

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

PLANNING & ZONING SESSION  
THURSDAY, JULY 30, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 30, 2015, with eight members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. Murguia, Commissioner Third District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Emerick Cross, Commission Liaison; Rob Richardson, Director of Urban Planning and Land Use; Byron Toy, Planner; Jamie Ferris, Planner, Janet Parker, Administrative Assistant; Lew Levin, Chief Financial Officer; Debbie Jonscher, Deputy Chief Finance Officer; Reginald Lindsay, Budget Director; and Captain Robert Angell, Sergeant-At-Arms.

**MAYOR HOLLAND** called the meeting to order.

**ROLL CALL:** Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook, Holland.

**INVOCATION** was given by Commissioner Harold Johnson, Pastor at Faith Deliverance Family Worship Center.

**Mayor Holland** recognized fellow elected official, Mary Ann Flunder, who is here tonight from the community college. Also, former Commissioner Joe Vaught is in the house.

**Bridgette Cobbins, UG Clerk,** said we have a couple of revisions to the agenda tonight. Under Section 9, Non-Planning Agenda, we have two corrections: Item No. 5 and Item No. 10. Item

No. 5 should read: Resolution for the Special Assets Fund. Ordinance should not have been included on the agenda. Item No. 10 will be provided by our Legal Counsel, Jody Boeding.

**Mayor Holland** said before we do the Planning and Zoning items, I would like to turn it over to Mr. Bach for a special announcement today.

**Doug Bach, County Administrator**, said thank you, Mayor, Commission. As we move into tonight's session and eventual approval of our budget later on, I just wanted to take a moment to recognize a staff member that has been with us a long time. She started here in 1981. Today she is making her announcement that she is going to retire from our organization and she sits up here with us all the time. I want to recognize Jody Boeding, our Chief Counsel, for all of her great years of service. She will be continuing with us through September 10, but she is making an official announcement today. I want to thank you very much and recognize her at this time before we move forward.

**Mayor Holland** said Commissioner Kane was at our 5:00 meeting and he had an urgent family matter to attend to so he has left but he had intended to be here. We just want to keep them in our thoughts and prayers.

**Ms. Cobbins** asked if any members of the Commission wished to disclose any contacts with proponents or opponents. There were none.

**Mayor Holland** asked if there were any set-asides on the Planning and Zoning Consent Agenda. **Jeff Letterman, 1323 N. 90<sup>th</sup> St.**, asked to set-aside C-1. **Mayor Holland** said the variation at 9020 State Avenue. **Joe Vaught, KCK**, asked to set-aside Ordinance Amendment D, Item 2 and Item 3 on the following page. **Mayor Holland** said E-3. Yes, they are related. **Barbara Weidner, 1415 N. 47<sup>th</sup> St.**, said I would like to talk to my neighbor, I think its Item No. 5 about the horse. I need to work out some things with him. **Mayor Holland** said Item B-5, Cabrena and Corrales on N. 47<sup>th</sup> St. will be set-aside.

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the Planning and Zoning Consent Agenda, excluding**

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**the set-asides.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

## **PLANNING AND ZONING CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATION**

#### **ITEM NO. 1 – 150195...CHANGE OF ZONE APPLICATION #3091 – MARVIN AND DEBORAH MCINTOSH**

**SYNOPSIS:** Change of zone from C-O Nonretail Business District to R-1(B) Single Family District for an existing residential home at 616 North 9th Street, submitted by Robin Richardson, Director of Planning. The applicants want to rezone this property for an existing home that is currently used as an office in order to sell the property as a residence. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3091, subject to:

#### **Urban Planning and Land Use Comments**

The proposed change of zone is in line with the surrounding residential uses. No outstanding issues stand with this case.

**Public Works Comments:** None.

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3091.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

### **SPECIAL USE PERMIT APPLICATIONS**

#### **ITEM NO. 1 – 150033...SPECIAL USE PERMIT APPLICATION #SP-2015-3 – WIL ANDERSON WITH BHC RHODES**

**SYNOPSIS:** Special use permit for the temporary use of land for a trailer at 6500 Inland Drive, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of Frank Perry, wants to use a trailer temporarily as an office at 6500 Inland Drive. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-3, subject to:

#### **Urban Planning and Land Use Comments**

1. Subject to approval, this special use permit shall be valid for two years.

**Public Works Comments**

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

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-3 for two years. Roll call was taken and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 2 – 150196...SPECIAL USE PERMIT APPLICATION #SP-2015-31 – TODD BOND WITH BHC RHODES**

**SYNOPSIS:** Special use permit for an auto auction parking facility at 8501 Gibbs Road, submitted by Robin H. Richardson, Director of Planning. The applicant, on behalf of Greater Peoria Properties LLC, wants to build a parking lot for an auto auction business on 14.09 acres at 8501 Gibbs Road. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-31, subject to:

Urban Planning and Land Use Comments

1. Per the Business License Department:
  - a. Applicant has maintained and is current on occupation tax filing at an adjoining property. If this permit would be for expanded operation of that current location, that record would be adjusted accordingly. If this would be to operate as a different and separate entity, they will need to register and file the occupation tax application with this office for the new location.
2. Per the Building Inspection Department:
  - a. This will be a DRC project.

For assistance, please contact Trey Maevers, Development Review Planner at (913) 573-8664.

3. Sec. 27-552(a)(5)a-b.
  - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

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- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

A LOMA-F will be required prior to issuance of a building permit.

- 4. The fence around the perimeter of this expansion shall be completely screened from public view.
- 5. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15' 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 not spaced more than eight feet on center.
- 6. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one tree per 15,000 square feet of site area. Auto salvage yards shall be enclosed by a minimum eight-foot tall architectural screen fence, and nothing shall be stored to a height greater than the height of the fence.
- 7. Parking surface is not permitted to be gravel. Parking and maneuvering areas must be improved surfaces. These permitted surfaces are asphalt or concrete.

#### Public Works Comments

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

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-31 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 3 – 150203...SPECIAL USE PERMIT APPLICATION #SP-2015-37 – MURRAY D. ANDERSON, SR.**

**SYNOPSIS:** Special use permit for live entertainment in conjunction with restaurant at 1017 North 6th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to use the former 19,948 YWCA building for live entertainment in conjunction with a roasterie/restaurant and an office for entrepreneurial self-employment assistance workforce development education and training at 1017 North 6th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-37, subject to:

Urban Planning and Land Use Comments

1. Per Sec. 27-671-two or more uses may provide for required parking in a common parking lot if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by the Planning Commission if it can be demonstrated that the hours of peak parking demand for the uses are so different that a lower total will provide adequately for all uses served by the facility. A properly drawn legal instrument shall be executed by the responsible parties and joint use parking privileges shall continue in effect only so long as it remains in force and the approved uses and hours continue.

Per Sec. 27-672 - Required off-street parking shall be on the same zoning lot as the principal use served or within 100 feet, or in the case of employee parking, within 300 feet of the same lot. Please provide a signed parking agreement with an adjacent agreeing property owner for the parking required to operate live entertainment at 1017 North 6th Street. The agreement shall list the terms, the number of spaces being used and the hours in which they may be used.

Applicant Response: My landlord owns the building and associated parking lot at 552 State Avenue. There are 14 parking spaces in that lot. I am entering into a lease agreement with the Unified Government Parking Control Department to lease 100 spaces at Parking Lot #5 located at 6th and State Avenue.

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2. Per Sec. 27-668(a)(12) - The parking ratio for establishments with live entertainment is one space for each 50 square feet of seating or assembly area plus one space for each remaining 200 square feet of total floor area.

Applicant Response: Acknowledged.

3. Since this building is over 19,000 square feet, are you intending on separating the uses on different floors, such as the office is going to be restricted to the second floor, the restaurant and live entertainment is in the basement and first floor? Staff needs to determine what areas of the building will be used for live entertainment so we can calculate the required number of parking spaces for the venue.

Applicant Response: The main floor – upscale theater entertainment area consists of approximately 5,000 square feet, including a common seating area consisting of approximately 2,500 square feet, and shall be marketed as a roasterie coffee and French Pastries Shop along with meeting space offering free Wi-Fi and fine dining area.

The second floor consists of approximately 3,900 square feet and is dedicated to the executive and administrative offices of Taylor Madevisions LLC and is, in fact, always closed to the general public and open by appointment only.

The lower floor consists of approximately 8,500 square feet of classroom and office space to facilitate the TMV entrepreneurial training and small business development model and is, in fact, open to students and faculty only.

Staff Response: Because the property is zoned C-D Central Business District, parking is not required for the administrative offices, classrooms and general office space. Based on the 5,000 square feet of seating area for the community/theater room and ancillary seating in the “common area”, 100 parking spaces are required in addition to the 4 spaces for the kitchen and control room. 114 spaces are able to be provided, which exceeds the code requirement.

4. What are your proposed hours of operation for the office, restaurant and live entertainment events?

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Applicant's Response: The hours of operation are as follows:

- Aixois Roasterie Coffee Shop: Monday through Sunday – 8:00 AM to 8:00 PM
  - Aixois Restaurant: Monday through Sunday – 11:00 AM to 9:00 PM
  - Live Music: Friday 5:00 PM to 2:00 AM, Saturday 3:00 PM to 2:00 AM, and Sunday Brunch 11:00 AM to 3:00 PM
  - Networking Breakfast: Tuesday through Thursday – 8:00 AM to 10:00 AM
  - Investment Forum Luncheon: Tuesday through Thursday – 11:00 AM to 2:00 PM
  - Economic Inclusion/Voter Registration Breakfast Forum: Saturday – 8:00 AM to 2:00 PM
5. Your letter states live entertainment/video productions. Could you please be more specific. Are you planning on having DJ's, live musicians, selected authors/poets?

Applicant Response: The live entertainment that I am referring to is political speakers, authors, poets, R&B and Gospel musicians, and business investment speakers.

#### Public Works Comments

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

#### Staff Conclusion

The applicant, Mr. Anderson, has answered and addressed staff's questions and comments. Once the lease is executed with the Parking Control Department, the landlord at 1017 North 6th Street, CAROJOTO, LLC will have 100 spaces available to use on a monthly basis in Lot #5 at 6th and State Avenue. Mr. Anderson has sent an invoice request for the 100 spaces to the Parking Control Department. As stated previously, 14 spaces are available at 552 State Avenue because the landlord owns both properties. Staff recommends approval of this petition subject to the following:

1. The parking contract for 100 spaces at City Parking Lot #5 is executed between the UG Parking Control Department and the applicant, Mr. Murray Anderson, and the landlord, CAROJOTO, LLC. No live entertainment events may be held until the contract is signed

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between both parties.

2. If there is any live entertainment related issues brought to staff within two years, this permit may be submitted to the Board of Commissioners for revocation.
3. If the parking leases expire or are terminated, the special use permit becomes null and void.
4. The special use permit shall be approved for two years.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-37 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 4 – 150198...SPECIAL USE PERMIT APPLICATION #SP-2015-38 – MARCIE HUCKABY/MME LLC**

**SYNOPSIS:** Special use permit for live entertainment in conjunction with restaurant/drinking establishment at 8121, 8123 and 8125 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The existing restaurant/drinking establishment operates as The Dotte Bar & Grill at 8123 Parallel Parkway. This address was formerly the Sunset Bar & Grill that operated from 2002 to March 2015. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-38, subject to:

Urban Planning and Land Use Comments

1. Because this is a strip center, there are not designated parking stalls for each tenant space. Please submit a detailed site plan that accurately shows the parking spaces in the parking lot. The parking ratio for establishments with live entertainment is one space for each 50 square feet of seating or assembly area plus one space for each remaining 200 square feet of total floor area. Based on the floor plan that was provided to staff, we determined the building is 3,340 square feet. The seating area is 2,330 square feet. The required parking for this building is 52 spaces.

Applicant Response: Attached please find a detailed site plan that accurately shows the parking spaces in the parking lot to be 101 spaces, including 4 handicap spaces – well

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exceeding the 52 spaces required. The two center rows of parking alone (55 spaces) will fulfill the parking requirements.

2. There is no record of a special use permit for live entertainment for the previous owners of Sunset Bar & Grill.

Applicant Response: In addition to state and city liquor licenses, the previous owner also had an annual entertainment license issued by the city. The applicant is without knowledge as to the reason the previous owner was not required to obtain a special use permit.

3. The applicant has stated that the proposed hours of operation are as follows:
  - a. Doors: Monday through Saturday from 11:00 AM to 2:00 AM
  - b. DJ and/or Karaoke: Friday and Saturday from 9:00 PM to 1:30 AM
  - c. Restaurant (kitchen): Monday through Saturday from 11:00 AM to 10:00 PM

The majority of the businesses within the strip center close before 9:00 PM

Applicant Response: The hours of operation are correct with the exception

b) in that the applicant will have DJ/karaoke every Saturday and occasionally on Friday.

4. The applicant has stated that the estimated average attendance will be 50 people when there is entertainment.

Applicant Response: Average attendance of 50 people is based on the attendance over the years for identical entertainment at the same location and time.

5. Do you intend on employing security officers on Fridays and Saturdays? If so, whom, how many and how will they be dispersed through the building?

Applicant Response: At this time the applicant does not intend to employ security officers on Saturday and the occasional Friday when they have the DJ/karaoke. Again, they base this on their experience over the years when they were employed by the previous owner. We want to be abundantly clear that the current owner desires to offer the exact same entertainment as the previous owner. Because the owners are aware of the importance of security, they have consulted with Rick Whitby, retired Chief Deputy, Wyandotte County Sheriff's Department, regarding security needs and he has agreed to assist them with securing off-duty law enforcement should it ever be an issue or the anticipated size of an event would require security officers.

6. Doors shall remain closed at all times as not to project sound through the parking lot to the surrounding residences.

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Applicant Response: The doors will remain closed at all times.

### Public Works Comments

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

### Staff Conclusion

The applicant has worked with staff to resolve lingering questions pertaining to the site plan, hours of operation and security. If there is any live entertainment related issues brought to staff within two years, this permit may be submitted to the Board of Commissioners for revocation. Staff recommends approval of this petition for two years.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-38 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

### **ITEM NO. 5 – 150200...SPECIAL USE PERMIT APPLICATION #SP-2015-41 – MONICA CABRERA AND JOSE CORRALES**

**SYNOPSIS:** Special use permit to keep one horse at 1411 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicants want to keep one horse in a stall on their property in order to provide proper care for the horse. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-41, subject to:

### Urban Planning and Land Use Comments

1. How many structures are on your property? What are the dimensions of each structure?  
Applicant's Response: There are two structures on our property. The first is a small older shed that came with the property. Its dimensions are 10ft (length) x 7ft (width) x 8ft (height). The second structure is the horse's stall. The stall is 12 x 12 x 9. There is an open space (which serves like a window) for the horse facing west. At the top of the stall, 12 inches were left open all the way around for ventilation.

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2. How often will horse waste be disposed of and in what way?

Applicant's Response: As in regards to the disposal of the horse manure, it will be removed from the stall on a daily basis and placed in a closed trash bin. We have two trash bins and when they are both filled up (about every 2 weeks) we take them to a friend of ours who has a small farm and can use the manure. As sort of a backup, we know that the land fill in Johnson County takes manure as a special waste.

3. Are plans in place to remove the pile of animal waste as stated in the Conservation District's comments?

Applicant's Response: The pine shavings inside the stall are completely replaced approximately every 2 to 3 weeks. We have properly disposed of the pine shavings that were on the top of the hill on Everett Ave. We would like to clarify that it was not animal waste, just pine shavings. There is a picture attached that proves this issue has been taken care of and the area is now clean.

4. What measures will be taken to ensure adequate ground cover?

Applicant's Response: As far as the ground goes, the horse is taken to a park for trail riding every Sunday. This will reduce the amount of erosion that could be caused by always having the horse here. We have supplied enough sand to cover an area that is used specifically for the horse to train on. The horse will not be freely grazing in the front of the yard. Our acre is divided into sections and the back part of our property is what will be used for grazing, grooming and training.

5. What will the horse's diet consist of and where will feed be stored?

Applicant's Response: The horse's diet consists of grain (Vitality perform 14, Omolene 200 and Oats) and hay (alfalfa or brome). We give the horse 5 gallons of water first thing in the morning. The water is checked at noon and if it needs to be refilled, it is. This always depends on the weather. We give the horse another 5 gallons every evening around 5:00 pm. We also give the horse additional vitamins and supplements. They are usually in a liquid form that is mixed with the grain. We have a block of salt that is available for the horse too. All of the feed and hay will be stored inside the shed to avoid moisture.

#### Animal Control Comments

If SP-2015-41 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

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### Conservation District Comments

There is one major soil type identified: Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. This site is not well suited to a grazing operation. The tree cover is too thick for good grass growth. The horse traffic also destroys the leaf litter and causes erosion. The animal waste needs to be controlled so not to contaminate the surrounding area. The pile of animal waste at the top of the hill of Everett Avenue is not environmentally acceptable. All waste needs to be disposed of in a proper manner that protects the community from contamination.

### Staff Conclusion

Staff recommends approval for a special use permit to board one horse, subject to the following:

1. Approval for two years
2. Supplementation of hay and grain provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site
3. Application of additional seed/sod to the area in an effort to establish better ground cover
4. Application for a building permit and communication with Building Inspections Department to ensure stall's compliance with R-1 Single Family District accessory structure regulations
5. Obtainment of an animal control permit for one horse

**Jose Corrales, 1411 N. 47<sup>th</sup> St.**, appeared in support of his application. **Mayor Holland** asked you're requesting to keep one horse. **Mr. Corrales** said yes. **Mayor Holland** asked do you have any comments you'd like to make about that other than what's in your application. **Mr. Corrales** said no.

**Mayor Holland** asked if anyone would like to speak in favor of this item to please come forward at this time.

No one appeared in support.

**Mayor Holland** opened the public hearing.

No one appeared in support.

The following appeared in opposition:

**Debra Michel, 3108 Brown Ave.,** said I have a few neighbors that used to have horses or got horses or don't have horses or something like that. I don't have a problem with it but there's a woman that lives in a green house on Delavan and she's wondering how many horses can they have in the backyard at a time?

**Rob Richardson, Director of Urban Planning and Land Use,** said, Mayor, that is subject to a special use permit if it's under five acres. If it's over five acres, then it's subject to the agricultural zoning regulations which would not limit the number of horses currently. **Mayor Holland** asked so what situation are we in right now. **Mr. Richardson** said I don't know the particular address on Delavan that she's referring to so I don't know. **Mayor Holland** asked is that referencing, ma'am, to the 1411 N. 47<sup>th</sup> St. **Ms. Michel** said it's about having a horse in the city. I don't mind having a horse in the city. I don't mind that they do the thing on the sidewalk. I don't even mind that. I kind of find that neat really. Some people question in my neighborhood how many can they have.

**Mr. Richardson** said they should call our office and I can provide her with one of my cards. It's actually property—**Ms. Michel** said just to wash them and bring them and then they would dry them like that. Then they used to go around and put their little saddles on them and they would go down on the trails which I don't have a problem with that either. **Mayor Holland** said, ma'am, the issue we have is by design. We can only discuss the one horse at 1411 N. 47<sup>th</sup> St. If you have general questions about horses, our staff would be glad to answer those for you but we can't do that during this public hearing.

**Bob Kernaghan, 1423 N. 47<sup>th</sup> St.,** said I live two houses down from where the horses are going to reside. I guess, for some reason. That was my neighbor, Bobby Weidner, who was up here earlier and had it set-aside for working out some stipulations with them and stuff. I don't see the point of having a horse in the city right in town especially when you don't have access to where the horse is other than using the city's access road or the neighbor's property.

**Barbara Weidner, 1415 N. 47<sup>th</sup> St.,** said one thing, I don't like horses being tied up. I suppose that's not an issue. My driveway is getting destroyed from everybody driving their trucks up and down to have access to the horse. My son had agreed that occasionally it was okay to use the driveway, but that didn't mean everyday and that it was okay to park there. Granted, my house is not in very good shape. It got hit by a tornado a few years ago. I do intend to fix it and move back in. My understanding is that it's illegal to park on unpaved or ungraveled surfaces. This probably is going to sound like an assault on my neighbor, but they've been parking their trucks behind where my driveway ends and have pretty much destroyed the yard there. I know they only have room for two parking places in their driveway, however, they do have the city access road. Based on destroying my driveway and my yard, I vote against the horse being there if that's the reason they're doing this.

**Mr. Richardson** asked, ma'am, what was your address. **Ms. Weidner** said 1415 N. 47<sup>th</sup> St. **Mayor Holland** asked do you currently live there. **Ms. Weidner** said no. I need to do some more repairs before I can move back in. I'm hoping three to four months is all.

No one else appeared.

**Mr. Corrales** said if driving on her driveway is a problem, I can just go around to Everett that's supposed to be a street and just drive on that street that way I don't use his driveway. I told her son. He let me use his driveway because I was supposed to cut the yard at his house because the grass was too tall. I agreed with her son on using his driveway and I cut the grass. The house was alone for probably seven or eight years. If using their driveway is going to be a problem, I'll just go around and don't mess with their property. **Mayor Holland** asked are you willing to make that a stipulation as part of this agreement. **Mr. Corrales** said yes. **Mayor Holland** asked is that necessary. Rob, do you have an opinion on that? **Mr. Richardson** said well, if the neighbor doesn't want them driving on their property, they can tell him not to and there's other remedies for that. We can make it a stipulation. **Mayor Holland** said well, if the agreement is you won't do it anymore and there are other remedies, then we can—it would add requirements to us in terms of voting. If we don't need to do that then that's okay. You do agree today, on record, that you will not use his driveway for this purpose. **Mr. Corrales** said yes.

**Mayor Holland** asked, Mr. Richardson, do you have any other statements in terms of this application. **Mr. Richardson** said no, sir.

**Mayor Holland** closed the public hearing.

**Commissioner McKiernan** said it looks like from the material in our packet that these objections were not raised at the time of the Planning Commission meeting. Is that correct? **Mr. Richardson** said that's correct. **Commissioner McKiernan** said so those Commissioners did not hear any of this. **Mr. Richardson** said that's correct.

**Commissioner Philbrook** said I'm going to start out by saying I love horses. I've had horses most of my life. I also realize that animals, large animals, can do a lot of damage to property. As I read over the recommendations and the comments from our Conservation District, I would ask that a stipulation be put in there that we check and make sure that they actually do deal with the seed and or sodding of the property so they don't get all that erosion and that they address that also where they've been parking on the other person's property.

**Mayor Holland** said so you'd like to see a stipulation of the seeding and sodding and some follow-up by our—who would be the follow-up agent, Mr. Richardson. **Mr. Richardson** said I guess that would be either my staff or Code Enforcement. It is a two-year limit permit. If they want to come back, they would have to show us that they have done that at that time. **Mayor Holland** asked so would you like it as a stipulation. **Commissioner Philbrook** said yeah, I'm sorry, Rob, I'm just going to get pushier about this. I'd like to see that things happen in a faster manner than two years.

**Commissioner McKiernan** said if I look in the materials under staff conclusion, Item No. 3 is application of additional seed/sod in an effort to establish better ground cover. Is this adding to that above and beyond that? **Commissioner Philbrook** said well, I don't know if that part included the other people's property where they've been parking or not; that's number one. Number two, my only issue was, yes, fine, they can have a two-year but I want us to make sure that they're being in compliance long before the two-years.

**Mayor Holland** said that's fair. It is true, a special use permit, if it's not upheld at any time during that two years, if the stipulations are not held, it can be revoked. The stipulation is in there for the sodding; it would be an addition to the grass. It would include the neighbors area where the parking had taken place.

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-41 for two years, subject to the stipulations with the additional stipulation just articulated.** Roll call was taken and there were six "Ayes," Bynum, Townsend, McKiernan, Johnson, Markley, Philbrook; and two "Nos," Walker, Walters. (Motion failed.)

**Action:** **Commissioner Walters made a motion, seconded by Commissioner McKiernan, to approve it as originally submitted without the additional stipulation of seeding the neighbor's property.** Roll call was taken and there were seven "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters; and one "No," Philbrook.

## **VACATION APPLICATIONS**

### **ITEM NO. 1 – 150201...VACATION APPLICATION #R/W-2015-4 – TIMOTHY KLINK WITH POLSINELLI**

**SYNOPSIS:** Vacation of right-of-way at 9020 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of Vinebrick Acquisitions LLC wants to vacate lots, rights-of-way and streets on land in between 90th and 94th Streets on State Avenue and preliminary and final plat 66.75 acres to develop land for the Wyandotte Youth Soccer Complex. The Planning Commission voted 7 to 0 to recommend approval of Right-Of-Way Vacation Application #R/W-2015-4, subject to:

#### Urban Planning and Land Use Comments

1. Please submit exhibits of all the proposed vacations for this development.

Applicant Response: The property is subject to a residential plat from 1950, and the portion of said plat located on the property was never developed. Most of the lots were previously vacated, however, the previous owner mistakenly failed to vacate certain items within said plat located upon the property. We are seeking to vacate all dedicated

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lots, easements, streets, and other items set forth on the prior, defunct plat and located within the property. As such, the boundaries of the vacation are simply the boundaries of the property per the application and per the aerial shown on the front page of the draft comments. We are including in this response a copy of the original plat with a line around the undeveloped portion that is part of this project.

2. Please provide a site plan to explain sanitary and traffic improvements.

Applicant Response: Per our pre-application meeting with Rob, a site plan for this project has been developed. The sanitary sewer and traffic memos have attempted to examine the existing facilities and their capacities to serve the project from 90th Street. Without a site plan for the project, we cannot define the required improvements until the planning process has begun.

3. When the final plat is submitted for this development, construction drawings will be included in the submittal.

Applicant Response: The application was for the final plat to subdivide the property for the purposes of the land transaction described earlier. Construction drawings will be submitted in the future during the planning process.

4. The plat may not be filed or the vacation published until all utilities have been relocated and new easements provided or new easements are provided for existing utilities.

Applicant Response: There are no utilities located within the property's platted rights-of-way or elsewhere that do not already have recorded easements, and as such, there are no easements to be recorded or utilities to be relocated. We are only seeking vacation of the former platted items and no other dedicated easements.

#### Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: Were there any existing utility within the right-of-way that would require an easement or relocation?

Applicant Response: There are no utilities located within the right-of-way of the property, and as such, there are no easements to be recorded or utilities to be relocated.

2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

**Phil Gibbs, Jr., Continental Consulting Engineers**, said we're acting as engineer and surveyor on the project. What you have before you is a vacation of an old subdivision that was platted in 1950. Portions of it were, of course, never built and that is the portion we are seeking to vacate. There was an old vacation ordinance that was passed, but some of the single lots and the right-of-way was not included in that vacation at that time. What we're asking is that it be very clear that the rest of the SanMarcos Addition be vacated with this action.

As they get the picture up here, you can see in the tan color, those are the existing homes that exist today and then, of course, where it was previously green and the field there. There was platted subdivision lots for the rest of that area with some public streets that were never constructed. That is what we're asking too to make sure that everything has cleared the way for this upcoming soccer project.

**Rob Richardson, Director of Urban Planning and Land Use**, said, Mr. Gibbs, Mr. Mayor, you might indicate if this affects any of the existing homeowners. I would anticipate that's going to be a question and how that affects the existing lots and streets and things. **Mr. Gibbs** said this is an exhibit we submitted in our response that outlines very clearly what portion of the plat that we're asking be vacated without harming anyone that has a current residence on that area. To answer Rob's question, we are not vacating anything where someone else owns it other than the Speer family that currently owns the property that is being sold.

**Mayor Holland** opened the public hearing.

No one appeared in support.

The following appeared in opposition:

**Jeff Letterman, 1323 N. 90<sup>th</sup> St.**, said my questions are more toward the classification of the thoroughfare to: a) which makes the width 120 ft. and I'm worried about eminent domain or claiming of a property or anything like that to widen the road.

**Mr. Richardson** said that classification is from our major street system. It is not subject to this application. That is an existing fact. Given that we just rebuilt 90<sup>th</sup> Street, I don't think that will be an issue. There are no plans to widen or rebuild 90<sup>th</sup> Street or any new right-of-way that I'm

aware of. I wouldn't anticipate given to how new that street is. **Mr. Gibbs** said I'm sorry. What was that last part? **Mr. Richardson** said I would not anticipate any expansion of that street. We rebuilt it six years ago.

**Mr. Gibbs** said if there are any additional services provided for the complex or anything, can those same services be provided to the people for the properties around. I'm speaking more toward Google Fiber. I don't know if that's part of this. **Mr. Richardson** said I don't know that we can speak to that.

**Mayor Holland** asked you're in one of those pockets that doesn't have Google Fiber. **Mr. Gibbs** said the cable runs down the pole right outside my house, but I'm not in a fiber hood. I'm one block away from where it's at and I'm on a street with a hospital which gets it for free. I was kind of hoping I could just tap into the pole. **Mayor Holland** said I would discourage you doing that on your own. I would say, we can't speak to that. If the soccer complex was able to bring Google then that could be worked out with that group. That would be something that would be outside of our ability to mandate as the elected body.

Commissioner Bynum, would you like to speak to that speaking of living in a pocket without Google. **Commissioner Bynum** said I feel your pain. I don't live in a fiber hood either. I wish I had the fiber hanging right off of a pole right outside my house. I wish you luck with that. **Mr. Gibbs** said thank you. **Mayor Holland** asked anything else.

**Mr. Gibbs** asked does this also include the portion of the two acres for a separate plat I think is what we call. **Mr. Richardson** said yes, if you see on the screen there, there's one large tract here. This is the final plat. There is one large lot and then a smaller lot on the east side of the property. **Mr. Gibbs** said I was wondering if we could get some clarification on what the reasoning is or why they're carving that two acres out, maybe for tax purposes or legal. **Mr. Richardson** said it's an ownership issue between the open air fields and there will be an indoor facility on that lot too. So it's just a matter of ownership. Mr. Bach might be able—**Doug Bach, County Administrator**, said you're right on there. It's how they're structuring their deal and how they're going to run their facility. They just wanted to have the parcel that's the indoor facility in a separate structure or separate plat.

**Mr. Gibbs** said one last question, it would be around noise control. Would they be offering any assistance to residence around the area on like new windows, landscaping to prevent noise. **Mr. Richardson** said this is a preliminary action related to the vacation and the plat. The plan review will come through later. If you received a notice for this, you will also receive a notice for that action as well. We will discuss those types of things when we actually have a site plan in front of us. I don't know where to anticipate the noise at this time at this level of the process. **Mr. Gibbs** said I'm in favor.

No one else appeared.

**Mayor Holland** closed the public hearing.

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Right-of-Way Vacation Application #R/W-2015-4, subject to the stipulations.** Roll call was taken and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

## **ITEM NO. 2 – 150055...VACATION APPLICATION #R/W-2015-5 – PHILLIP BROWN FOR BOARD OF PUBLIC UTILITIES**

**SYNOPSIS:** Vacation of right-of-way at 1130 Ray Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to vacate right-of-way, alleys and streets in order to build an electrical substation on 1.7 acres at 1130 Ray Avenue. The Planning Commission voted 7 to 0 to recommend approval of Right-Of-Way Vacation Application #R/W-2015-5, subject to:

### Urban Planning and Land Use Comments

1. Staff has amended the vacation legal description "I" as BPU is not the property owner to the north, along Allen Avenue between South 12th and Bethany Streets. Only the southern half of the alley will be transferred to BPU.
2. The vacation ordinance will not be published until the special use permit for the proposed substation is approved by the Unified Government Board of Commissioners.

### Public Works Comments

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

2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Right-of-Way Vacation Application #R/W-2015-5, subject to the stipulations. Roll call was taken and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

## **ORDINANCE AMENDMENTS**

### **ITEM NO. 1 – 110164...ORDINANCE AMENDMENT**

**SYNOPSIS:** Amendment to the existing floodplain management ordinance, Sec. 27-548-Sec. 27-555, Planning and Development of Kansas City, Kansas Code of Ordinances, in order to continue eligibility in the National Flood Insurance Program (NFIP). This amendment is only updating dates to reflect the new effective date of September 2, 2015, on all the Flood Insurance Rate Maps (FIRMs) for the community, submitted by Robin Richardson, Director of Planning.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance amendment. Roll call was taken and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

### **ITEM NO. 2 – 100200...ORDINANCE AMENDMENT**

**SYNOPSIS:** A new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for tire shops, automotive mechanical shops, used car lots, and automotive salvage yards. This provision generally concerns signage, landscaping, screening, and condition of automobiles

AND

### **Miscellaneous Ordinance Item No. 3 – 100200... ORDINANCE**

**SYNOPSIS:** Certain amendments to Section 27-340 and Section 27-609(6), Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and

the use of yard area for non-residential parking purposes in residential districts submitted by Robin H. Richardson, Director of Planning.

**Rob Richardson, Director of Urban Planning and Land Use**, said a few months ago at a standing committee meeting, we had a request from the Commission to prepare an ordinance that would require special use permits for used car lots. When we looked at that, we thought that there were some other items that were of similar function of a used car lot, similar look, similar issues and so we also included in that the mechanic shops, some limited salvage operations, and the used car lots and the tire shops. We developed an ordinance that would require a special use permit to operate this facility as directed, and it also includes some standards and explanations in there to help those that might apply for those to understand what we would be asking for.

**Joe Vaught, 9231 Leavenworth Road**, said I'm a commercial real estate broker with the Vaught Group and I'm also an ex-used car dealer. In fact, I started selling used cars when I was 14 and I was the youngest Studebaker dealer in the United States when I was 23. Some of you don't even know what a Studebaker is.

The reason I'm up here is because this came to my attention strictly because as a commercial real estate broker, I was selling a piece of property at 1703 Kansas Avenue to a gentleman that was going to use it for a used car lot. I say used car lot but actually it was a used car dealership. This piece of property is listed at \$500,000. His investment and building and so on would be upwards of \$500,000 so it will be a million dollar investment in this piece of property. It's right on the corner of 18<sup>th</sup> & Kansas Avenue. It was an old warehouse that was torn down. It looks very sad as it is right now.

The problem now with him is he has to get a special use permit for this car lot. There is no bank in the world that is going to loan him money for a car lot or for his business enterprise with a two-year special use permit. I sold used cars in this city. I sold new cars in this city.

On top of everything else, you're really putting in two classes of dealerships here. You're saying that new car dealers that sell used cars and service cars and sell tires and do all the things that this ordinance calls for do not have to have a special use permit. A car dealer, a tire dealer, etc., is going to have to have a two-year special use permit which means he can't borrow money. Common sense tells you that. It's not fair to the car dealers. You're saying to the new car dealers that they will control the car business totally in Wyandotte County.

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One of the biggest new car dealers in the United States is just to the south of us, CARMAX. They've got a beautiful facility. A multi-million dollar, generates hundreds of thousands of dollars in sales tax revenue. They could not come into Wyandotte County under this provision. You've got ordinances in place. I know why you're doing this. I understand. A lot of these car dealerships don't look very nice but you've got ordinances in place. If I don't cut the grass on some of my property, I'm notified about it. If they don't do what they're supposed to do to keep their property nice, they should be notified and taken to court. You shouldn't penalize all car dealers and make it absolutely impossible for new car dealers or used car dealers coming into this city. They're not welcome. They can't do it.

**Commissioner Walker made a motion, seconded by Commissioner Markley, to extend Mr. Vaught's time for another two minutes.** Motion carried unanimously.

**Mr. Vaught** said the other thing is that of the used car, the sales tax revenue that's currently—and I tried to get these figures from the state of Kansas and I couldn't, but it's substantial, the sales tax revenue that comes to this city. Really, what I'm saying on this is I think it might be illegal. That would be up to you to figure out but more importantly, it's unfair. It's unfair that you're classifying a group of people, used car dealers, who contribute to this community, a lot of them live here and saying you're not welcome here. It's not only the used car dealers like I said, it's the tire dealers, it's the transmission shops, all of them. If you've got to upgrade the ordinances, I welcome that. I live here. I want to see this community look as nice as possible. Please don't make it impossible for these people that are entrepreneurs that want to be here and sell cars here and be a part of this community to be here because they can't.

**Mayor Holland** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

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**Commissioner Walker** said I initiated the ordinance as it applied to used car lots. It has grown to include other automotive uses. The idea behind it, and I'm not sure I entirely disagree with Mr. Vaught, but I believe he was here when we limited the number of pawn shops in this community. There were only eight licenses authorized. The reason for that was the belief, as I recall it, that they attracted stolen merchandise. There were other issues related to recordkeeping and the sale of weapons and so forth. We saw a problem and we addressed it. Today we still have only eight licenses for pawnbrokers.

The idea behind this, at least as it applies to used car lots, was that unfortunately vacant property that cannot be used for anything else should not become the next used car lot. We're not required to only allow two years. It's based on circumstances. I have urged that we deal with these in an individual manor. In other circumstances, there are some things like a salvage yard where I would never give it more than a two-year permit to begin with until it established a track record of compliance and simple obedience with the law. I'm not sure I feel the same about used car lots. There is, and in a particular instance you described, I would be more inclined to support a longer special use permit. We do that when circumstances justify it and when a case can be made.

I can give you an example and Commissioner Markley where a Sonic went out of business. An individual bought it with the intent of making it a used car lot because it had a very small wood building which was assuming would be retrofitted as some kind of office and maybe space for 15 or 20 cars spread around the perimeter. This was the entrance to the Argentine area where we're investing resources and money to try to restore it to some of it's former glory.

I don't necessarily—I'm certainly not condemning automotive mechanical shops. I go to them. I've bought cars at used car lots. I even bought a part years ago from a salvage yard. I think there was a need to regulate the unrestricted proliferation of otherwise unusable property or unsaleable property. Instead of every one of them becoming a used car lot, which by the way I don't think we have any shortage of used car lots in this town. I think if you drive down any major thoroughfare from one end of this county to another, you'll find plenty of them already exist.

Initially, I thought we would limit the number, count the ones we had and factor it in a way but I thought we would let the business community, the capitalist system, whatever you want to call it, decide how many is the right number. If you have too many, then some of them go out of business. We needed something to regulate the location of these.

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The entrance to a community should not be a used car lot. That's my opinion. I don't like tires piled up in a used tire facility. It should be hidden away. It should be not visible, not creating a visual disturbance. That was the justification for my advancing it and it has gone through several rewrites and morse. I stand by it. I understand your dilemma, Mr. Vaught. Certainly, if a man came in and was going to invest that kind of money and a case was made, I would be the first to urge a longer special use permit process or period.

**Commissioner Markley** said I was just going to comment that we sort of had this discussion before in relation to the vending machines as to what extent our codes are already covering the things that we're talking about with relation to the new ordinances. I think it bears some discussion on our part as a Commission. Do we have codes that we aren't enforcing in terms of just our regular code language that's been causing us to add additional language in other places? What if we just enforced our codes and said you're not supposed to have tires piled up out front. I'm pretty sure we wouldn't let tires be piled in front of a residence at the end of their driveway but somehow it happens with businesses and we're not maybe being as diligent about it. I would be interested in just exploring that; maybe have that discussion at a later date as to what extent our codes just need to be enforced better and that would prevent us from having to do additional work in terms of individualized ordinances.

**Commissioner Bynum** said I have some questions. Rob, one would be, I read through the packet but I could not see whether existing businesses of this type are grandfathered or because I thought I read mention of when they come up for their business license. Help me with that. **Mr. Richardson, Director of Urban Planning and Land Use**, said if there's an existing used car dealer with a license, they would be allowed to continue as they are. **Commissioner Bynum** said or a muffler shop or an auto mechanic. **Mr. Richardson** said correct. If you were a transmission shop and you wanted to start doing tires then you would have to go through the process. **Commissioner Bynum** said okay, so if you change what you're doing. **Mr. Richardson** said if you change what you're doing or if it's a new business at a new location, they would have to go through this process.

**Commissioner Bynum** asked would it be correct that if we adopt this, part of speaking to what Mr. Vaught's concern is that we could grant longer terms than two years. We could grant five, we could grant ten? **Mr. Richardson** said the way the special use permit code is written, it's

automatically two years unless there's a substantial investment. We have used that in terms of various substantial investment such as Schlitterbahn or the casino, but that could certainly be revisited. We haven't put down that million dollar range because at the time that was done and when we were dealing with some of the live entertainment uses, the folks might spend a million dollars on a bar that didn't exactly operate the way that we thought that it would when they came in.

**Commissioner Bynum** said I have many, many automobile related businesses along Leavenworth Rd. most of which are family owned, people who live right here in Wyandotte County. They are clean and well kept. When they shut down overnight, it's tidy. It's not cars and car parts all over the place or you can't even see the business from the road.

I'd be curious to know if we can find out the sales tax amount that's being collected. I've bought every single car I've ever owned since I was old enough to drive from a Wyandotte County used car dealer. I know that the sales tax amount being collected by these used car dealers has to be substantial. **Mr. Richardson** said Mr. Levin indicated it might be possible to get that number but he's not sure it can be broken out. **Commissioner Bynum** said I'm making a point that I want to do business with Wyandotte County people. I've never once in my life bought a brand new car. I do lean toward Mr. Vaught's position that this makes it difficult for good, honest car dealers to do business here. I do know that there are a few that muddy up the waters every time for all the good folks and they don't follow the rules. I throw out there that perhaps it is a Code Enforcement issue.

**Mayor Holland** said I want to express my disappointment that Mr. Levin doesn't know the sales tax of used cars off the top of his head. I think you're slipping a little bit, Lew.

**Commissioner Philbrook** said I'm glad you brought that to light about Leavenworth Road. I also have a lot of folks in my Commission area that are small business. I think sometimes as Commissioners and as a big community, Wyandotte County, we have a tendency sometimes to overlook the little guy. Sometimes we put in a lot of regulations and extra work for the little guy to have to hop to and we don't consider them as important or maybe what they consider investing a million dollars into something or \$500,000 is a big amount to them. We do business of multi-millions all the time. We just kind of kick them to the curb a little bit. I'm kind of—it's not often I agree with Joe Vaught and he knows that. I openly say so. I do understand his

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concern around this. I guess if we're going to add more work for people that includes our Codes, our Planning and Zoning folks to have to take care of a whole lot more permits of people wanting to come in, maybe we're better spent putting the money toward keeping our codes in front of people so they know that they have to do and what they're supposed to instead of putting more regiment in and put some more money into our code enforcement area.

**Commissioner Walters** said I have a question for Mr. Richardson. I am concerned about the issues that Mr. Vaught brought up. I'm thinking to a new used car facility that was just built in District 7. It's not in Kansas City, Kansas, but it's a very nice facility and we certainly have our share of pop-up used car lots. This was a huge improvement and it was really surprising. I would like to do everything we could to encourage people like that. I don't know the cost of it but it's substantial. I just wonder if this change were enacted, would you see a good policy in making like a 20-year special use permit so somebody could do financing for a million or \$2 million dollars.

**Mr. Richardson** said I think that once you get to 20 years, it's pretty much indefinite. That's a long period of time. I haven't given a lot of thought to the term. This issue hasn't come up for quite a while. I know on occasion it's been raised but it hasn't ever been something that we were directed to go look at the particular financials of certain business aspects and could they or couldn't they get a loan based on the special use permit term. I haven't had anybody come to me and say I can't get a loan because of the special use permit term. I haven't had that happen the entire time that we've had this ordinance in effect for two years. It's a process. If you come in at the end of the month, it's only 70 days. If you come in at the beginning of the month, it's a 90-day process because of the timing of our meeting schedules. There is a time factor there. There is uncertainty about whether or not you'd be approved. There's probably extra cost if you read the ordinance. If it's a brand new building, they have to comply with the commercial overlay zone anyway. If there's an existing building, we have them fixing the building up and not completely bringing it up to code but adding landscaping and adding features to the building they're going to make it more expensive. There is a cost factor there.

My neighborhood isn't like Ms. Bynum's or Ms. Philbrook's. Mine has all of the junky ones. I see the other side of that. We're dealing with one today that they went out and painted the whole side of the building with a big tire on it without a sign permit. Some of the folks they come in and take a lot over. They don't even think about what the codes are. It's doesn't appear

that they even care. We have to tell them that they've got to go get a business license. There are two sides to that. I don't know where the regulatory balance is just off the top of my head. Mr. Vaught's got a point and there's the other side of that too that brought this issue forward that some of these are really just fly by night, so to speak, and they are detracting from the other neighborhoods. I don't know where the balance is. We tried to strike a balance in the code and try to improve the community and that's where we are tonight.

**Commissioner Walters** said if I could ask. If somebody came in and wanted a special use permit, are you saying we'll have esthetic requirements to their operation? How will we determine? **Mr. Richardson** said yes. If you look on page 3 of the staff report, we talk about repurposing of structures for used car lots, light automotive services and maintenance. Upgrade the parking including striping or resurfacing if deemed necessary. Landscaping, screening and façade improvements to meet the commercial design guidelines. Signage, noting that permit signs require permitting and approval. Special event displays require approval. No display on the sidewalks.

Then for façade and landscaping, we looked at new buildings and then separately for existing structures. There are five items listed under such modifications on existing structures, restoring the original brick, repairing the façade, new doors or windows if they're in disrepair. Substantial effort behind just painting the existing brick that's there. The one I was describing today went out and painted it bright green. It's a brick building. It could look very nice. Maybe you like lime green, but it's not the most attractive building in my opinion. If it's not a brick building, to add some embellishments that might make it a more attractive facility. Those are the items that we talked about with an existing facility, existing building that would help it to improve the stock of the commercial structures within the community.

**Commissioner Walker** said the idea here number one, so we're clear, and I think Rob made it clear, nobody in business as of today and before this is published is impacted. If they change their use, we have all kinds of businesses that are subject to having to come back in here and get the permit if they change the kind of use or they deviate from the permitted uses within the zoning.

Under this, no one is prohibited from going into business. They simply have to come for a special use permit. It does add a little time but I will tell you that once you have a used car lot, under the current code of zoning, you will never get rid of that car lot. There are no

requirements for screening for any kind of attractiveness to it. Unfortunately, we live in a world where laws are made not because of the good guys, but because of the ones that either take advantage of or don't care what kind of an impact they have. I can't believe that anybody on this Commission would like an automobile/salvage yard to open up next door to a piece of property that you own in a commercial district just simply because it can or a tire shop with the attended 500 tires piled up behind the building full of water attracting rats, vermin's and rodents and not have anybody with the ability to stop that from being in that location in the first place.

Code Enforcement is a tool but the codes do not determine if a business use is appropriate for a particular area. We have no handle on how long they operate if they don't operate in a good, neighbor fashion. Family businesses, good people, I'm all for them. I want to do it.

Unfortunately, I have to be honest and Mr. Vaught and I have been friends for a number of years. It's not directed at anyone in particular, but our business community and our real estate community are not driven by the niceties of ecstatic's. They do not care whether this will be landscaped, screened, made pretty, the integral part of a neighborhood that you want to drive down and see wonderful things. It's about the dollars and cents of the deal. That's the way it is. I don't blame them for that. That's why these kinds of things do go into place. I am concerned, in my world, that not every vacant building, every vacant Sonic, every fast food joint that closes and I can take you to them because they can't get another similar use, it becomes a perfect spot for a used car lot. It has plenty of concrete and enough space to show automobiles.

I'm all for taking an individual look at each application. I'm all for considering financing if there is a financing issue that would require longer than a five or a ten-year special use permit. We have that authority already. We don't need to ask Rob if it's okay. We can do that. It's up to us to decide based on the Planning Commission's initial dissection of it and recommendation and then our review of it after listening to these people who bring it forward. Understand, I'm not trying to get anybody who's in business. I just want us to have a handle on them before they get in business. If afterwards they violate codes, we still have code enforcement and we have whatever stipulations. It's just a method of not having the unrestricted proliferation of these types of businesses in an area where maybe you would like to have a dress shop and not a used car lot. I'm just giving us a handle on it; trying to.

**Commissioner Townsend** sad well, Commissioner Walker just used the quarter word I was going to use tonight as I reviewed that. To me, when I reviewed this, it was a proliferation issue.

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District 1 extends a lot farther west than people realize. I'm very familiar with the car lots and the way that Leavenworth Road looks, which may be slightly different in its character than the more eastern part of my district. I think the concern is not that we don't have codes and Code Enforcement but as Commissioner Walker talked about and it's really protection for those already in business. How many come and where they come and what they're willing to do to come. I do agree that maybe the issue lies in what might be the right balance in the length. Maybe two years is too short from a financing perspective, maybe 20 is too long. They're there. I believe as Mr. Richardson says, once they're there that long so maybe there is some in-between that would be appropriate. I think we addressed a similar issue, in my mind at least, with proliferation of certain types of businesses when we talked about the Dollar stores, so that's how I saw this.

**Commissioner Johnson** said I, too, express the same concern. I think that the ordinance, as it stands, presents a broad stroke across the industry of these businesses. The idea of what might be a good business idea in one area of town in a way it's seen in another area of town are two different things. I see those in District 4 as well and share that concern.

I'm wondering if there is an alternative to addressing this issue without such a broad stroke that will be an impediment to those businesses where they have good intents of keeping up their properties as opposed to those that are just there today and gone tomorrow and they come in and paint a big—I think we probably see the same thing where they come and paint a big tire on the side of the building. Are there alternatives that will allow us to address this issue so that we can move forward?

**Mr. Richardson** said I think intent is very hard because I've never had anybody not say they intended to do it well for a long time. Some of them immediately violate that, some of them violate that when times get tough and some of them do a good job all the time. I think there might be a way but I don't know that the individual's intent is the way—I don't know how we would ever measure that and that's kind of where the term of the special use permit comes in. If they come in for a couple of years and they do a great job, then we give lots of people 5, 10 year permits after that because they've proven their track record. That's kind of what we've looked at on this as well. Intent is so hard to tell on any business really. You know some of the national chains, you can look at them and what their track record is at other places. When it's an individual coming in or something like that, it's a little bit harder.

I don't want to discourage anybody but some people have a track record in another community and we look at that even on some small businesses. They've done a great job. If they've been a live entertainment person in another community, they say Lee's Summit didn't have any problems with them and they've done a good job. We don't have that very often.

**Commissioner Johnson** said I would love to see a CARMAX east of I-635. I doubt that that happens so we have to deal with the ones that we have. **Mr. Richardson** said we do have some nice ones. There are some that are very nice in Districts 1, 2, 3, and 4.

**Action:** **Commissioner Walker made a motion, seconded by Commissioner Markley, to approve the new provision to Section 27-593(a) otherwise identified as D-2 on our agenda tonight.**

**Mayor Holland** said I have a question for our legal team. Can we include E-3, the enabling ordinance at the same time or do those need to be separate motions? **Jody Boeding, Chief Legal Counsel,** said you could do it in one vote unless someone wants to vote differently.

**Action:** **ORDINANCE NO. O-42-15,** "An ordinance concerning tire shops, automotive mechanical shops, used car lots, and automotive salvage yards, except when concerning new automotive dealerships; amending Chapter 27, Article VIII, Sections 27-340 and 27-593 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner McKiernan made a motion to approve both at the same time, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were six "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Markley; and two "Nos," Walters, Philbrook.

### **ITEM NO. 3 – 150202... ORDINANCE AMENDMENT**

**SYNOPSIS:** Certain amendments to Section 27-340 and Section 27-609(6), Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and

the use of yard area for non-residential parking purposes in residential districts, submitted by Robin Richardson, Director of Planning.

**Action:** **Commissioner Walker made a motion, seconded by Commissioner Markley, to approve the ordinance amendment.** Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook, Walker.

#### **MISCELLANEOUS – ORDINANCES (FINAL ACTION ON PREVIOUSLY APPROVED ITEMS)**

##### **ITEM NO. 1 – 150202...ORDINANCE**

**SYNOPSIS:** An ordinance prohibiting the use of any yard area for commercial or any nonresidential or ongoing non-resident parking purposes in residential districts, submitted by Robin Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-40-15**, “An ordinance prohibiting the use of any yard area for commercial or any non-residential or ongoing non-resident parking purposes in residential districts; amending Chapter 27, Article VIII, Sections 27-340 and 27-609 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

##### **ITEM 2 – 110164....ORDINANCE**

**SYNOPSIS:** An ordinance amending the existing floodplain management ordinances to reflect the new effective date of September 2, 2015 on all of the FIRM panels, submitted by Robin Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-41-15**, “An ordinance amending the existing floodplain management ordinances to reflect the new effective date of September 2, 2015, on all of the FIRM panels; amending Chapter 27, Article VIII, Sections 27-548 to 27-555 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley**, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

### **ITEM NO. 3 – 100200...ORDINANCE**

**SYNOPSIS:** An ordinance concerning tire shops, automotive mechanical shops, used car lots, and automotive salvage yards, except when concerning new automotive dealerships; amending Chapter 27, Article VIII, Sections 27-340 and 27-593 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas submitted by Robin Richardson, Director of Planning.

**Action:** This item was previously heard in conjunction with Ordinance Amendment No. 2 – 100200...Ordinance Amendment.

### **ITEM NO. 4 – 150130....ORDINANCE**

**SYNOPSIS:** Rezoning property at 2035 North 109th Street (#3088), submitted by Robin Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-43-15**, “An ordinance rezoning property hereinafter described located at approximately 2035 North 109th Street in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley**, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Marley, Walters, Philbrook.

**ITEM NO. 5 – 150082...ORDINANCE**

**SYNOPSIS:** An ordinance vacating property at 1022 Merriam Lane (#A-2015-3), submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-44-15**, “An ordinance vacating the Southeasterly 1/2 of a 15 foot wide alley adjacent to a portion of Lot 40, and all of Lots 41 through 45, Rosedale Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 1022 Merriam Lane.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**PLANNING AND ZONING NON-CONSENT AGENDA****SPECIAL USE PERMIT APPLICATION****ITEM NO. 1 – 130035...SPECIAL USE PERMIT APPLICATION #SP-2015-16 – RANDEL AND BARBARA VANBEBER**

**SYNOPSIS:** Renewal of a special use permit (#SP-2013-8) to keep two goats at 3415 North 63rd Street, submitted by Robin Richardson, Director of Planning. The applicants are requesting to continue to keep two goats on 1.4 acres of property. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application #SP-2015-16, subject to:

**Urban Planning and Land Use Comments**

1. The opinions of surrounding property owners are critical. Are there significant complaints made by surrounding property owners?  
Applicant’s Response: None.
2. What is the goats’ diet? What is the square footage of the fenced area where the goats graze?  
Applicant’s Response: Molasses, corn, oats, hay, carrots and cabbage, will add fencing totaling 1.5 acres.
3. What measures do you take to ensure that the fenced area is not overgrazed and trampled?  
Applicant’s Response: The goats are fed enough molasses, corn, oats, hay, carrots and cabbage to not need to graze a lot.

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4. Do you plan to increase the fenced, grazing area for your two goats?

Applicant's Response: Yes.

5. How often do you clean up the goats' waste?

Applicant's Response: Every day – waste goes in the garden.

Staff recommends approval subject to:

- Approval would be for five years
- Property owners maintain daily disposal of goats' waste
- Property owners complete fence addition within a three month time span
- The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots, and cabbage—to ensure that the grass is not overgrazed

As per Animal Control, they do not foresee any issues.

Applicant's Response: Okay.

#### Conservation District Comments

There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes silt loam and Knox silt loam 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.

This site is not being managed well. The seeding is in bad shape. It is overgrazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste which can cause health issues downstream. This site is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed, then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.

There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed in the present location. Runoff from this site will go directly into the drainage way to the south.

Applicant's Response: Okay.

Animal waste needs to be cleaned up on a daily bases and disposed of properly.

This site will cause excessive runoff and carry animal waste with it.

Applicant's Response: Okay.

Public Works Comments No comments.

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The Planning Commission voted to HOLD OVER Special Use Permit Application #SP-2015-16 for one month for the applicants to provide the medical records and invite Animal Control and Code Enforcement onto their property to inspect the living conditions.

The applicants contacted Animal Control on June 15, 2015, and were instructed to get rid of their pit bull mix dog, as pit bulls are not allowed in the city. The applicants submitted a letter to staff stating they would get rid of the pit bull mix dog on June 15, 2015. A notice from Animal Control from May 11, 2015, was also submitted by the applicant that stated, on complaint of 2 illegal pit bulls, no violation was observed. Code Enforcement reported no current violations for this property.

The applicants submitted immunization records for both goats as well as their dogs. Records were submitted for their dogs in response to a neighbor's concern of no immunization records for all animals on the property. Documentation stating the applicants have given away their pit bull-mix dog was also received by staff.

Staff also contacted the Humane Society in Kansas City, Kansas, and they stated that they had not had any calls for issues on this property.

#### Staff Conclusion

Staff recommends approval subject to:

- Approval would be for five years
- Property owners maintain daily disposal of goats' waste
- Property owners complete fence addition within a three month time span
- The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots and cabbage—to ensure that the grass is not overgrazed
- Animal Control Permit issued for two goats

**Randy VanBeber, 3415 N. 63<sup>rd</sup> St.**, said I just have them for pets for the neighbors, for my kids, grandkids to play with. They become pets. I keep my place pretty cleaned up and dispose of all the waste and give it to some farmers and feed them good. They don't bother anybody.

**Mayor Holland** opened the public hearing.

No one appeared in support.

The following appeared in opposition:

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**Brian Margo, 6240 Edith Ave.**, said I don't know, this may be a little unusual. I'm actually going to ask that this be carried over for 30 days as I just came into the understanding that I do have some evidence that can be submitted and I'd like to get that processed to bring in for the next hearing.

**Mayor Holland** said alright. You are making a request to the Commission to carry this over for 30 days. **Mr. Margo** said let me be more clear, to the next hearing, to next meeting. **Mayor Holland** asked, Mr. Richardson, can you tell us when that would be. **Mr. Richardson** said the next meeting of this Board on these issues would be August 27. **Mayor Holland** said okay. That request has been made. I'll ask you to have a seat at this time. Is there anyone else who would like to speak in opposition?

No one else appeared.

**Mayor Holland** said I'm not going to close the public hearing yet based on the decision that the Commission makes. In the event that it is not held over, then I'll give you an opportunity to speak.

**Commissioner Walker** asked precisely where is this located. Which Commission district? **Commissioner Philbrook** said mine. **Commissioner Walker** said I'd be certainly interested to hear Commissioner Philbrook's thoughts on this.

**Commissioner McKiernan** said I guess I need to clarify because you said August 27. That would be the next Planning and Zoning meeting of the Board of Commissioners but isn't he asking to go to the next Planning Commission meeting, you're not. **Mr. Margo** said no, we've already been there. **Commissioner McKiernan** said you've been to the Planning Commission. You're wishing to come here. Thank you, that's all I needed.

**Commissioner Philbrook** said well again, my concerns are around soil erosion. I guess if we're not going to pay any attention or much attention to what the conservation people are telling us, then why even get their reports back to us. That's just a slam on our overall the way we're doing it right now. There are a lot of issues around property eroding in the northeast district around animals and so on. I really believe that this has not been maintained in a manner in which it

should be, this property. I would like to hold this over and take another look at this. If that means going back to Planning and Zoning, I don't care.

**Mayor Holland** said well, we would take a motion and there are two options. One is to send it back to Planning and Zoning, which, I believe, would require six votes. The other option is to hold it over for 30 days which, I believe, also requires six votes. If you want the said evidence presented to Planning and Zoning first, then you would send it back there. If you want to handle it here, you would just hold it over for 30 days.

**Commissioner Philbrook** said, Rob, help. I would like to see a little bit more work from us on this particular one. What do you recommend? **Mr. Richardson** said related to the erosion and the conservation comments, the comments, and our recommendation about completing the fence would expand the area where the goats could be so they wouldn't be trampling in the same spot all the time. We think that issue of the grass, the grass would grow sufficiently so that there wouldn't be erosion at that time. That's why that comment is in there that way. They didn't do that the last time. I have not seen the evidence that the gentleman wants to present. I don't know that it makes a difference if that goes to you all or to the Planning Commission. It would done and decided August 27 if you keep it here. We couldn't get it on the August Planning Commission more than likely so it would probably go to the September 14, Planning Commission.

**Mayor Holland** said I would be inclined to see it go back, if I could offer, back to Planning and Zoning and let them work out the details if there is additional discussion to be had. That's my inclination but you can make whatever motion you want.

**Action:** **Commissioner Philbrook made a motion, seconded by Commissioner Walker, to send Special Use Permit Application #SP-2015-16 back to Planning and Zoning to hear evidence provided by the petitioner.**

**Commissioner Walker** said I was going to try to clarify what new evidence that could possibly be about this that could not have been presented tonight. Sending it back, we'll let the Planning Commission sort that out and make a recommendation. **Commissioner Philbrook** said I

happened to be present during Planning and Zoning on this one. I can tell you that he expressed some other issues that had not been brought forward and I would like to see those come forward.

Roll call was taken on the motion and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

### **NON-PLANNING AGENDA**

- A. Adoption of the following resolutions and ordinances regarding the 2015 Amended Budget, the 2016 Proposed Budget, the CDBG Five-Year Consolidated Action Plan, the 2015-2016 Annual Action Plan, and the Citizen Participation Plan. (150213)

**Doug Bach, County Administrator**, said the items in front of you are the summation of activities after going through several months of preparation and putting the budget together and then, of course, the last month that you all have held in workshops going through and vetting these. Each one of these lays out different actions that would adopt the budget as it’s been explained to you in the workshop sessions and taking in accordance with the attachments that you would need to approve it with the amendments you made during those workshops. I would recommend approval for each of those items and note the attachments which would be in place with Item 8 and then, of course, the modified attachment that we’re submitting for attachment No. 10. Also, I believe we amended Number 5 to scratch the word ordinance so it’s just a resolution.

### **ITEM NO. 1 – 150213...RESOLUTION: WYANDOTTE COUNTY LIBRARY BUDGET**

**SYNOPSIS:** A resolution expressing the property taxation policy of the Unified Government with respect to financing of the 2016 annual budget for the Wyandotte County Library; approving and adopting the 2016 budget of the Wyandotte County Library; levying a tax for the Library to fund the budget set by the Wyandotte County Library Board within the Wyandotte County Library District (Piper, Edwardsville, and Turner); and appropriating the funds on behalf of the Wyandotte County Library.

**Action:** **RESOLUTION NO. R-45-15**, “A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas,

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with respect to financing the 2016 annual budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2016.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

#### **ITEM NO. 2 – 150213... ORDINANCE: SSMID BUDGET**

**SYNOPSIS:** An ordinance expressing the property taxation policy of the Unified Government with respect to financing of the 2016 annual budget for the Self-Supported Municipal Improvement District (SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year beginning January 1, 2016.

**Action:** **ORDINANCE NO. O-45-15**, “An ordinance expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas with respect to financing the 2016 annual budget for the Self-Supported Municipal Improvement District and approving, adopting and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2016.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

#### **ITEM NO. 3 – 150213... ORDINANCE: SEWER SERVICE RATE**

**SYNOPSIS:** An ordinance adopting a regulation establishing the rate for sewer service charges effective January 1, 2016.

**Action:** **ORDINANCE NO. O-46-15**, “An ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2016, as authorized by Section 30-96 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 4 – 150213... RESOLUTION: PILOT**

**SYNOPSIS:** A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2016 (the PILOT).

**Action:** **RESOLUTION NO. R-46-15**, “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2016.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.**

**Commissioner Walker** said in general, I want the record to reflect that I am opposed to this because we have in years past made a commitment to reduce the PILOT when we adopted the rate that we now have. We have never done anything about it and we are in a breach of faith with the Board of Public Utilities. However, for the spirit of unanimity, I am going to go ahead and vote in the affirmative for this. This constant neglect of our commitment to reduce PILOT must be addressed. Our ratepayers are sick of it. I’m personally sick of it because of the impact it has. The idea that every year we can just count on this 11.9% without doing anything to make the burden easier on the BPU is just simply unacceptable.

Roll call was taken on the motion to adopt the resolution and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 5 – 150213...RESOLUTION: SPECIAL ASSETS FUND**

**SYNOPSIS:** A resolution creating a Special Assets Fund for revenues received from the sale of significant assets and for expenditures associated with a Unified Government-owned asset or the acquisition of land or buildings by the Unified Government.

**Mayor Holland** said please note that this is not an ordinance; it is a resolution only.

**Action:** **RESOLUTION NO. R-47-15**, “A resolution that a Special Assets Fund is hereby created to record revenues and expenditures associated with the sale of significant government assets, including land and buildings. That the revenues accrued in this fund shall be committed for the following specific purposes and activities: debt payments related to the asset sale; operating and/or capital expenditures

associated with a Unified Government-owned asset; future land and building acquisition costs; and capital equipment purchases and infrastructure-related expenditures associated with a Unified Government-owned asset. That the County Administrator is hereby authorized and directed to take action necessary to implement the intent of this resolution.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 6 – 150213...RESOLUTION: YMCA FUNDRAISING EXTENSION**

**SYNOPSIS:** A resolution authorizing a one-year extension of the deadline to August 1, 2016, for the completion of the fundraising efforts by the YMCA in order to receive the contribution contemplated in Resolution No. R-69-13.

**Action:** **RESOLUTION NO. R-48-15**, “A resolution that the deadline of August 1, 2015, referred to in paragraph #3 of Resolution No. R-69-13 is hereby extended for one year until August 1, 2016. That paragraph #3 of Resolution No. R-69-13 is hereby repealed.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 7 – 150213... RESOLUTION: BUILDING PERMIT/SEWER CONNECTION FEES**

**SYNOPSIS:** A resolution authorizing waiver of building permit fees and sanitary sewer connection fees for single-family construction through December 31, 2016.

**Action:** **RESOLUTION NO. R-49-15**, “A resolution authorizing waiver of building permit and sanitary sewer connection fees for single-family construction through December 31, 2016.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

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**ITEM NO. 8 – 150213.... RESOLUTION AND ORDINANCE: 2016 ANNUAL BUDGET**

**SYNOPSIS:** A resolution and an ordinance approving, adopting, and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for the amended 2015 budget and the 2016 budget for the year beginning January 1, 2016, as submitted by the County Administrator and amended by Attachment A.

**Action:** **RESOLUTION NO. R-50-15 AND ORDINANCE NO. O-47-15**, “A resolution and ordinance approving, adopting and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas for the amended 2015 Budget and the 2016 Budget for the year beginning January 1, 2016, as submitted and amended.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution and approve the ordinance as amended on the appropriate attachments.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 9 – 150213...RESOLUTION: ONE-YEAR ACTION PLAN AMENDMENT**

**SYNOPSIS:** A resolution approving and authorizing submission of Amendment #1 to the 2014-2015 One-Year Action Plan to the U.S. Department of Housing and Urban Development.

**Action:** **RESOLUTION NO. R-51-15**, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government to Amendment #1 of the 2014-2015 One Year Action Plan as a voluntary act of the Unified Government for submission to the U.S. Department of Housing and Urban Development.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 10 – 150213....RESOLUTION: FIVE-YEAR CONSOLIDATED PLAN, ANNUAL ACTION PLAN, CITIZEN PARTICIPATION PLAN**

**SYNOPSIS:** A resolution approving and authorizing execution of the 2015-2019 Five-Year Consolidated Plan and the 2015-2016 Annual Action Plan and the Citizen Participation Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with Certifications for Entitlement Grantees

by the City of Kansas City, Kansas, to the U.S. Department of Housing and Urban Development and authorizing implementation of the 2015-2016 Annual Action Plan Strategy.

**Action:**       **RESOLUTION NO. R-52-15**, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the 2015-2019 Five Year Consolidated Plan, the 2015-2016 Annual Action Plan and the Citizen Participation Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with the Certificates for Entitlement Grantees by the City of Kansas City, Kansas, to the U.S. Department of Housing and Urban Development in substantially the form as the attached documents and as amended by the Unified Government Commission. That the County Administrator is hereby authorized to implement the 2015-2016 Annual Action Plan Strategy for the 2015-2019 Five Year Consolidated Plan upon approval.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.**

**Mayor Holland** said I’ll give folks a moment to look at this and ask our Chief Legal Counsel to clarify. There were some changes made to this at the 5:00. **Jody Boeding, Chief Legal Counsel**, said the change in the resolution is to adopt by reference, the attachment A. Attachment A is somewhat changed from the 5:00 as discussed by the Commission. **Mayor**

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**Holland** said I think you can see the actions taken on Attachment A-2. I think those are in keeping in what we discussed.

**Commissioner Bynum** said question just for clarification—capturing that final compromise on that. **Mr. Bach** said yes it is. You’ll notice it has the fund Housing and Redevelopment (bricks and mortar) that will be unallocated \$350,000, and then \$50,000 toward the funding of Doing Real Work.

Roll call was taken on the motion to adopt the resolution and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**Mayor Holland** said as we close, I would like to congratulate our Administrator, Doug Bach, on an excellent budget and on our Budget staff and Finance staff. Thank you all very much.

**Commissioner McKiernan** said I would just like to add my congratulations and thanks on top of yours, Mayor, and I totally agree with you. Mr. Bach and his staff still in a challenging time for us, still with many challenges ahead of us have done a great job of settling us down, making us stronger and moving us forward toward a stronger future.

**Mayor Holland** said thank you to all the Commissioners for your hard work during this process.

**MAYOR HOLLAND ADJOURNED**

**THE MEETING AT 8:26 P.M.**

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Bridgette D. Cobbins  
Unified Government Clerk

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