE PERMIT APPLICATIONS**

**ITEM NO. 1 – 140347….SPECIAL USE PERMIT #SP-2014-56 – CHERYL STEWART**

**Synopsis:** Special use permit for the temporary use of land to store a 20’ shipping container at 4437 Claudine Lane, submitted by Robin Richardson, Director of Planning and Zoning & Land Use. The Planning Commission voted 8 to 0 to uphold its previous recommendation of approval and recommends approval of Special Use Permit Application #SP-2014-56, for two years subject to a privacy fence being installed to screen from the residence to the neighbors’ privacy fence within ninety days.

Cheryl Stewart, 4437 Claudine Lane, and I am the applicant in this matter. I don’t know who the individual is that had this pulled from the Consent Agenda so I would ask permission to respond to anything that he may have to say. I’ve never had anybody come up to me or answer anything I had or make any complaints to me about it. If I could ask for that I’d like—Mayor Holland said what we’ll do is I’ll ask for proponents and opponents and after they have spoken in the public hearing, then you’ll have an opportunity to respond at the end. Ms. Stewart said thank you, sir.

Mayor Holland said I would ask anyone who is in favor of this petition to please come forward and speak at this time except for the applicant. Let the record show no one is moving forward to speak.
Mayor Holland asked if there are any opponents to this to please come forward at this time.

David Nelson, Box 19151, Lenexa, KS, said I own property in this neighborhood, Wyandotte Village. I don’t honestly know the distance from the applicant’s property for my property with nearest proximity. I object to the appearance of this storage bin in a residential neighborhood. It’s flaking paint, it’s odd positioning and the trailering mechanism that is also parked in the yard alongside this trailer it’s really—I’ve got some photos if there’s a way for you all to see them. Mayor Holland said you can pass photos up to the Clerk. Mr. Nelson said I don’t know if you can do a disc but you can give them that. There’s one color photograph which has the four enlarged black and white versions all on one slide. I’m sorry I just believe it’s one of those ink issues on the color. Can I have one of those back? I submitted a map showing properties that I own that you can all review as far as proximity in the neighborhood and I have tax documents here if there’s any questions as to ownership or interest. One of the properties is actually part of a court proceeding now to acquire.

These four photos of which you also have limited copies of full page documents, it shows the property with this trailer parked at the end of what there is of a driveway, and there’s a trailer mechanism I believe it goes with it because it’s painted the same color that’s just parked in the yard to the front and the left as well as several other pieces of machinery that may or may not go with it. If you look at several of the photos, you can see peeling paint both on the open door side and on the back.

This bin is probably somewhere between a fourth and a third of the size of the home and far exceeds what’s allowed by the county as far as building, an outbuilding or a shed for residential storage but this looks like a large Deffenbaugh waste bin painted brown but with a top. I mean you know what they are, a pod, but it’s totally out of place in this neighborhood. You know, I just hate to have a presidence set that for one month or one year or two years that we can place this kind of thing in the middle of a residential neighborhood where people have to drive by and look at it each and every day.

As far as my requested action, I honestly don’t know what’s appropriate because I expect with such quick notice I doubt you would vote no; I just suggest that you send it back. Mayor Holland said I would take your speech as desiring us to vote no against the Planning & Zoning
recommendation. Mr. Nelson said or at a minimum, send it back to Planning where I can visit more with other folks. I certainly don’t want that to be part of the neighborhood that I’m in. It’s visable from two properties.

One is a new acquisition property which, again, I can provide you documents at 4521. I honestly feel that property may well be within the 200 feet but because the property had not yet been acquired, I was never given notice. The signs posted in the yard even today, which by the way these photos were taken today, the sign in the yard still shows that this meeting for this hearing is being held in August of last year and has never been updated. I called and spoke to a gentleman named Trey Maevers a couple of times. It’s been held over by not the commissioners but—Mayor Holland said the Planning Commission. Mr. Nelson said the planning body—it was held over. The meeting I came to attend, it was held over to another meeting and then of course no signage or notice given as to that so I wasn’t able to make it to that meeting.

Mayor Holland asked is there anyone else that would like to speak in opposition to this petition. Let the record show no one else is coming forward. I will now give the applicant time to respond.

Ms. Stewart said I’m not really sure where the gentleman’s property is. I don’t have any of that information that he provided to you. I do know that he gave his address as being in Lenexa, KS, and not in Kansas City, KS.

To address the issues of the paint and things, I’ve already discussed that with the group in prior conversations. It will be painted and I have to provide and put up a privacy fence. That was discussed and that’s part of the application process and part of the approval was I have to put up a privacy fence that screens it from the street so nobody can see it. That’s been approved and that’s something I have to provide. I have to put that up within three months of approval. I will definitely get that done and have that in the works pending the approval from the commission.

My neighbors that—I put out the notices. I sent the notices as required by law and I did all those things and sent notices to the owners at the time when I made the applications. Those were the notices, the addresses and information that was provided to me from the Planning Commission and through that office. I did all those things that I needed to do to notify people of that situation and I’m asking the commission to please follow the recommendations from the
Planning and Zoning Commission whom I’ve been working with on this since last year. I really ask you to approve it for the two-year period of time. I’m only asking for that period of time. I’m asking you to approve it. If you have any questions I’d be happy to answer them.

**Mayor Holland closed the public hearing.**

**Commissioner Walker** said, Ms. Stewart, I was opposed to this the last time and then I received some information that—the principal reason that I was not willing to approve it was because I didn’t feel you were forthcoming with what your intentions were about the long-term use of this as a secondary shed or whatever purpose you’re putting it to. Are you telling us that you’re only going to apply for the special use permit one time. **Ms. Stewart** said yes, yes, sir. **Commissioner Walker** said two years from now I’m not going to see you again. **Ms. Stewart** said no, sir. I will have moved from that location and that shed will either be sold or it will go with me because if I do move, I’m moving to western Kansas.

**Commissioner Kane** said I’m different. I don’t like the way it looks. If we do it here, we’re opening up a can of worms across the community. I think it was a bad idea when you brought it up. I still think it’s a bad idea and now that I see it, it makes it even a worse idea. I’m not for this at all.

**Mayor Holland** said I stated my opposition before when it came before. I’m very concerned about using metal storage containers as sheds. We do have outbuilding policies in our community that have certain construction restrictions and expectations of look. I’m concerned. I look at it if my number applied for this special use permit, I’d bur the cow; I’d be very unhappy. I just wouldn’t want this next door to me. I wouldn’t want it in my neighborhood. I think if you would go to the expense of buying a storage container and buying a fence, you can buy a shed that would look nice. You can buy those for a couple of hundred dollars at a store and we would have something that looked nice and fit the character of the neighborhood. I’m surprised that they approved it. **Commissioner Walker** said unanimously. **Mayor Holland** said yes, I’m surprised they approved it and I’m puzzled by that because I don’t know any of the Planning
Commission members who would want this in their neighborhood either. Anyway, I’m just going to speak my mind against it, but I don’t know that the vote will come to me.

**Commissioner Murguia** asked when people ask for special use permits, do we evaluate whether there are any current code violations on the property. **Mr. Richardson** said many times they come to us because there is a code violation and so the code violation is action enforcement that will stay until this proceeding has concluded for a special use permit. I believe that that’s how this case came to us as well. There’s an active code enforcement case that the enforcement of which is stayed pending the outcome of this proceeding.

**Commissioner Kane** asked how many people does this take to vote because I don’t know how many of us are here as far as if—**Mayor Holland** said there are seven of us, eight with Commissioner Townsend on the phone. There are eight of us available. **Commissioner Kane** asked how many would it take to overturn the Planning and Zoning. **Mayor Holland** said Legal. **Jody Boeding, Chief Counsel,** said eight votes. **Mayor Holland** said now it’s already been back to Planning and Zoning. Is that right? **Mr. Richardson** said, Jody, you are correct. I’m sorry. It has been back so it’s six either way. **Commissioner Kane** asked so it’s six to kill it. **Mr. Richardson** said six votes to take any action. **Mayor Holland** said to approve it or disapprove it, it takes six votes.

**Action:** **Commissioner Kane** made a motion, seconded by Commissioner Murguia, to deny Special Use Permit Application #SP-2014-56. Roll call was taken and there were six “Ayes,” Kane, Markley, Walters, Townsend, Murguia, Holland, and two “No,” Philbrook, Walker.

**ITEM NO. 2 – 120277….SPECIAL USE PERMIT #SP-2014-81 – WILLIE FIELDS JR.**

**Synopsis:** Special use permit for a drinking establishment/restaurant with live entertainment at 16 North James Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-81 subject to:
Urban Planning and Land Use comments:

1. Please describe how on and off-site outdoor clean-up will be addressed. Applicant Response from the previous application: There are intensive policing duties by personnel to ensure that the entire area is cleaned up daily as needed.

Staff Response: After every event, personnel shall patrol the property and pick up any trash and/or debris to keep the area clean.

Applicant Response: Agree with staff that after every event the personnel will patrol the property and pick up trash and/or debris to keep the area clean.

2. Please describe security, both on and off-site, and how your security plan complies with all relevant City Codes. The description should also describe how large crowds leaving at one time will be addressed both in terms of crowd and traffic control.

Applicant Response from the previous application: Both on and off-site security personnel will be in accordance with the Unified Government ordinances on live entertainment; however, it is anticipated that additional security will be involved as needed. The issue of how to control large crowds has not been a factor for several years. Nevertheless, the success of West Bottom Steak and Chops LLC will rely on professional crowd control if the business is lucky enough to have any type of crowd. There would be (sic) obviously be security and crowd control personnel, in that event, on both the inside and outside of the building near the streets or parking lots to ensure patron and traffic safety.

Staff Response: The only reason crowds have not been an issue is that the facility has been closed. The applicant must describe and stipulate an actual security plan or staff will recommend denial.

Applicant Response: Both on and off-site security personnel will be in accordance with the Unified Government ordinances on live entertainment; however, it is anticipated that additional security will be involved as needed on big events. In addition, there will be two to four KCKPD officers working with the on-duty security. There is a need for crowd control personnel both
inside the building, outside the building, in the parking lot, and surrounding the building to ensure patrons and traffic safety.

3. Please explain the status of interior and exterior work at the site.

a. When will the parking lot be resurfaced per plans?

b. Has the property ownership been transferred under the previous parking plan?

c. The establishment may not open for any purpose until the interior permit work has been completed and approved and the parking lot has been improved per previous plans. An approved business license application is not an indication that the establishment has met these criteria. Authorization from the Director of Planning is required.

d. The building has significant issues with peeling exterior paint. This is a code violation and must be remedied prior to opening.

Applicant Response:

a. The parking lot is to be completed by the landlord.

b. The property ownership being transferred will be taken care of by the landlord.

c. All interior work will be completed to pass inspection.

d. Exterior building paint will be redone before opening.

4. Further, please provide current parking agreements related to SP-2013-48 and evidence they are still in place and have been transferred to a new owner if necessary. Also, please confirm that there have not been any adjustments to the interior floor plan from previous applications.

5. Although a renewal, it should be reiterated that this application is for the building at 16 North James Street and includes only the first and second floors of the stated address. The third floor (the half story above the second floor) is to remain blocked and unused at all times as there is
insufficient parking for the additional floor area. Further, the third floor has not been inspected for use by Fire or Building Inspection. This permit does not include 12 North James Street.

*Applicant Response from the previous application: The third floor will remain blocked and unused at all times.*

Staff Response: The applicant must describe how this will be answered. Previous commitments were hollow and ignored. Ignoring this requirement leads to criminal conviction.

Applicant Response: The third floor will remain blocked and unused at all times, until additional parking becomes available and is inspected by fire and/or Building Inspector. Also, there are two doors put up to entrance to the third floor. The doors will remain closed, locked, and covered with a curtain. There will be a table in front of one of the doors.

This location has been trouble for KCK every time it has opened, however briefly, each time. From murder to an apparent swinger’s club on the third floor that was supposed to be sealed off, this location appears to attract a bad crowd. It does not seem prudent to risk having to potentially commit significant extra police at this location at the detriment of security in the remainder of the eastern portion of the City. These concerns are legitimate public health, safety and welfare concerns.

For this location to remain open without an additional special use permit for alcohol, the sale of food (only food – cover charges, etc. are not included) must exceed the sale of alcohol. The applicant should be prepared to provide an annual accounting of this to the Planning Commission upon request for renewal.

In no case can any establishment that serves food or alcohol open until such time as the parking lot has been graded, paved, and striped per pervious approvals and proof of parking agreements provided.

Alcohol may only be served until 2:00 a.m.

Previous issues discussed concerning Mr. Fields were due to the fact that someone else repeatedly used his name. Given his experience and lack of issues at other locations, staff is
willing to recommend a short-term trial special use permit for one year from the date of approval by the Unified Government Board of Commissioners.

Public Works comments: No comments.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2014-81 for one year, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

VACATION APPLICATION
ITEM NO. 1 – 150034….VACATION APPLICATION #U/E-2015-1 – JEFF TAYLOR
Synopsis: Vacation of utility easements at 1929 Village West Parkway, submitted by Robin Richardson, Director of Planning. KKR Legends, LLC is requesting to vacate 15 feet of sanitary sewer easement in conjunction with a hotel development at the Legends at Village West. The Planning Commission voted 8 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2015.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Vacation Application #U/E-2015-1. Roll call was taken and there were seven “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

MISCELLANEOUS ORDINANCES
ITEM NO. 1 – 130032….AN ORDINANCE
Synopsis: An ordinance rezoning property at 5424 North 115th Street (#3043).

Action: ORDINANCE NO. O-18-15, “An ordinance rezoning property hereinafter described located at approximately 5424 North 115th Street in Kansas City, Kansas, by changing the same from its present zoning of AG (WYCO) Agriculture District to A-G (City) Agriculture District.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the
ordinance. Roll call was taken and there were seven “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

ITEM NO. 2 – 130108….AN ORDINANCE

Synopsis: An ordinance vacating a utility easement at 12710 and 12716 Hubbard Rd.

Action: ORDINANCE NO. O-19-15, “Vacating a strip of land previously taken for easement along the Easterly lot line of Lot 23, and the Westerly lot line of 24, of Freeman Farms North, Phase 1, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Commencing on the Southeasterly corner of said lot 23; Thence North 03 degrees 01 minutes 45 seconds East, along said easterly lot line of Lot 23, a distance of 10.00 feet, to the Point of Beginning; Thence on a non-tangent curve to the left, having a radius of 435.00 feet, a chord direction of North 87 degrees 18 minutes 01 seconds West, a chord length of 5.00 and an arc length of 5.00 feet; Thence North 03 degrees 01 minutes 45 seconds East, a distance of 5.02 feet; Thence South 81 degrees 56 minutes 2 seconds East, a distance of 5.02 feet; Thence South 03 degrees 01 45 seconds West, a distance of 129.55 feet; Thence a non-tangent curve to the left, having a radius of 435.00 feet, a chord direction of North 87 degrees 18 minutes 01 seconds West, a chord length of 5.00 and an arc length of 5.00 feet; Thence North 03 degrees 01 minutes 45 seconds East, a distance of 5.02 feet; Thence South 81 degrees 56 minutes 2 seconds East, a distance of 5.02 feet; Thence South 03 degrees 01 45 seconds West, a distance of 129.55 feet; Thence a non-tangent curve to the left, having a radius of 435.00 feet, a chord direction of North 86 degrees 38 minutes 30 seconds West, a chord length of 5.00 and an arc of length of 5.00 feet, to the Point of Beginning. Contains: 1,297.50 square feet or 0.0298 acres, AND, A tract of land previously taken for a cul-de-sac easement in Lots 23 and 24, of Freeman Farms North, Phase 1, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Beginning at the Southeasterly corner of said Lot 24; Thence Northwesterly on a non-tangent curve to the left, along the Northerly Right of way of Hubbard Road, as said Right of Way now exists, having a radius of 425.00 feet, a chord direction of North 82 degrees 52 minutes 22 seconds West, a chord length of 88.65 and an arc length of 88.65 feet; Thence Northeasternerly on a non-tangent curve to the right, having a radius of 50.00 feet, a chord direction of North 87 degrees 22 minutes 35 seconds West, along the said Westerly lot line of Lot 24, a distance of 7.07 feet, to
the Point of Beginning. Contains: 1,480.05 square feet or 0.0447 acres, located at approximately 12710 and 12716 Hubbard Road, Kansas City, Kansas.”

Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

(Commissioner Maddox returned at 7:32 p.m.)

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION
ITEM NO. 1 – 150032….SPECIAL USE PERMIT #SP-2015-2 – JORGE SALAZAR

Synopsis: Special use permit for live entertainment in conjunction with existing restaurant at 151 South 18th Street, submitted by Robin Richardson, Director of Planning. The applicant proposes adding live music, DJ, and dancing to the current Mexican restaurant. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application #SP-2015-2 subject to:

Urban Planning and Land Use Comments:
Please respond to these comments below:

1. Please describe security, both on and off-site, and how your security plan complies with all relevant City Codes. The description should also describe how large crowds leaving at one time will be addressed both in terms of crowd and traffic control.

Applicant Response: The bouncers will coordinate, accordingly, on crowd control and the egress of the customers out during closing.

2. Based off your Business Plan, the DJ will stop at 11:00 p.m. on Friday and Saturday. What will go on from 11:00 pm to close 2:00 a.m.? Will the restaurant go back to normal serving mode? Is this intended to get patrons back to normal restaurant environment?
Applicant Response: The applicant would like to have live Mariachi band and/or live music, a DJ and dancing with the following weekly schedule, with the frequency and entertainment offering varying from season to season:

- Thursday: DJ with karaoke from 9:00 p.m. to 2:00 a.m.
- Friday: DJ with computer from 8:00 p.m. to 11:00 p.m.
- Saturday: DJ with computer from 8:00 p.m. to 11:00 p.m.
- Sunday: DJ with computer from 8:00 p.m. to 11:00 p.m. and live Mariachi band and/or live music from 8:00 p.m. to 2:00 a.m.
- Holidays would be included.

3. Approval would be for two years.

Public Works Comments: None

Lisa Dubè, Attorney for applicant, 1102 Grand, Suite 804, Kansas City, MO, said the applicant is not here tonight because he was unavailable, but I am here to ask that it be approved pursuant to the staff recommendation.

Mayor Holland opened the public hearing and asked if there is anyone who would like to speak in favor of this item. Please come forward at this time. No one appeared in favor.

Mayor Holland asked if there’s anyone who would like to speak in opposition, please come forward at this time.

Seth Estes, 137 S. 16th, said I live directly behind Tapatio’s. I believe Jorge Salazar is applying for this. I have kids okay, you guys all have kids also. A lot of neighborhoods don’t have a restaurant directly in front of them to where they’re going to be playing live entertainment, live music until 10 o’clock, 12 o’clock and 2 o’clock in the morning. We are affected by this. Sunday nights and Thursday nights when my kids go to bed at 10 o’clock at night and 9 o’clock
at night, they play music until 2 o’clock in the morning. I just can’t accept that and I don’t think any of you would either. I ask for this to be reconsidered, talked about either timewise or datewise. Thursdays and Sundays would work for the neighborhood. Let them have Fridays and Saturdays, not a problem; but Thursdays and Sundays school nights, church nights, I just don’t see it, it should happen. I appreciate you for your time.

**Mayor Holland** asked if anyone else would like to speak in opposition. Let the record show no one else is coming forward. I would give the applicant an opportunity to respond.

**Ms. Dubè** said we have not had any opposition to this up until this point. I did not know there was any sort of issues. I do think it was discussed at the Planning Commission that some of this music has been going on and we have not had any issues. I think that staff can also comment to that. My clients are going to do everything they can to obviously keep the noise down. The main live entertainment, we’re not really talking about really having a band in there. It’s for a Mariachi band to kind of roam around the restaurant. Again, we haven’t had any issues.

**Mayor Holland** asked would the music be contained indoors. **Ms. Dubè** said yes, it would be contained indoors. There’s no outside area and the alcohol, I think that was an issue and question that the Planning Commission had. Alcohol would, of course, not be allowed outside because it’s a violation of the liquor laws.

**Mayor Holland** closed the public hearing.

**Mr. Richardson** said as the attorney for the applicant indicated, we haven’t had any complaints or issues so far but that’s why we have public hearings. If you’ve been in there when the Mariachi’s are playing because this is an activity that they are trying to get approved somewhat after the fact, you really can’t talk to someone sitting across the table at times because it is very, very loud. Not that that’s bad, but I don’t know the relationship of this gentleman’s home and the bedrooms to this. This might be a case where it would be good to send it back to the Planning Commission so we could look into this a little bit better since we’re getting this issue before us at a late date so we could look at that relationship and the hours of operation with the
applicant and maybe the neighbor and get them together and see if there is a palpable solution to all the parties involved.

Commissioner Murguia said, Mayor, it’s my understanding that our city has a negative history with this property and as a result I make a motion to deny.

Action: Commissioner Murguia made a motion, seconded by Commissioner Kane, to deny SP-2015-2.

Mayor Holland asked with the Tapatio Restaurant. Commissioner Murguia said yes, the Mariachi band. Commissioner Walker asked which is it, the band or the restaurant. Commissioner Murguia said the location has had a negative history here. Commissioner Walker said I’d like to have that identified because I’ve been in that restaurant a hundred times and I’ve never seen anything wrong with it. I mean. Mayor Holland said I’ve never heard anything negative about it as well. Commissioner Walker said I’ve never been there when there’s live music, but it’s just a restaurant. I haven’t seen any fighting any figure that was untoward. Do you have any evidence of any of that? Commissioner Murguia said I don’t have any evidence with me, no.

Commissioner Townsend said it sounded as though the opponent’s request was a reasonable one, that this be sent back for reconsideration if that’s appropriate under the rules if this is the first time it’s been presented and maybe the two sides can work out compatible details of this. I can appreciate a Mariachi band might be a bit loud and, again, I don’t know the road to relationship to the opponent’s house, but I think some of the issues he brought up would warrant further investigation.

Commissioner Walker said I would very much like to know. I mean we have a 7 to 1 vote here by the Planning Commission. This recurs over and over. They unanimously recommended the one that we just rejected. That’s our prerogative or the commission’s prerogative. If there’s problems with this restaurant in the investigation process, does the Planning Commission not ask for police reports or some kind of activity of what’s going on here at this place? Mr.
Richardson said every application we receive we send to various city departments, including the Police Department requesting information on those. We did not receive anything back on this application. Much like yourself, I’ve been in there many times and never seen any issues, although it is loud if the Mariachis are there. I mean it’s part of the atmosphere, but that’s our experience and that was what we requested and we didn’t get any response back, negative or affirmative.

Commissioner Walker said I guess before we either approve or disapprove it, it seems reasonable to me that we now learn the problems with it. I don’t recall seeing it in the Star’s Health Report, you know where they—maybe it’s those kind—if there’s problems, I don’t want to approve it but at the same time my own observation of it as a patron has been that I’ve never had any problems there. I’d like to have a report on what is really going on at this restaurant.

Mayor Holland said I think—I agree. Mr. Richardson said the police didn’t send anything back and we get reports all the time. We get applications all the time and the police have a five-page report on calls for service at this site. You said there’s not been any report of calls for service. Mr. Richardson said there was none provided to us based on the memo we sent out with all the applications when this application was… Mayor Holland said I think without any substantive evidence that there’s any wrongdoing. I think that’s a pretty tough criticism. If there’s not any evidence that there’s any wrongdoing, I mean I think that’s a pretty tough criticism if there’s not any evidence of any wrongdoings. We’ve had this packet in front of us for a week. If there’s a reason for some wrongdoing, I think we should have that evidence. I mean I would prefer to approve it and move on, but right now there is a motion to vote now. You were the second.

Action: Commissioner Kane said I’ll rescind the motion. Mayor Holland said you can rescind your second. Commissioner Kane said I’ll rescind my second, but then I want to comment.

Mayor Holland said the second has been rescinded so there is a motion to reject. Is there a second for that motion?
Commissioner Townsend said, Mayor, clarification. I can’t actually see you all tonight where I am. What is the current motion on the table and what’s been rejected? Mayor Holland said the current motion is to deny the application entirely. Commissioner Townsend said okay. Mayor Holland said let the record show there is no second for that. That motion dies without a second.

Commissioner Walters said if I understood the complainer, the address was 16th St. The application is on 18th St. Do you know the distance between those parcels? Mr. Richardson said it’s a two block deep development. Commissioner Walters asked how far would that be. Mr. Richardson said we can pull it up here and show you. The development—Commissioner, if you look at the screen, the red box there, you can see Tapatio’s there in the corner. The street directly behind it is 16th Street. The development is very deep there so it takes up what would have been 17th Street right-of-way. Commissioner Walters said that clears it up. Mr. Richardson said it’s the house right there on the corner, I believe, of 16th & Bunker.

Commissioner Kane said I think we ought to send it back but maybe the two groups get together, they get the band in the place while you guys are at home and then see what’s going on. They are loud but I don’t know—isn’t there like a wall there. Mayor Holland said I mean—and the whole kitchen’s between the house and the front of this restaurant. Commissioner Kane said I’d like to at least let them hear it while they’re playing instead of saying we just want to either kill this or pass it so they know what’s going to go on. Mayor Holland said I mean it’s across the street. I mean I would say I’m looking at this restaurant and this diagram. The house we’re talking about is completely across the street, across the driveway, across the street. The restaurant faces the other direction and you’ve got the kitchen between that thing. I don’t know. I’m…Commissioner Kane said I would just assume send it back and have the two parties try to work it out than us sit up here and pick a side.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Kane, to refer Special Use Permit Application #SP-2015-2 back to Planning & Zoning to allow the parties to work out a possible noise issue.
Commissioner Walker said I would like to ask the question of Mr. Bach and I don’t expect an answer tonight. Departments, are we to assume that a no response means everything’s okay or that just somebody hasn’t taken the time to look at it, especially with police and fire because those are critically important functions? If we’ve got legal difficulties or whatever might be occurring in a restaurant club, I think there should be an affirmative response by somebody from those departments saying no problem or problems. I think what I’m getting from Mr. Richardson is that he didn’t hear anything back so there’s nothing to put forward, and if there is something to put forward, we deserve to know and the Planning Commission deserves to know. Doug Bach, County Administrator, said, Commissioner, I would agree. I will make sure that corresponding departments just don’t—if there’s nothing to report, they just don’t ignore the response. They actually give a response to Planning that way they can say we’ve reviewed and there’s no activity. Commissioner Walker said I mean they’d have a form letter for it. Mr. Bach said well, a simple response just to that point, we reviewed, nothing to report. We can certainly do that. Mayor Holland said and we would need that in writing. Mr. Bach said I will confirm that will be done. Mayor Holland said we will need that in writing from each department.

Roll call was taken on the motion and there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

PLAN REVIEW APPLICATION
ITEM NO. 1 – 070547….PLAN REVIEW APPLICATION #PR-2014-27 – PATRICK LENAHAN

Synopsis: Preliminary plan review for a 248-room hotel with ballroom at 777 Hollywood Casino Boulevard, submitted by Robin Richardson, Director of Planning. Kansas Entertainment LLC wants to build a 248-room, 143,180 square foot hotel and 18,179 square foot ballroom located at 777 Hollywood Casino Boulevard. The Planning Commission voted 5 to 3 to recommend approval of Plan Review Application #PR-2014-27 subject to:

Urban Planning and Land Use Comments:

February 26, 2015
1. Provide peak parking numbers for the casino and hotel and the total net loss of parking spaces after construction of the hotel and ballroom.

Applicant Response: The current total count of parking stalls is 3,329 garage and surface lot spaces. Construction of the hotel/ballroom project will remove 237 existing surface stalls and add back 148 new surface stalls, for a total net loss of 89 stalls, or 2.6% of the total.

Peak occupant load of the building is limited in practice by the total number of gaming positions, which can be no more than 2,300 slot machines and about 400 table game positions, or 2,700 positions final. The typical car–to-gaming position ratio averages 1.3 people per car, as reported by the facility management based on long history with this and other gaming facilities. 2,700 persons at 1.3 persons per vehicle, plus 425 employees at peak shift, results in 2,502 parking spaces needed.

The ballroom is designed for banquets of 400 persons. The hotel has up to 248 keys. Assuming no diversity here, at a 1 stall per room ratio and a 1.3 person per vehicle ratio for the ballroom, plus about 50 hotel/ballroom employees, the additional requirement would be 606 stalls. Adding 606 stalls to the 2,502 stalls noted above results in 3,108 needed.

In addition, the casino reports that their count record of peak period of peak day records 1,341 guests at the property, plus employees. Again using the 1.3 persons per vehicles average, this would require 1,457 stalls, or 2,063 with the above hotel/ballroom stalls.

Therefore, the 3,240 parking stalls in place at the end of this project are anticipated to be adequate for the facility.

2. Connect sidewalk to Village West Parkway and internal sidewalk connection.

Applicant Response: The sidewalks design provides connectivity within the site between buildings and parking areas, and includes connectivity to the main entrance of the casino. The design is consistent with the sidewalk design approach employed in the initial casino project, which included no connection to Village West Parkway, since there is no public sidewalk along
Village West Parkway. The casino remains remote from the other Village West developments in this respect. The addition of the hotel and ballroom is a project internal to the site, which is already developed otherwise.

Staff Response: The sidewalk should extend from the west property line from the main entrance along Village West Parkway, north to the Cerner property line. The lighting should cover that same area.

3. Street lights must be installed along Village West Parkway to illuminate the sidewalk.

Applicant Response: See response to Item 2 above.

Staff Response: Install per staff response #2.

4. The grass planting areas along (on) Village West Parkway is not established as initially advertised during the Hollywood Casino planning review process. Please explain how this will be completed.

Applicant Response: The turf grass along Village West Parkway was designed and installed as a turf type fescue lawn. In attempts to develop a more sustainable site in accordance with the sustainability goals of the Development Agreement, this area was designated as a non-irrigation area. At initial construction the area was seeded and established with a thick stand of turf grass free of weeds and bare spots. However, severe drought immediately following did cause some die-off. To maintain a sustainable turf grass lawn that is not irrigated, a spring and fall overseeding program would need to be completed along with weed control applications and fertilization. This process will rely on natural rainfall and cooler temperatures to establish the turf grass. During drought conditions the turf grass may die, but will be over-seeded the next spring or fall planting season. This will be an ongoing maintenance issue depending on weather conditions year-to-year.

Staff Response: We agree, but the Development Agreement included a professional appearance. The renderings that were shown do not reflect the current state of the landscaping along Village West Parkway. Either provide temporary irrigation measures or some other measure, so we do
not have the landscaping in its present condition. The entire site should have an updated landscape plan.

5. All deciduous trees shall be at least 2” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.

Applicant Response: Acknowledged.

6. Landscaping shall be irrigated.

Applicant Response: All new landscape work associated with this project is planned within the property zone that is designated for (and currently incorporates) irrigation. The new landscaping in the area of work will be irrigated.

7. The hotel and ballroom materials, glass, stucco, stone and tile meet the Commercial Design Guidelines.

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged. Current building design/planning is consistent with this requirement and will be compiled with as the design is developed and construction completed.

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

Staff Conclusion:

The hotel will be a welcome addition to the Kansas Speedway and Hollywood Casino. There remain three issues that the applicant must work with staff to resolve and implement through the final plan review process:

1. Connect sidewalks internally and externally to and along Village West Parkway to meet the City-Wide Sidewalk and Trails Master Plan.

   (NOTE: Sidewalks are required by City Code. Sidewalks are required by both the Subdivision Code and the Overlay Design Standards. Both code provisions allow for exceptions to the requirement. Additionally, the Sidewalk and Trail Master Plan identifies this segment of sidewalk as part of the trail network to benefit the entire community. When the casino was approved there were no sidewalks required, because of the distance to State Avenue and the fact that there were no real plans for the surrounding speedway property. Both of those circumstances have changed. Cerner was required, over their objections, to build a sidewalk from their main entry, crossing State Avenue and Village West Parkway to connect to the existing Village West Parkway sidewalk. This extended the sidewalk network closer to the casino. Additionally, the Kansas Speedway has developed extensive plans for development of their property. The claim that this is a sidewalk to nowhere is not valid. Testimony at Planning Commission indicated Cerner employees regularly use Speedway property to jog. This will give them a safer alternative given some of the training activities on speedway property. Additionally when the casino was approved there was a commitment to work with the City to get the loop trail built. This will be the first step in that process.)

2. Install street lights along Village West Parkway. Coordination with Public Works and Board of Public Utilities will be necessary.

3. Ongoing and more routine maintenance of the landscaping along Village West Parkway.

February 26, 2015
Patrick Lenahan, Yaeger Architecture, Inc., 7780 W. 119th St., Overland Park, KS, said we’re the architect for Penn National Gaming/Hollywood Casino and we’re pleased to be here tonight to present, and I’ll do it very briefly since we’re running long tonight, the proposed hotel and ballroom addition to Hollywood Casino. To briefly describe where we’re describe where we are proposing the project; this is again in Hollywood Casino on turn two at Kansas Speedway. The casino is outlined here in white in it’s current footprint.

The yellow shaded area is the new hotel and ballroom. Those who have been out there and may have observed there is kind of an open yard area here behind this wing of the casino. That is the area that was planned to accommodate this expansion. The ballroom is intended, and always has been intended, to fit into this slot and the hotel has always been intended to extend south and westward. As part of this work there would be some reconfiguration of the existing parking lots and the creation of a new drive-up and Porte de char for the hotel entry that replaces a current entry at the southend of the casino.

There’s a service level to the hotel that took the same elevation as the current service level of the casino and a connector tunnel between the two. Again, it has always been kind of designed to accommodate this connection so that allows us to accommodate water service and sanitary service, as well as accommodate functional connections between the people who run the casino and the hotel together so that they can get back and forth between the two. This level
would contain housekeeping, laundry, mechanical and electrical services. The main level of the casino, the first floor of the hotel and the ballroom level, the ballroom consist of about 8,600 square feet of ballroom space plus another 4,000 or so of prefunction area suitable for seating and banquet format around 400 people. There is a men and women’s restroom, there’s a small business center, a coffee area, some backup house support space that backs up to the main kitchen of the casino so they share that main kitchen so the ballroom can be served.

The prefunction also connects to the existing private dining room and the buffet. There are some ability for daytime meetings to accommodate guest at the meetings to be able to eat at the buffet. All of this is accessed from the hotel lobby and there is a connection made to the casino proper so that we have quick access from the ballroom to the casino and to it’s amenities as well as quick access from the hotel elevators to the casino and it’s amenities. This will be the shortest walk from an elevator to a casino of any of the casino’s in the Kansas City market.

The hotel is a 248 room hotel. Some of the suites are two room suites so they are counted as a key so it’s a 238 key hotel. The mix of rooms are the larger rooms you see here are king size. The smaller rooms are double queens. There is a junior suite at each corner. The hotel is an eight story hotel so typical floors are laid out very similarly with the mix of kings and queens and the junior suite. The top floor has the two room suites. They all face the trackside of course and again the total they should provide great views of the Speedway and the rooms that face the other way will have views of the surrounding neighborhoods and countryside. The elevations of the building are provided here.

It’s designed to be compatible and consistent with the existing casino, all the same materials, the same stone paneling and porcelain tilework, all the same stucco work and the higher elevations where it’s more removed from the pedestrian experience of people who park their cars and walk up. Again, the new Porte de char and the elevator tower is expressed as kind of the tower element with the metal panels which is very consistent to the entry to the casino and just to remind everybody how that looks, it’s somewhat intended to mirror that so that you get another sense of entry at the hotel. The trackside of the hotel would be a similar appearance, maybe a little more understated since it doesn’t face the front entry. You can see that it blends in as well with the ballroom to the rest of the casino facility.

As part of our presentation to the Planning Commission we want to reiterate here tonight that we do have a couple of oppositions to the stipulations that were in the approval pertaining to
sidewalks along Village West Parkway connecting to the casino as well as lighting along Village West Parkway. The position is that these requirements were never part of the approval of this development before. We have a fully developed site and going back to some of the previous approvals, this was the preliminary plan approval in October 2009 that did not include any such sidewalks along Village West or from Village West to the casino. Later on as we developed the design of the casino and planned for all of this eventual growth with the hotels and ballrooms, all the same components that were in the original but rearranged.

We came to the final development plan which was for the casino at the time but with that allowance for the future growth for hotels and again was not approved with those sidewalks and with that lighting along Village Parkway. At this time we’re only coming back to add the hotel that was originally envisioned. We still feel like this is a very isolated site. It’s a good quarter of a mile walk from Village West Parkway up to the entrance of the casino and we’re just under a mile from State Avenue as it measures. We like to develop our projects and design our projects to meet demand and we just don’t think that there is a demand for pedestrian access. 100% of the customers here do drive, take a taxi or take public transportation to arrive at the property. Those objections being stated for the record. I think there are a couple more comments BJ Fair from Penn National Gaming would like to make a statement or two.

BJ Fair, Chief Development Officer, Penn National Gaming, 27225 N. 96th Way, Scottsdale, AZ, said Mayor Holland and members of the commission, thank you very much for allowing us to be here in front of you. We definitely appreciate all the time and effort that the staff has put in on this and we appreciate the approval that we received at the Planning Commission going forward.

I did want to reiterate again, however, and ask for reconsideration in objection to the sidewalk and the streetlights going down to Village West Parkway. Not only because of the issues that Patrick brought up, that it was not apart for the original development and with the development agreement that we had but more importantly we believe that it’s not the appropriate thing for our guest experience right now. We will be creating something and potentially even inviting our guest to be walking down the sidewalks and basically arriving to an area of a very busy parkway that does not have any additional sidewalks going on to it itself. You’re basically taking our guest from something and we’re taking them into an environment where we always
like to control the guest experience and we will be walking them down into something where it doesn’t exist for our continuation going forward.

We just believe it’s not the right time at all to be having this facility there at all. As I said, we’re very pleased to be in front of you. We’re pleased with the approval from the Planning Commission but that is clearly one item we would really like to reconsider as well. With that I would like to turn it over to our partners in the project Jeff Berger from ISC.

Jeff Berger, 400 Speedway Blvd., said again, just to reiterate what BJ and Patrick mentioned; we do object to this. Thank you very much for considering and looking at this closely. We look at it also as a Kansas Speedway development issue rather than a Hollywood Casino Kansas Entertainment issue because as we continue to develop the Speedway property along Village West Parkway, we then will go back in and incorporate and install the pedestrian infrastructure that allows folks to go from Village West up to the whole development area to the northeast. We think let the market come to us. We’ll partner with Rob and his team to make sure that happens and you all and we’ve always delivered on what we’ve promised.

We ask that you consider that as an option to move forward with this. Again, we oppose to the additional sidewalk at this time.

Mayor Holland opened the public hearing.

Marcia Rupp, 2816 N. 46th St., said this is wonderful. Anything that goes with the casino out there is going to be great. All we need after that is a convention center and a shuttle system to create some jobs.

Mayor Holland closed the public hearing.

Mr. Lenahan said I think that the sum of our comments. We’re excited to be moving forward with the project at this stage and we’re looking forward to getting this started.

Mayor Holland said well I’m excited about the project. I think it’s great. I’m excited about—I probably disagree with you. I’m excited about the sidewalk and building out the pedestrian
infrastructure which has not come at a rapid enough pace. I think considering the amount of traffic we have 9,000 jobs out in this Village West area. We have a tremendous parking issue and I think all that we can do to expand the pedestrian experience is very important. I think each component moving forward needs to build their share of the infrastructure. That’s something we’re going back and doing in a lot of other areas because it wasn’t done initially. I think that component is essential to this project.

Commissioner Kane asked have you guys picked your contractor yet? Mr. Lenahan said nobody is under contract at this time. Commissioner Kane said I’ve been here since the casino got started when we were here until 12:30 a.m., 1:00 a.m. in the morning at least. Mayor Holland said in an ice storm. Commissioner Kane said yes. I agree that you guys have worked really well with us but the excuse about putting somebody at danger, don’t you have places out in Vegas and stuff like that. Have you seen the sidewalks out there? I worked in safety for 21 years. There’s a way you can make those sidewalks work. The lighting is just as important as the sidewalks because they need to see where they are going. I’m like the Mayor, you know, we’re excited. You guys have been great for the community. We want you to continue to be good but we also want the lights and the sidewalks.

Commissioner Maddox said I simply want to say I’m also excited that finally the hotel being built and will be getting underway. I did want to know what is the projected finish date for the hotel. Mr. Lenahan said the date based upon an early April start date for the sitework would be the end of 2016. Commissioner Maddox said I also wanted to say that I too also believe that the lights and the sidewalk should also be built as well, if that was a part of the initial agreement or thought process of all of it coming together, I think it still needs to take place.

Commissioner Philbrook said thank you for coming before us. I really am excited that we’re finally getting to turn some ground over. You guys have been waiting patiently to build your hotel and the convention center. Thank you for waiting for that. Even though in the original agreement there were no sidewalks involved in that or lighting, since things have changed in a few years, doggone it they just seem to, I really believe that we need to add those amenities to
make that one cohesive area so people will feel free to take a walk and actually get some exercise, because like I need to, and enjoy that area.

Commissioner Townsend said I just want to make sure I understand that if this proposal moves forward, I understand the presenters do not agree with the sidewalk and the lights if that was a part of the original agreement but I want to make sure I understand that if this proposal moves forward, that that will be constructed nonetheless. Mayor Holland said well, it’s in the plan that was approved. So if we approve this plan, then it will be constructed as part of the proposal. Commissioner Townsend said okay, thank you.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Plan Review Application #PR-2014-27, subject to the stipulations which includes the lights and sidewalks as recommended by Planning & Zoning. Roll call was taken and there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

Mayor Holland said thank you very much. We’re excited to get started.

ORDINANCE AMENDMENT
ITEM NO. 1 – 130310….ORDINANCE AMENDMENT
Synopsis: Proposed revisions to the environs review ordinance, submitted by Robin Richardson, Director of Planning and Zoning. The Landmarks Commission voted 4 to 1 to recommend approval of this ordinance amendment. The Planning Commission voted 5 to 4 to recommend approval of this ordinance amendment.

Robin Richardson, Director of Planning, said this ordinance revision is—it’s got a little bit of a history to it. Two or three years ago the state of Kansas removed a law that required that developments and other development activities within 500 feet of a historic district or a historic landmark that was designated by the state or the federal government be reviewed for certain criteria under the Secretary of Interior of the United States standards for compatibility to make sure that the historic fabric or environs that were important to that designated district or
landmark were reviewed properly and that we didn’t unintentionally cause harm to that landmark.

That same summer after that law was removed from the laws of the state of Kansas, the city of Kansas City, Kansas enacted a very similar law for our city so that we would keep that environs review in place. This is an amendment to that particular ordinance. We had a situation which caused some degree of confusion of whether or not the ordinance had been properly applied. I believe that we properly applied the ordinance and there was no review that took place but that doesn’t mean that there wasn’t confusion or valid confusion in that point. In conjunction with the Hanover Heights folks we have proposed an amendment to this ordinance that clarifies several definitions so that when we move forward in the future all of us will be on the same page. This doesn’t mean that the development that was completed that caused the initial commotion wouldn’t get approved in the future under this ordinance. It might have been approved with some amendments to it and I think that the property owner would even say that if they would had known a couple of issues they might have been able to do something differently in this case.

Under the current ordinance there are real dangers in the environs ordinance. I’m a little bit biased. I live in a historic district and if I wanted to I could pave a 30’ stretch of driveway in my front yard along Washington Blvd. all the way up to my front door. That wouldn’t be good for my neighborhood and I don’t think that should be done without some type of review. I’m actually in the district proper which gets reviewed anyway but this is environs areas and I’ve had a couple of people ask me questions about the environs, well some of it’s 500 feet away, what difference does that make.

In most cases it doesn’t. Most of these, you know we review many sign permits, many permits within this area and staff looks at them and says that’s not going to be a big deal and moves on, but if you’re going to build a significant building a five, six or seven story structure very close to that, it might have a have an impact on that district or that landmark depending on what it is. The review is a judgement based on it’s impact to that district or that landmark. I don’t think it’s significant in most cases but it could be in the future. If you have questions about the particular proposal, I would be happy to speak to any of those in particular. I think that’s a good summary of where we are with the ordiance tonight.

Mayor Holland opened up the public hearing.

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Gil Pintar, 4178 Cambridge, Hanover Heights President, said as Rob related we had an incident last fall in our neighborhood that kind of triggered this rereview of the code. We’ve worked with Rob and his staff on these provisions. I won’t go into the real specifics unless there is opposition. I’m not aware of any opposition to this ordinance amendment. If there is, I’d request to give you more information if there is, but I’m not aware of it. As Rob pointed out, this really is just a fine tuning of the current ordinance. We feel it’s very apropos. A lot of the residents in the neighborhood are in support of it as per our petition to you indicates. Also, we’ve talked to Clayton with historic—Westheights in terms of their support.

We’ve talked to RDA. I think Bob Roddy is here this evening with a letter from RDA with regards to their support. Unless there are some specific questions of me I’d hold off any additional presentation on my part even though I’m ready to present some information to you. Unless there are some concerns with this that I’m not aware of, we’re recommending that you follow the recommendation of the Landmark Commission, Planning Commission, and staff’s position. I’d like to thank Rob and his staff, for helping us with the regards to the review of this ordinance.

Robert Roddy, 4175 Cambridge, said I’m the current president of the Rosedale Development Association and I’m here to recommend that according to Rosedale, we support this ordinance change and we believe it will fill a gap in the current ordinance. We urge that the elected body approve this ordinance change and on a personal note, I find it much more relaxing to appear at this podium as a citizen than a public works director during snow season. Mayor Holland said we do too.

Mayor Holland closed the public hearing.

Commissioner Maddox said I would just like for Rob Richardson to one, kind of fill us in on the proposal that you speak of and then also for the viewers or people who may be here who didn’t get a packet rundown what are the amendment changes. Mr. Richardson said let me start with the second part of that because it may answer your first question as well Commissioner Maddox.
If you turn to page 3, the first amendment to the ordinance was the definition of the word development which we have added there and it’s highlighted in yellow in your packet. Basically anything that we change on the properties, buildings, grounds, etc.

OR

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

Sec. 27-152

Environ Review—Prerequisite to building permit

Purpose. The purpose of this regulation is to reinforce the policy set in Section 27-81 of this code.

Definitions. The following definitions control this section.

Administrative determination: A final decision by the director of planning or his/her designee.

Construction: The act of building, adding to or remodeling of a structure.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, grading, filling, paving, excavation or storage of equipment or materials with or without permits.

Environ: The historic property’s associated surroundings and the elements or conditions which serve to characterize a specific place, neighborhood, district, or area. More specifically, a 500 foot area surrounding a historic property or district listed on the National Register of Historic Places, the Register of Historic Kansas Places or has obtained designation as a Kansas City, Kansas Historic Landmark or District.

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Historically listed property: Historical properties, buildings and sites that are listed on the National Register of Historic Places, the Register of Historic Kansas Places or has obtained designation as a Kansas City, Kansas Historic Landmark or District.

(a) Environ standard

No building or demolition permit, No demolition, building, right-of-way (emergency permits excluded) or other development permits shall be issued within 500 feet of a historically listed property until it has been determined that the proposed construction and/or development will not damage or destroy or cause serious adverse external impacts to the environs of the historically listed property.

(b) Environ review will be provided as follows:

CHART HERE

Application

Administrative determination/Appeal** (As recommending body) / Appeal** (Final decision)

Environ review

Planning Department Staff/Landmarks Commission/Board of Commissioners

** If necessary. As a Certificate of Appropriateness

(c) Environ review standards

On page 4 under environs standard we expend the working there to include no demolition, building, right-of-way, excluding emergency permits or other development permits being issued.
until this has been reviewed. I believe the remainder—well let’s see, there are a couple of places where we added words such as site or. Part of this was dealing with a site and not necessarily a structure so we added the words site, features or architectural features in a few places within the ordinance.

development shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs. New development should not create conditions that increase the discharge of surface water runoff, the need for additional screening, light pollution or similar adverse impacts on adjacent properties.

7. Moved or relocated historic structures that have not retained or acquired historic significance in their new environs shall be considered as artifacts without environs.

(d) **Responsibility and Environ Application Submission Requirements**

It is the responsibility of the landowner of a designated and historically registered property or environs to acknowledge these provisions that govern property improvements, intended to protect and preserve them for the benefit of adjacent neighborhood and City at large.

All submission for historical environs review are required to have the following:

1. A letter of explanation that gives a detailed scope of work, the applicant’s name, address, phone numbers, and e-mail, along with the name and contact information for the landowner. If applicable, contact information for the architect, engineer, surveyor, planner, and/or contractor.

2. If applicable, existing site pictures, detail sheets for significant elements, detailed construction or demolition drawings.

3. Other plans, miscellaneous details and studies as deemed necessary by the Director of Planning.

Then on page 6 which is actually still under the environs review standards, number 6, we talk about new development and not creating additional water runoff and discharging.
Under number 7 we talked about relocating structures and under section d on page 6 we added the word responsibility and environs, noting that it’s the responsibility of the property owners to abide by these provisions. That’s somewhat repetitive. I mean that’s kind of a standard within our ordinances but we wanted to make it very clear. On page 7, under e, activities omitted for
environ review, interior remodeling renovation where proper permits have been obtained, signs that are allowed by code, walkways under 6 feet, and replacement of existing driveways, but not the expansion of the driveways or parking areas. That’s a brief rundown of the changes being made in the ordinance itself. Did that answer both of your questions, sir? Commissioner Maddox said when you speak of a historical structure is there a significant or certain structure that you’re speaking of. Mr. Richardson said no. The city has I believe three historic district speaking off the top of my head, Parkwood, Westheight and Hanover Heights and then we have a number of designated historic facilities within the community. Each of those, if anything were to be changed on those, they would be individually reviewed within the district or within the structure itself. For instance, with Horseman Lofts, that was a structure designated historic but they were making improvements to that and that structure went through a historic review process as part of a historic tax credit process. That’s one way that will be used on the structure itself.
What you see on the map here, and this is not the entire city, but a section of it that’s descriptive. You see historic landmarks in districts and then you see the dotted line, green line or the black line around them. That’s what the Secretary of Interior has designated as an area significant to those districts or those structures. This environs review ordinance applies to those areas within 500 feet of the district or within 500 feet of any particular landmark. This is kind of representative of the city here and what you’re seeing on the map.

Commissioner Murguia said I just want to say I know that Mr. Pintar and Mr. Hanks worked on actually the ordinance modifications for us and I really appreciate that since our staff—we’re already short staffed in Mr. Richardson’s department. I do really appreciate your work. I did just want to make comment.

I am totally in favor of this. I think it’s a very good idea and it’s great to see the neighborhood group support. Just in the future I would appreciate if when there is a concern with a resident’s property when they do something that collectively the neighborhood doesn’t like, that there is a little more effort to engage that resident in discussion about his property. I’ve met with him and his mother. He is a second year medical student at the University of Kansas. He seems to be a very good quality young adult. He really likes all of you and he really likes Hanover Heights and he really likes living there. I think, frankly, his feelings are a little hurt that his property is pictured as what not to do in our public document. Anyway, I’m sure you all can work that out. It’s just a FYI for staff. Mr. Richardson said thank you. Commissioner Murguia said he clearly is an excellent property maintenancer other than the oversized patio or whatever it is, driveway. That’s all I would have.

Action: Commissioner Murguia made a motion, seconded by Commissioner Kane, to approve the ordinance amendment.

Commissioner Townsend said the language changes appear to be pretty straight forward to me. I was just wondering if there was any comment received one way or the other from the Parkwood District. Mr. Richardson said I don’t think that we have a current contact representing the Parkwood District. Mr. Pintar attempted to make that contact. If you have one,
I would like to know who that is so that we can include them on our list in the future. **Commissioner Townsend** said yes, Dorothy Maxfield, and we can get the number to you.

Roll call was taken and there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

**NON-PLANNING CONSENT AGENDA**

**ITEM NO. 1 – 150024…REZONE PROPERTY ON 6TH STREET**

**Synopsis:** Direct staff to rezone property on 6th Street, Taurome to Splitlog, from C-3 Commercial District to either C-D (Central Business District) or TND (Traditional Neighborhood Design), submitted by Robin Richardson, Director of Planning. The current zoning presents some issues that are not conducive to nearby residential uses. On February 2, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

**Mayor Holland** asked would anyone in the audience or on the commission care to set an item aside. There were none.

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

**ITEM NO. 2 – 150036…3 RESOLUTIONS: DAIRY FARMERS OF AMERICA**

**Synopsis:** Three resolutions regarding Dairy Farmers of America’s (DFA) proposal to build a 100k square foot Class A office building to serve as their global headquarters on approximately 12 acres within Project Area 3 of the Vacation Village Redevelopment District (near the current intersection of France Family Dr. and 98th St.), submitted by George Brajkovic, Economic Development Director. On February 17, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.
Action: RESOLUTION NO. R-18-15, “A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas to execute in the name of the Unified Government as the voluntary act of the Unified Government the Global Headquarters Development Agreement in substantially the form presented to and reviewed by the Board of Commissioners on February 26, 2015, for a Class A office project to serve as global headquarters for the Dairy Farmers of America, Inc., constructed on approximately 12 acres in Project Area 3 of the Vacation Village Redevelopment District (as amended on August 28, 2014 by O-47-14), between the Unified Government of Wyandotte County/Kansas City, Kansas, and Dairy Farmers of America, Inc., a Kansas cooperative marketing association.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

Action: RESOLUTION NO. R-19-15, “A resolution authorizing certain street, sidewalk, and other related improvements, and providing for the manner of paying for the same: 98th St. Improvements, CMIP 1091.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

Action: RESOLUTION NO. R-20-15, “A resolution authorizing and directing the issuance, sale and delivery of $4,500,000 principal amount of Taxable Municipal Temporary Notes, Series 2015-III, of the Unified Government of Wyandotte County/Kansas City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and
there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

**Mayor Holland** said before we move on I do want to thank our new partners at Dairy Farmers of America for your significant investment in our community. 100k sq ft of Class A office space, a $30M capital investment. We’re looking forward to continuing to partner with you in the future. Welcome to Kansas City, KS. It’s utterly fantastic. Let the record show people want more cow jokes.

**NON-PLANNING AGENDA**

**ITEM NO. 1 – 150040…ORDINANCE: MORATORIUM ON VENDING MACHINES**

**Synopsis:** An ordinance creating a moratorium to allow existing vending machines to stay in place for 120 days.

**Action:** **ORDINANCE NO. O-20-15, “An ordinance establishing a moratorium on the enforcement of Ordinances in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as they relate to existing vending machines located in Kansas City, Kansas.”** Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were eight “Ayes,” Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Murguia.

**MAYOR HOLLAND**

**ADJOURNED THE MEETING AT 8:20 P.M.**

February 26, 2015

_________________________________
Carol Godsil
Deputy Unified Government Clerk

February 26, 2015