

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

PLANNING & ZONING SESSION and
REGULAR SESSION
THURSDAY, JUNE 25, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, June 25, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District (arrived at 7:02 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. McKiernan, Commissioner Second District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Patrick Waters, Legal Department; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; George Brajkovic, Director of Economic Development; Emerick Cross, Commission Liaison; Rob Richardson, Director Urban Planning and Land Use; Byron Toy, Planner; Janet Parker, Administrative Assistant; Bill Heatherman, County Engineer; Chris Slaughter, Land Bank Manager; Bill Hurrelbrink, Assistant to the Mayor; Jack Webb, Public Works; and Captain Scott Breshears, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Commissioner Johnson, Pastor Faith Deliverance Family Worship Center, COGIC.

Mayor Holland said after eight years of pinch-hitting for the prayer, I'm delighted to have a fellow clergy to help with that task.

Mayor Holland said we have two distinct parts to our meeting tonight. The Planning and Zoning portion of the meeting will be handled first followed by our regular commission meeting.

Mayor Holland asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk**, stated a blue sheet has been distributed. Under the Non-Planning Agenda, we have the Commissioners' Agenda. It's a new item; Item No. 1-2015 Casino Grant Funds. Also, #SP-2015-35, under the Change of Zone Application, that item is being withdrawn tonight at the request of the petitioner. **Mayor Holland** said that is Item #B-9 on page three. It has been withdrawn at the request of the petitioner.

Ms. Cobbins asked if members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning & Zoning Agenda. **Commissioner Markley** said on Non-Consent Agenda Item #SP-2015-22, I have had contact with proponents.

Mayor Holland said I would—just before we asked a question about removal, I do want to recognize a fellow elected official who is here tonight, Mr. J.D. Rios with the Kansas City Kansas Community College. We also grieve this week. We lost another fellow public official, Mr. George Breidenthal, who's a member of the school board passed away this week and his services will be next Tuesday. I did want to recognize other elected officials at this time.

Mayor Holland asked does anyone on the Commission or anyone in the audience today wish to set-aside any item from the Planning & Zoning Consent Agenda. If an item is not set-aside, it will be voted on in a single vote. **A member of the audience** said I'd like to set-aside #SP-2015-29. **Mayor Holland** asked is that Item B-4. The reply was yes. **Mayor Holland** said it will be set-aside. Any item not set-aside will be voted on in a single vote.

Eric Morrison, 3200 N. 115th St., said I just want to make sure that #SP-2015-35 has been set-aside and removed. **Mayor Holland** said yes, #B-9. You have requested to set that aside to pull it off the agenda. **Mr. Morrison** said pull it off; remove it. **Mayor Holland** said it has been pulled off the agenda. **Rob Richardson, Director of Planning**, said, Mayor, for the record, on that one, that one has officially been withdrawn. There will be no more action on that item.

A member of the audience said I believe this is Item 5, #SP-2015-30, the K-9 Club at 221 S. 22nd St. I live at 228 Pacific Ave. **Mayor Holland** asked #SP-2015-30, B-5, at the top of page three, you'd like to set-aside. Answer was yes. **Mayor Holland** said we'll set it aside and will deal with it individually in a moment.

A member of the audience said I'd like to request to set-aside Item #8, #SP-2015-34. Mayor Holland said alright, it will be set-aside.

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

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 150030...CHANGE OF ZONE APPLICATION #3088-BEN WILLIAMS/JULI, LLC

Synopsis: Change of zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a restaurant with drive-through (Zaxby's) at 2035 N. 109th St. and

ITEM NO. 2 – 150030....PLANNED REVIEW APPLICATION #PR-2015-12 – BEN WILLIAMS/JULI, LLC

Synopsis: Preliminary and final plan review for a restaurant with drive-through (Zaxby's) at 2035 N. 109th St., submitted by Rob Richardson, Director of Planning. The applicant wants to build a 90-seat, 3,847 square foot Zaxby's drive-thru restaurant at this location. The Planning Commission voted 10 to 0 to recommend approval of Change of Zone Application #3088 and Plan Review Application #PR-2015-12, subject to:

Urban Planning and Land Use Comments:

General

1. Trucks, trailers, cars or temporary storage boxes of any type are not allowed to be parked on the property overnight.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

2. Sec. 27-576(i) Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing

residential structure; all means available should be taken to minimize the impact on adjacent residential structures.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

Building Architecture

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

The north, west, and south facades as one turns the corner around the drive-thru is void of any detail. There are no windows (glass or faux) or architectural detail that is similar to the front along Village West Parkway.

Glass or faux windows is a simple yet inexpensive architectural feature that can tie the rear of the building to the front.

2. Sec. 27-576(e)(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glass. The director may approve other high-quality materials.
3. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - a. Split shakes, rough sawn, or board and batten wood
 - b. Vinyl siding
 - c. Smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels
 - d. Field painted or prefinished corrugated metal siding
 - e. Standard single-tee or double-tee concrete systems or
 - f. EIFS at the ground level or comprising more than 15% of any façade.

Staff has attached photographs of other Zaxby's stores across the country, which illustrates some of the features that are described in our Commercial Design Guidelines. For example, EIFS is an accent material used around the roof line and cornices. The type of stone cannot be determined by the photographs, but that is the primary material used on each façade.

Please look at the commercial buildings adjacent to this property in Plaza at the Speedway. They all meet the Commercial Design Guidelines and had more additional standards based on the Plaza at the Speedway Design Criteria, which included using building tile and roof tile in the design.

Please revise the buildings elevations to incorporate the materials listed above and reduce the amount of EIFS on each façade to 15 percent.

4. Sec. 27-576(e)(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
5. Sec. 27-576(g)(3) Slopped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

Corrugated metal is not permitted. Please revise the building elevations and all other sheets referencing that material and change it to standing seam. No new commercial development has been permitted to use corrugated metal as a roofing material.

6. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.

Landscaping and Screening

1. Shade trees shall be at least 2" caliper when planted. Evergreens shall be between 6' – 8' in height when planted. Shrubs shall be at least 5 gallons when planted.

Applicant Response: See updated note and plant chart for revision.

2. All landscaping must be irrigated.

Applicant Response: See irrigation plan on sheet 16 and note 7 on sheet 15.

3. All utility connections must be screened with landscaping or an architecturally designed screen wall. Building and ground mounted mechanical units, utility meters, transformer, switching and control boxes and other service equipment must be properly painted to match the building and/or screened from view.

Applicant Response: See note 8 on sheet 15.

4. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: See note 9 on sheet 15 and added dumpster callout on sheet.

5. Since this building has high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers should be designed so that they are reasonably screened and all downspouts shall be internalized.

6. All roof mounted units must be screened by the parapet.

Signage

1. Staff stipulates that the only detached sign on the property is a monument sign.

Applicant Response: See note added to sheet 4 in lower left side of sheet. Also, note the removal of all signs except the proposed Zaxby's sign.

2. Window graphics must be scenic pictures only. No text, special ads, or painted messages are allowed. All graphics must be at least six inches back from the glass in a window framing.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

3. Sign reviews are done under a separate sign permit application.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

4. Banners are not allowed to be hung from the building or on the structure of the outdoor eating area. Attention attracting devices such as streamers, pennants, inflatables, and wind catchers

are prohibited. The applicant is still eligible to use these devices for special events on a temporary basis by applying for a temporary banner sign permit.

Applicant Response: See note added to sheet 4 in lower left side of sheet.

Lighting

1. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.

Applicant Response: See note added to sheet 17.

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

Applicant Response: See note added to sheet 17.

Public Works Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Change of Zone Application #3088 and Plan Review Application #PR-2015-12, subject to the stipulations. Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 150153...SPECIAL USE PERMIT APPLICATION #SP-2015-25 – JEFFERY STEINBERG/APEX CDL INSTITUTE

Synopsis: Special use permit for a commercial driver's license training facility and job placement program for graduating students at 6801 State Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to operate a commercial driver's license

June 25, 2015

training facility and a job placement program for graduating students at the former Raceway Auto Group car lot at 6801 State Avenue. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-25, subject to:

Urban Planning and Land Use Comments:

1. A wall of evergreens shall be planted the length of the eastern edge of the rear parking lot.
2. The hours of operation for training (truck maneuvering) shall be Monday through Friday from 6:00 AM to 4:00 PM. All trucks shall cease operation at 4:00 PM.
3. No truck idling.
4. Per the Business License Department: a. #SP-2015-25. If approved, they will need to register and file the occupation tax application with this office. If the training education program is held by a 501(c)3, they would file as an exempt entity and would need to provide copy of IRS recognition status letter.

Applicant Response: Apex is not a nonprofit, so we will be filing for a business license.

5. Per the Building Inspection Department:

b. This is a change of occupancy. This will be a DRC project.

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

Applicant Response: I will contact the Development Review Committee today regarding building permits.

6. The letter as provided does not mention truck and trailer parking, but where will this equipment be parked after 4:00 PM?

Applicant Response: We currently own seven trucks and trailers, four of which are used for backing training. They will remain on the rear lot for training and parking. Two of the trucks are for our road training, one is for testing. They will be parked at the rear of the west side lot, approximately 250 feet away from the road.

7. Will the light poles be removed in the rear parking lot?

Applicant Response: Yes, we had planned on removing the light poles from the rear lot to allow truck training.

8. How many trucks will be maneuvering in the rear parking lot?

Applicant Response: Four trucks will be on the rear lot at any given time.

9. How many trainees will be in each class?

Applicant Response: Apex CDL Institute averages approximately 5 – 6 students per week.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2015-25 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 080216...SPECIAL USE PERMIT PETITION #SP-2015-26 – ANTHONY ARNOLD

Synopsis: Renewal of a special use permit (#SP-2013-25) for boarding of four horses (applicant amended application to two horses) at 5539, 5549 and 5531 Sloan Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting to use 2.38 acres of property as pasture land for his four horses. Mr. Arnold only owns 5539 Sloan, which is 1 acre. Previously, neighbors Cheryl Buell (5549 Sloan, 0.5 acre), and Zachary Atwell (5531 Sloan, 0.86 acre) had submitted affidavits stating that Mr. Arnold can use their property. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-26, subject to:

Urban Planning and Land Use Comments:

A special use permit was renewed for four horses on May 30, 2013. Please provide an update to the following:

Applicant’s Comment: I would like to amend my request for only two horses, as that is all that I have had on the property since I began requesting my permits. The two horses are regularly rotated, however, they do stay overnight on the site.

1. Ownership of Horses – Are the horses that are boarded on the land owned by the applicant?

Applicant's Response: The two horses are owned by the applicant.

2. Transport of Animals – Are the animals still transported via trailers, loaded off-street in driveways, etc.?

Applicant's Response: When transported, the horses are loaded in driveways or across the street where trailers are located.

3. Number of Animals on Lots – Are all four horses on a lot at any one time? Are they there for three or four days and then rotated back to 3438 North 55th Street?

Applicant's Response: Again, I have never had four horses on the property; only two would amend my request for only two. They are rotated on a regular basis.

4. Are there any structures (shelter) for the horses on the lots in question?

Applicant's Response: No structures.

5. Fencing – Please provide digital pictures showing the fencing and gate where the horses graze.

Applicant's Response: I do not have a digital camera, but will take pictures with phone and send via computer.

6. How many months a year do the horses graze on the three lots?

Applicant's Response: Off and on for nine or ten months, subject to the weather.

7. What is done to ensure that the land does not become overgrazed and adequate ground cover is present?

Applicant's Response: We maintain property on a month-to-month basis.

8. The properties in question are 5531 Sloan Avenue 5539 Sloan Avenue and 5549 Sloan Avenue. Please provide current affidavits signed by the property owners.

Applicant's Response: Affidavits were signed and submitted with my initial submission.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2015-26 for three years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 070415...SPECIAL USE PERMIT APPLICATION #SP-2015-28 – MARC AND PAMELA ROWE

Synopsis: Renewal of a special use permit (#SP-2013-29) for live entertainment in conjunction with existing vineyard and winery at 11255 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. This is a request to host live entertainment events at 11255 Leavenworth Road in conjunction with an existing special use permit for a farm winery. The 9.6 acre site includes the applicant’s residence, a pond, an outbuilding, and about three acres of vineyard at this time. The special use permit renewal for the continuation of the farm winery, #SP-2013-29, was approved by the Planning Commission on May 13, 2013. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-28, subject to:

Urban Planning and Land Comments:

Overall, staff does not have much of an issue with this proposal. This type of business, if planned and managed properly, could fit on this property with little issue, however, the reason for most live entertainment special use permits is to increase revenue by drawing patrons through music and events. Because of the potentially larger number of people that attend events, traffic and parking could be significantly impacted. Below are staff’s concerns. We are asking the applicant to please address these issues.

1. Subject to approval, this special use permit petition shall be valid for five years.
2. For live entertainment:
 - a. In 2013, Mr. Rowe indicated that he did not foresee events being held on any other days than Saturday and Sunday (for a private event). Have there been any changes to this schedule?
Applicant Response: No events continue to be on the weekends.
 - b. What time will these events begin and conclude?
Applicant Response: Events are in the afternoon or early evening.

c. What months are you hosting these events?

Applicant Response: Events are all year with winter events being held inside.

d. How have you continued to advertise your business and event space? Will you be advertising or promoting your event space, and if so, how?

Applicant Response: Advertisement is through Facebook, the website, by word of mouth, and online event sites.

3. Is there any proposed signage on-site or off the property? If so, a sign permit is required for this type of business.

A banner sign may be displayed on the property for no more than seven days within one six-month period. If the banner sign is attached to a building, the banner sign may be displayed up to 30 days within any six-month period.

Applicant Response: None are planned beyond the current open/closed sign.

4. Staff agrees with your parking improvement determination that an improved parking area is needed for this use. This will follow similar cases such as #SP-2010-50, Cider Hill Family Orchard. That applicant applied for a special use permit to operate an orchard, in conjunction with a bed and breakfast, gift shop and event space (wedding, fundraisers, etc.) at 3341 N. 139th St. The special parking ratio of 1 parking space per every 4 people was used and a 40 space paved parking lot was stipulated as part of the approval. According to the information provided by the applicant, 50-60 is the maximum number of people that would come to an event. Using the same parking ratio, 15 paved parking spaces would be required. Please show the actual parking spaces on your drawing. For your convenience we are providing the city parking standards for your use.

Sec. 27-669. Dimension of parking areas.

(a) Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. For standard parking lots the minimum cross dimensions shall be as follows:

- (1) Ninety-degree pattern, single loaded aisle: 44 feet.
- (2) Ninety-degree pattern, double loaded aisle: 60 feet.
- (3) Sixty-degree pattern, single loaded aisle: 37 feet with one-way drive.

(4) Sixty-degree pattern, double loaded aisle: 57 feet with one-way drive and 60 feet with two-way drive.

(5) Forty-five degree pattern, single loaded aisle: 33 feet, with one-way drive.

(6) Forty-five degree pattern, double loaded aisle: 49 feet with one-way drive; 52 feet with two-way drive.

(7) Parallel space: Nine by 23 feet, each space.

(b) If vehicles can overhang wheel stops or curbs on one or both of the single or double loaded module, the dimensions set out in subsection (c) of this section can be reduced to two feet for each side where vehicles can overhang. Obviously, this is not possible where there are walls, tall curbs, or adjoining parking spaces.

Sec. 27-675(b)(1) Parking, loading and maneuvering areas for new single-family residences or for replacement or expansion of existing asphalt or concrete areas shall be improved with a permanent asphalt or concrete pavement to the standards set out in subsection (a) of this section. Based on the 2014 aerial photograph, it does not appear that the 2,700 square foot paved parking addition has been constructed as proposed in May 2013.

What are your plans for paving the parking lot expansion?

Applicant Response: We added the parking as agreed to in the 2013 special use permit. We are in disagreement with the assessment comparing Rowe Ridge Vineyard & Winery to Cider Hill Orchard. We are an agro-tourism business and their main business is a bed & breakfast/wedding venue. Rowe Ridge's business focus is different from Cider Hill's.

Staff Response: Any new parking must be code compliant.

5. Per the Building Inspection Department: a. Permit #11300-00292 was issued for new 2-story storage/accessory building. Project was never completed. Renew permit and request a final inspection. For assistance, please call (913) 573-8620.

Applicant Response: The permits were for framing and electrical and inspections were done when the work was completed.

Public Works Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2015-28 for five years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 150154...SPECIAL USE PERMIT APPLICATION #SP-2015-29 – RAFAEL CASTILLO-CARRERA

Synopsis: Special use permit for the temporary use of land to park a work vehicle in the driveway of the home at 2903 Shearer Road, submitted by Robin H. Richardson, Director of Planning. The applicant wants to park his work vehicle in the driveway of his home during the week. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-29, subject to:

Urban Planning and Land Use Comments:

1. Approval for two years.
2. Property owner increase shrubbery along west side of driveway to shield truck from public view.
3. A business license must be obtained for this business.
4. What is the proposed timespan of this action?

Applicant Response: Within this year.

5. What landscaping screening measures are in place to screen truck from public view?

Applicant Response: I asked all of the neighbors if they were bothered by having the truck parked in the driveway of my home at 2903 Shearer Road. All of them said that they were not bothered by the truck being parked in the driveway since it did not inconvenience them. One of them even said that they wouldn't be bothered by having the truck parked in the street.

Public Works Comments: None.

Tony Gutierrez, 2814 S. 36 St., said I'm helping him out. I'm speaking on his behalf, Rafael Castillo. The reason we're up here is because he wants to park his truck. He only uses it on the weekends not every weekend, but he uses it every other weekend. He does not have a business and he does not sell out of his house. We're just asking for permission to park his vehicle there in the driveway. **Mayor Holland** asked what type of vehicle is it. **Mr. Gutierrez** said a box truck. It's a box truck and he asked all the neighbors around him. At the last meeting, nobody showed up and in this meeting I guess we have one person here.

Mayor Holland asked, staff, do you have any comments in terms of the nature of the...**Rob Richardson, Director of Planning**, said there are pictures of the truck being passed around to the Commission. This truck sits back away from the street so it doesn't block any of the views along the street. It's a large box truck. It's a food truck basically. There was no neighborhood opposition to this. It's been recommended for approval.

Mayor Holland said I'll open the public hearing. If there's anyone who is a proponent in favor of this application, would you please come forward at this time. Let the record show no one is coming forward to speak in favor.

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

Marsha Rupp, 2816 N. 46th St., said I'm a neighborhood watch leader for a group called The 46'ers. We've been going for about 17 years. I think we were here before on this same issue. Not the same kind of truck but the same kind of code violation and about really start buckling down to clean up our neighborhoods. These kinds of vehicles, of course—I don't live in that neighborhood. I don't know if there's a neighborhood watch in that neighborhood, but this is the broken window theory where you see one of these, you're going to see another one, then another one. This is what we're trying to cleanup. I thought maybe we put an end to this and I thought maybe the Mayor even blessed this and now it's back up again.

Mayor Holland asked does anyone else wanted to speak in opposition. I don't see anyone stepping forward to speak in opposition. The applicant does have an opportunity to make a summative response if you would like.

I'll now close the public hearing and open it up for discussion or a motion from the Commission.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-29 for two years, subject to the stipulations.**

Commissioner Townsend said I believe what Ms. Rupp was referring to was a situation that this Commission addressed several months ago with respect to a truck that looked very different than this, but nevertheless would have required a special permit and that we want the neighborhoods to look a certain way.

That situation is somewhat distinguishable from this only because the neighborhood came out very strongly in opposition to that circumstance, the other one. This was the—I think it was a tow truck...**Mayor Holland** said it was a tow truck. **Commissioner Townsend** said the person was, by their employer, expected or otherwise required to be at a certain place within a certain time. Nevertheless, the message that was sent from that neighborhood and that many of us agreed with is, you have X amount of time to get that truck out of a residential neighborhood. My impression was we didn't want to go back so I understand Ms. Rupp's concern. The distinction here as I read this is that no one in this neighborhood complained but we still have to be on guard I think for whether or not this is a retrenchment. I would not oppose it but I am interested in what the owner's long term plan is for this. Two years from now the neighborhood may not be as accommodating.

Rob Richardson, Director of Planning, said the other distinguishing factor in the previous case was it was a very narrow street. It was not even quite 16 feet wide I don't believe and did not have sidewalks. This is a street constructed to modern standards with curb, gutter and sidewalks. The street is also a distinguishing factor here. The homes are set back further so that the truck is farther off the street as you move down the street.

I agree that we don't want to have a proliferation of trucks in neighborhoods, but this one is—they've got two years and they'll come back and see what the neighborhood says about how they've conducted themselves in that two years.

Mayor Holland asked how long has it been parked here already. Do you know? **Mr. Gutierrez** said he just moved into the neighborhood about two months. He just moved in.

Mayor Holland asked is this associated with a personal business or is this a larger business that you do this with. **Mr. Gutierrez** said no, he was going to start a business and then he just does on the side—he has like soccer fields where he just sells ice cream bars and all of that from the truck. He takes it to the site every other weekend and that’s where he uses his truck at.

Mayor Holland said I do agree. I’d like to see these things parked somewhere else besides in our neighborhoods, but also it’s hard to argue with the logic that the neighborhood didn’t come forward and object to it.

Roll call was taken on the motion for approval and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 070414...SPECIAL USE PERMIT APPLICATION #SP-2015-30 – JILL SCHULTZE WITH K-9 CLUB

Synopsis: Renewal of a special use permit (#SP-2013-27) for a dog day care at 221 S. 22nd St., submitted by Robin H. Richardson, Director of Planning. The applicant wants to continue to operate a dog day care out of a vacant residential home. She wants to continue to provide door-to-door service as clients are not allowed to drop off their dogs. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-30, subject to:

Urban Planning and Land Use Comments:

1. The opinions of surrounding property owners are critical. Are there significant complaints made by surrounding property owners?

Applicant Response: I am unaware of any complaints in 8 years made by any neighbors surrounding the K-Club property located at 221 S. 22nd, Kansas City, KS 66102.

2. What is the disposal process for dogs’ waste? How often is the waste disposed of?

Applicant Response: Employees pick up dog waste on a daily basis. There is a dumpster on the property that remains closed with the dog waste inside until Deffenbaugh takes it away once a week.

3. How many times a day do vehicles drop off and pick up the dogs? What is the drop off and pick up process?

Applicant Response: Employee vans are the only vehicles that enter and exit the K-9 Club property. They enter one time a day and exit one time a day.

4. What are the current hours of operation?

Applicant Response: Monday through Friday approximately 11 am to 2 pm. always depending on inclement weather.

Staff recommends approval for five years subject to property owner maintains daily disposal of dogs' waste and hours of operation are 9 am to 5 pm.

Public Works Comments: None.

Jill Schultze, Owner of K-9 Club, 221 S. 22 St., said I've owned K-9 Club for 12 years. It's been at this location for 8 years. When I moved in, there was a lot of not great stuff going on at the location. It was vacant. I've cleaned it up and had a good rapport with the neighbors and I know who's opposing me but he never called me. He has my phone number and so this is the first time I've been opposed so I don't know what I'm doing.

Mayor Holland asked do you live at this residence. **Ms. Schultze** said no. We're just there three hours a day max, Monday through Friday. **Mayor Holland** said it's a business Monday through Friday three hours a day. **Ms. Schultze** said yes, and I maintain the property. I may have it mowed. I have a disposal like a container whatever that they come and take away and everything. Like I said, I've been there 8 years and thought I had a really good rapport with the neighbors.

Mayor Holland said we'll open up the public hearing. Is there anyone who would like to speak in favor of this application? If you'd like to speak in favor, please come forward at this time. Let the record show no one moving forward to speak in favor.

Mayor Holland asked for anyone who is speaking against this proposal, please come forward at this time.

Tim Schagle, 2028 Pacific Avenue, said I have no problem with any smell. It's always been kept real clean. She does a real good business. I have no problem with that. The problem is they want to extend the hours to 5:00 pm. A lot of times 2:00 pm rolls around, it gets quite in the neighborhood. I have neighbors, friends that come over and go do you have to listen to this all day. I go no it ends about 2:00 pm. That's why I compromise. I don't make complaints about the noise because I know it's going to end around 2:00 pm. They want to extend to 5:00 pm and that means the entire evening is going to end up having barking and noise.

Mayor Holland asked is there anyone else who would like to speak in opposition to this application. No one else came forward.

Ms. Schultze said that's not correct, it says—I think it even says like 9:00 am to 5:00 pm on there because I think you were like giving me permission that I could do it from 9:00 to 5:00 pm, but we are only there from maybe 10:30 to the latest 2:30 pm. If inclement weather, we might be there until 3:00 pm but we don't want to extend the hours. The dogs can't be out longer than what we take them anyway. I don't want to extend the hours and have no plans to do that in the future.

Mayor Holland said we will now close the public hearing. Staff, do you have any comment?

Rob Richardson, Director of Planning, said on page five of the staff report under staff recommendation for five years subject to maintaining the property and then we could change the hours of operation to 10:30 to 3:00 pm. I think that would satisfy the neighbor's objection and allow her to keep operating as she has been. **Mayor Holland** said if that motion is made otherwise...**Commissioner Kane** said move for approval with staff's recommendation.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2015-30 for five years with staff's recommendation, subject to the stipulations.**

Mayor Holland said move for recommendation for hours of 10:30 am to 3:00 pm? **Ms. Schultze** said 3:30 pm at the latest if—whatever, we'll get out of there. **Mayor Holland** said we have a motion and a second to amend. How many votes does it take to pass an amended—is it eight votes? Are we clear on the time? We're doing 10:30 to 3:30 pm. What was your

recommendation? **Mr. Richardson** said 3:30 pm. **Mayor Holland** said 10:30 to 3:30 pm. Does the second understand it that way? Alright, 10:30 to 3:30 pm, Monday through Friday.

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

ITEM NO. 6 – 130177...SPECIAL USE PERMIT APPLICATION #SP-2015-32 - DANIEL CHANG WITH EVERGREEN DAYCARE INC.

Synopsis: Renewal of a special use permit (#SP-2013-24) for a day care center at 1030 Orville Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a renewal for a special use permit to operate a daycare out of an old elementary school. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-32, subject to:

Urban Planning and Land Use Comments:

1. What are the maximum number of children and employees?

Applicant's Response: We are licensed to care for 12 children maximum for now and we have 4 employees including myself.

2. What are the hours of operation?

Applicant's Response: Monday thru Friday 6:30 am - 6:00 pm.

3. What are the current-drop off and pick-up procedures?

Applicant's Response: Parents drop-off and pick-up children from Orville Avenue entrance.

4. Are there any signs currently on the property?

Applicant's Response: We have banners posted on the wired fence and 3rd sign posted on the inside fence of kiddie playground.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP-2015-32 for five years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 7 – 980324...SPECIAL USE PERMIT APPLICATION #SP-2015-33 – DR. KELLI MATHER WITH USD #500

Synopsis: Special use permit for a second modular classroom at 1610 N. 8th St., submitted by Robin H. Richardson, Director of Planning. USD 500 wants to use an additional modular classroom at Sumner Academy. There is currently one modular classroom on site. The unit is currently on a parking area on the north side of the property. The proposed units would be placed just to the west of the existing unit. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-33, subject to:

Urban Planning and Land Use Comments:

1. This type of special use permit, temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for the modular classroom unit?

Applicant Response: Dr. Mather will reassess the classrooms; future solutions will be dependent upon available funds.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP-2015-33 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 150155...SPECIAL USE PERMIT APPLICATION #SP-2015-34 – DR. KELLI MATHER WITH USD #500

Synopsis: Special use permit for two new modular classrooms to replace the existing four modular classrooms at 641 N. 57th St., submitted by Robin H. Richardson, Director of Planning. USD 500 wants to use two modular classrooms at Lindbergh Elementary School. There are currently four modular classrooms on site; those will be removed and these two proposed will replace them. The units are currently on a parking area on the north side of the property. The proposed units would be placed closer to the main school building on the west side and in between the buildings. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-34, subject to:

Urban Planning and Land Use Comments:

1. This type of special use permit, temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for the modular classroom unit?

Applicant Response: Dr. Mather will reassess the classrooms; future solutions will be dependent upon available funds.

2. A soft playground must be created and new playground equipment installed that matches the standards of the newly built school playgrounds.

Public Works Comments: None.

Dr. Kelli Mather, 2010 N. 59th St., said the reason I asked for the set-aside on this particular item certainly was not the movement of the two modular units. We appreciate that. The request was based on the stipulation to add new playground equipment simultaneously in that site.

We had not planned financially for that nor had I asked the Board of Education for approval for new playground equipment at that time as we moved modular units into Lindbergh. We are actually trying to replace four very old probably 30+ year old modular units and replace them with two newer ones for increased enrollment growth in our school district. The fortunate part is we're growing. We've been growing about 2.5% annually every year, about 500 kids, so we have to prepare for our kids unfortunately with having space in the modular units.

The problem that we have is right now the playground equipment. I do want the Board of Commissioners to be aware that we do have a playground at Lindbergh Elementary School and some soft play space. Could it be updated and replaced at some point? Absolutely. I've had the pleasure in working with Mr. Richardson and understand his position.

We continue every time we have brand new construction sites when we're fortunate enough to put brand new playground equipment in and that's an agreement we've made and I think that's something we can certainly stand by. I'll be willing to also try to upgrade Lindbergh slightly as we try to do every single year, but the request and the stipulation that was put into this particular application to put brand new playground equipment in, that would probably have a fiscal impact of nearly \$50,000 is problematic for us at this time. That's primarily my request for the set-aside.

Mayor Holland said so describe the work that's going to be done. You have the four modular units on the north side. **Dr. Mather** said that is correct. They will be demolished and we'll bring the two new modular units closer to the facility itself. We'll have one that will go on the

west side. It will run east and west actually a little further over, kind of run east and west. Then we're going to put the other modular unit probably running north and south right there down the middle. We wanted to try to put both of them down there but we didn't have room on either side to do that.

We will remove the four existing modules up top. The playground is in the north east corner back there with some playground equipment right back in there and some soft play space; not a lot, a lot of asphalt as well on this site.

Mayor Holland asked you're asking for the stipulation for the playground equipment to be removed. **Dr. Mather** said yes. I have spoken with Mr. Richardson and I think we've come to an agreement so I certainly would defer to him and allow him to speak to, Mayor, if that's something you'd like to do. **Mr. Richardson** said what the school district has agreed to do, is to upgrade the playground area with new mulch and some new equipment. I would just do the budgetary impact before they come back for their next renewal on this. This is a new special use permit and so they would come back in two years for renewal and then they would get a much longer timeframe on that. If this school—they'd also indicated that if this school or other elementary schools are ever replaced, they would do a new play system like they have done at Hazel Grove, McKinley and Mark Twain.

Then as the school district comes forward with other sites and interim improvements like this, we'll continue to look at the playgrounds in a similar fashion as we move forward. The stipulation will be modified to say that they would add kind of revamp the current system and add some new equipment to it, but not totally rebuild it, the whole system. **Mayor Holland** said there is a recommended modification that we would need to approve. **Mr. Richardson** said correct. **Mayor Holland** said the recommended modification is to upgrade the system, but not all new, with the understanding that as you continue to improve your facilities you would come back and do this as well. **Mr. Richardson** said yes sir.

Action: **Commissioner Philbrook made a motion to approve with changes.**

Mayor Holland said I do need to open the public hearing. We had to get all of this squared away. **Commissioner Philbrook** said that's fine. Sorry about jumping the gun.

Mayor Holland said I will now open the public hearing. Is there anyone in attendance tonight who would like to speak in favor of this application? Let the record show no one is moving forward.

Mayor Holland asked is there anyone who would like to speak in opposition to this application, please come forward at this time. Let the record show no one has come forward. I will now close the public hearing.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP-2015-34 for two years, subject to the stipulations and the changes as recommended by Mr. Richardson. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 9 – 040308...SPECIAL USE PERMIT APPLICATION #SP-2015-35 – BRANDON AND JANELLE PETERSON

Synopsis: Special use permit for a bed and breakfast at 3200 N. 115th St., submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a special use permit in order to operate a bed and breakfast out of the four-bedroom home. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application #SP-2015-35, subject to:

Urban Planning and Land Use Comments:

1. How many guests will be staying at one time?

Applicant Response: A maximum total of 10 guests will be able to be accommodated at one time. This count encompasses:

- a. One-bedroom suite – two guests in bedroom and two guests on sofa bed
- b. Studio apartment – two guests on king bed, two guests on sofa bed, and option for two additional guests on roll-away when additional space may be needed for children.

2. Please provide images of the property (separate from the presentation or business plan)

Documents are in file.

Comments and Stipulations:

- No Signage
- No on-street parking

- Owners must maintain residence in the home
- Approval would be for two years
- Before expanding into the room above the detached garage, the special use permit would need to be modified for the bed and breakfast.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP-2015-35 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

VACATION APPLICATION

ITEM NO. 1 – 150082...VACATION APPLICATION - #A-2015-3 – MANUEL FLORES-MARTINEZ

Synopsis: Vacation of an alley at 1022 Merriam Lane, submitted by Robin H. Richardson, Director of Planning. Mario Leon of Martell and Leon is requesting to vacate 115 foot wide alley adjacent to a portion of Lot 40 and Lots 41-45 of Rosedale Park. The Planning Commission voted 10 to 0 to recommend approval of Alley Vacation Application #A-2015-3, subject to:

Urban Planning and Land Use Comments:

1. Retention of necessary utility easements.
2. Please provide an explanation and plans for proposed use if vacation is approved (why is this vacation being requested). (Information in file.)
3. All future increases to paved areas must meet design criteria for parking and loading in C-3 Commercial zones and stormwater criteria, as stated in the Code of Ordinances.

Public Works Comments:

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

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

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

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Alley Vacation Application A-2015-3, subject to the stipulations. Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 150116...PLAN REVIEW APPLICATION #PR-2015-11 – JANENE ERVIN/KDC CONSTRUCTION, INC.

Synopsis: Preliminary and Final Plan Review for an office and maintenance shop in conjunction with a trucking company at 7030 Kaw Drive, submitted by Robin H. Richardson, Director of Planning. The applicant wants to build a 16,500 square foot trucking company and maintenance facility for Clarke Power Services, Inc. on 6.85 acres at 7030 Kaw Drive. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application #PR-2015-11, subject to:

Urban Planning and Land Use Comments:

1. How many employees will be employed at this business?

Applicant Response: We will have 25 employees.

2. Landscaping shall be irrigated.

Applicant Response: The landscaping plan was revised to indicate landscaped areas are to be irrigated.

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

Applicant Response: The landscaping plan was revised to show additional screening as necessary.

4. Sec. 27-469(c)(2) No equipment, materials or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed no closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicant Response: Only passenger vehicles will be parked within the front parking lot, therefore, no additional screening is necessary.

5. Sec. 27-469(g) Six-foot high architectural screening in combination with a buffer area is to be provided along the side and rear property lines common to or across an alley from residentially zoned property. Since the west property abuts property that is zoned RP-5 Planned Apartment District, there must be a privacy fence screening the yard. Secondly, because the property is industrially zoned, the fence may be 8' in height. Lastly, due to the fact that development may not occur for many years and there is not a current tenant, the fence along the west property line shall have masonry columns every 32' on center.

Please submit a fence elevation of the fence along the west property line and the entry gate into the facility.

Applicant Response: A masonry and wood screen fence will be provided along the west property line. See the landscaping and civil plans for location and details.

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None
- B. Items that are conditions of approval (stipulations):
1. Provide a right turn lane with adequate deceleration lane for vehicles entering the facility from the east.
 2. Relocate the existing median break farther east to provide a left-turn lane with adequate storage space for trucks entering the facility the west. The left-turn storage should be a minimum of two large truck length plus corresponding taper.
 3. Subject to KDOT's review and approval in coordination with the UG.

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

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Plan Review Application PR-2015-11, subject to the stipulations. Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 150030...PLAN REVIEW APPLICATION #PR-2015-12 – BEN WILLIAMS/JULI, LLC

Synopsis: Preliminary and Final Plan Review for a restaurant with drive-through (Zaxby's) at 2035 N. 109th St., submitted by Robin H. Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Petition #3088.

ITEM NO. 3 – 150156...PLAN REVIEW APPLICATION #PR-2015-14 – MATT SCHLICHT

Synopsis: Preliminary and Final Plan Review for a new auto dealership at 1900 N. 100th Terr., submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval to build a 30,425 square foot Nissan auto dealership at this location. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application #PR-2015-14, subject to:

Urban Planning and Land Use Comments:

An erosion control plan including silt fences is suggested. See Conservation District comments attached, (in file).

Urban Planning and Land Use Stipulations:

Landscape

- The building foundation must be landscaped. At least 75% of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. (Sec. 27-577 d.1)
- There must be 25 feet of landscaping between the public street and the parking lot. New construction must provide at least a 25-foot landscape zone between structures and/or

parking lots and all public streets and access easements 40 feet wide or greater. (Sec. 27-577 b.1)

- Trees cannot be located in the site triangle on driveway
- The applicant will work with staff within the Development Review Committee process to have the majority of building foundation landscaping.
- Architecture
- North Elevations - Metal cladding may only be 17% of the façade area.
- All downspouts must be internalized
- All roof-mounted units must be screened by the parapet
- All signs must be approved and permitted separately by the Planning staff

Lighting

- Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.
- Exterior parking lot lighting shall have 90 degree cutoff fixtures.

Public Works Comments:

Please refer to all other communication on this issue.

Action: Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Plan Review Application PR-2015-14, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 150081...ORDINANCE

Synopsis: Ordinance rezoning property at 2947 N. 91st St. (#3084) from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-29-15**, “An ordinance rezoning property hereinafter described located at approximately 2947 N. 91st St. in Kansas City, KS, by changing the same from its present zoning of R-1 Single Family District to A-G

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

ITEM NO. 2 – 150024...ORDINANCE

Synopsis: Ordinance rezoning properties on 6th Street from Tauromee Avenue to Splitlog Avenue (#3085) from C-3 Commercial District to TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, Director of Planning

Action: **ORDINANCE NO. O-30-15**, “An ordinance rezoning property hereinafter described located at approximately 6th Street from Tauromee Avenue to Splitlog Avenue, in Kansas City, KS, by changing the same from its present zoning of C-3 Commercial District to TND Traditional Neighborhood Design District.” **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 150110...ORDINANCE

Synopsis: Ordinance rezoning property at 4014 Strong Avenue (#3086) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Robin H. Richardson.

Action: **ORDINANCE NO. O-31-15**, “An ordinance rezoning property hereinafter described located at approximately 4014 Strong Avenue in Kansas City, KS, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 130076...ORDINANCE

Synopsis: Ordinance vacating right-of-way and an alley at 1404 S. 37th St. (#R/W & #A-2015-2), submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-32-15**, “An ordinance vacating a tract of land being part of the dedicated right-of-way of 37th St. (platted as Boeke Street) and the dedicated right-of-way of Strong Avenue abutting Lots 13, 14 and 15, Block 14, West End Addition to Argentine, a subdivision in Kansas City, Wyandotte County, KS, located at approximately 1404 S. 37th St.” **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

PLANNING AND ZONING NON-CONSENT AGENDA**SPECIAL USE PERMIT APPLICATION****ITEM NO. 1- 150152...#SP-2015-22 – GEORGE AND PEGGY STUART**

Synopsis: Special Use Permit for the Temporary Use of Land for a storage container at 7259 Gibbs Road, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 5 to recommend denial of Special Use Permit Application #SP-2015-22 as a storage container is not appropriate in a residential area.

Peggy Stuart, 7259 Gibbs Road, said we have a storage container on our two and half acres that is temporarily housing lawn equipment that our grandson is helping us to maintain the property. Also, you know you have to keep everything under lock and key and that’s why we have these things settled down like that.

We will be moving that at some point and time. Is that the picture? Can you see it? I don’t see where it is. We have, since we came here the last time, we have torn down a chicken shed that was there. You actually can not see that container from the street even in the winter time because it sits way back off the street. There aren’t any traffic issues because it’s off of the street. We don’t have anybody coming in and out to use it, it’s just us. It’s new, it’s clean. There’s no reason to think there would be any noise or dust or anything like that. No pollution because of it. There’s lots of space around where this is sitting.

We have a lot to mow and that's why we have Eric helping us. My husband doesn't do that so well anymore. We would like to keep it at least for a couple of years until Eric can find some place else to take it and deal with it there. Any questions?

Mayor Holland said there may be you might stay close. I'm going to open the public hearing and then we will go from there. If there is anyone in attendance tonight who would like to speak in favor of this application, please step forward at this time.

Eric Fuller said I'm Peggy and George's grandson. I'm their neighbor also. I live directly across the street. This is the same street I grew up on. I've been a Kansas City, Kansas resident for 35 years. I don't see a problem with it either. It's not interfering with anybody's life. We live out there and it's like the country basically and there are a lot of worse things to look at out there than that for sure. I second that I think it actually should be passed.

Mayor Holland asked if there's anyone else who would like to speak in favor, please step forward at this time.

Mary Wilson, 10019 W. 52 St., Merriam, Kansas. I'm the administrator for the estate of 7241 Gibbs Rd. which is right next door to them. I'm not opposed but I'm not for it either. I'm still concerned in regards to the weight of the container sinking into the ground possibly when the ground becomes wet; the movement of the container. I don't see it on rock, concrete or anything like that.

My other concern at this point now is with the weather getting hot it is a solid steel container. If the weather's 100 degree outside, inside those containers they approximately go up 50 to 75 degrees. If they're keeping equipment in it, my next concern is the gas that's in that equipment. That's my only other concern. Other than that it's fine where it is. It is away from the roads it is out in the back where it would not bother anybody; just a few concerns.

Mayor Holland asked if anyone else wanted to speak in favor. Let the record show no one else is coming forward. Anyone who would like to speak in opposition to this application? Let the record show no one is coming forward. We'll close the public hearing.

I will offer though the applicant to make a closing comment if you would like.

Ms. Stuart said we could add some ventilation. I don't know does it have any ventilation? **Mr. Fuller** said it's only been maybe 100 degrees in there and I've never known it to be more than 10

to 15 degrees higher. **Ms. Stuart** said but we could add some ventilation in case there would be anything like that happen. **Mr. Fuller** said these things come standard with vents. It has four vents. Actually it has more vents than normal containers because the container was just made last year. It's a brand new container. It has four vents on each side instead of two. It's already vented. **Ms. Stuart** said we're not talking about forever, we're just talking about a couple of years. If we can get that we'd be happy as clams. It sits way back off the road. I've talked to numerous of my neighbors. I had the meeting about the container being in the yard and everyone that came said they could not even see it so there was no opposition. It does have a gravel drive up and it's concrete up most of the way of our driveway and about 20 feet of gravel to the entrance to the container.

Mayor Holland said, staff, do you have any comment?

Mr. Richardson said this is somewhat unusual case. It has been recommended for denial but even if the commission were to approve it they still have one and possibly two other outstanding issues that would require further action on the part of the city. The staff report says they have four accessory structures but if the chicken coop has been removed it would be three accessory structures plus the container which would require a variance from the accessory uses that where only one accessory structure is allowed. If they're keeping chickens on a property less than five acres, they would then also need a special use permit for that as well. It has been recommended for denial, but if it were to be approved there are still other issues and if it's denied there are still additional issues that may come back before this body or the Board of Zoning Appeals.

Mayor Holland said I will express my long standing opposition to containers as storage facilities in our community. I just don't think it's a best practice. I think we're making an effort to cleanup accessory buildings generally. This one may be off the road and out of sight. This might be the nicest container ever but I can tell you there are 50 more out there that don't meet our criteria. When we start approving one I'm just concerned we're going to start building a lot. I would much rather see someone improve their property with a new accessory building and be able to take care of equipment that way, but I will just reiterate my mantra generally of opposing these containers/facilities as storage in our city.

Commissioner Markley said you know I agree in terms of containers. I will give a little bit of background. This is part of my Morris Neighborhood. It is a very rural area and until recently

when we had a change in codes personnel there's been pretty much zero codes enforcement here for decades. What I do like about what I heard today is that they were told they had codes violations. They've already in that short period taken down one of the accessory structures that was an issue. I didn't get to come to their neighborhood meeting, but I've heard from other neighbors that they want to be in compliance and they have a lot to deal with in terms of getting to that point as Rob pointed out.

My suggestion would be that we give them a year with the container so that they can work through the issues collectively, because I don't think we can expect them to bulldoze down all their accessory structures and take the storage container out and find a place for all of their stuff tomorrow. I'd like to give them a chance. I think they want to comply. Their house is lovely I will say it's a nice property. They take very good care of it. I want to give them a chance to continue in good faith to work at getting in compliance on all of their issues.

Commissioner Philbrook said I agree with everything you just said and want to emphasize that these communities have been around a long time and we get used to living a certain way. Then when all of a sudden we realize oh crud there's been code changes and all that stuff that we don't know about. It makes it very hard to comply with all those changes. I would make the same suggestion.

Commissioner Townsend said if the recommendation is to give the citizens an opportunity for a limited period with the purpose of coming into compliance so that that container is no longer used for storage, I would be accepting of that. The caution is just as recently as Tuesday night at the second stop on the Mayor's Listening Tour I was approached by one of my constituents who wants to use a similar structure/container for the same type of thing. We have to be careful about continuing to carve out exceptions. I told them to look for something else. Go for Home Depot because this is not how the Commission's going. Since these citizens already had this and they're trying to, Commissioner Markley is saying to do this to give them time to come into compliance and get rid of this, I would go with that, but I've already told one of my constituents as early as this week, there would be a lot reasons that people could come up with. Certainly upkeep of property and storage is great, but we don't want to continue to carve out exception after exception when these things should not be used for storage whether city, county, whatever it is.

Mayor Holland said one of the issues we run into too and we ran into this with the carports and I hesitate to even bring that topic up because it was an impressive lengthy discussion. What we have is we have companies that sell and install carports who know full well we don't allow them and sell them and install them in our community anyway. We have companies that know we don't allow storage containers like this who sell them and probably delivered it...**Mr. Fuller** said exactly...**Mayor Holland** said who will continue to sell and deliver them in our community every time we allow it. One of the issues is we have companies that are not scrupulous who are prepared to sell things into areas that are not allowed. It puts the homeowner in a bind but it also puts the city in a bind. I have very little patience for companies that are making their money selling equipment that they know they can not legally be delivered to our site, but they're doing anyway.

I would ask Mr. Richardson and our legal team to look into recourse with companies who are delivering equipment to our city that's not legally allowed to be in our city. I think that is problem and I think that they're taking advantage of people and they are taking advantage of our city. I think that's an issue that we need to look into, but I guarantee you we've not allowed carports for a long time and carport companies are selling and installing them in houses left and right with absolutely no scruples about the code and zoning requirements that they have to follow. I have layers of problems with this. We need a motion. I don't see any further comment, is there a motion?

Action: Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve for one year.

Mayor Holland said in keeping with and I just want to be clear with, and you were agreeing with Mr. Richardson, keeping with them moving towards compliance generally on their property, what is the vote requirement. It will take eight votes to overturn the denial and allow for one year. I see no further comment.

Roll call was taken and there were eight "Ayes," Philbrook, Bynum, Townsend, Murguia, Johnson, Kane, Markley, Walters and one "No" Walker.

REGULAR SESSION**MAYOR'S AGENDA**

No items of business.

NON-PLANNING CONSENT AGENDA

Mayor Holland said I would ask if anyone would like to remove an item from the Non-Planning Consent Agenda to please step forward at this time. Anything that is not set-aside will be voted on in a single vote by the Commission.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda.**

Mayor Holland said let the record show no one moved forward to set an item aside. It is properly moved and seconded.

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

ITEM NO. 1 – 150142...RESOLUTION: SAFE ROUTES KCK WALKING SCHOOL BUS GRANT

Synopsis: A resolution authorizing the UG to enter into an agreement with the State of Kansas for the acceptance of a \$120,000 MARC grant to implement and expand the Safe Routes KCK Walking School Bus Expansion, submitted by Lideana Laboy, Public Works/Engineering. The required local match is included in the budget. On June 1, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-37-15, “A resolution to receive a Transportation Enhancement/Transportation Alternatives Grant from Mid-America Regional Council (“MARC”) in the amount of \$120,000.00 to fund the implementation and expansion of Safe Routes KCK Walking School Bus Expansion; and requires the Unified Government to provide a local match; and the Unified Government wishes to accept the grant; and the terms of the grant, the Unified Government**
June 25, 2015

and the State of Kansas must enter into an agreement that further sets forth the requirements relating to the grant.” **Commissioner Kane made a motion, seconded by Commissioner Murguia to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 150168...ORDINANCE: SAFE ROUTES GROUP D PROJECT CMIP #3334

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project, submitted by Lideanna Laboy, Public Works/Engineering. On December 4, 2014, the full commission adopted Resolution No. R-108-14, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-33-15**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Safe Route to School, Group D Project – CMIP 3334, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – APPOINTMENTS: BOARDS AND COMMISSIONS

Synopsis: Reappointment of Dixie Kaster to Law Enforcement Advisory Board, 6/25/15 to 5/30/19, submitted by Commissioner Bynum.

Appointment of Carroll O’Neal to Wy/Leavenworth Area on Aging Advisory Board, 6/25/15 to 5/30/15, submitted by Commissioner Bynum.

Appointment of Elaine Ward to Advisory Committee on Disabilities issues, 6/25/15 to 5/30/19, submitted by Commissioner Markley.

June 25, 2015

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

ITEM NO. 4 – MINUTES

Synopsis: Minutes from regular sessions of May 14 and 28, 2015; and special session of June 1 and 4, 2015.

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 4, June 11 and June 18, 2015.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 150143...RESOLUTION: AMENDED SILVER CITY URBAN RENEWAL PLAN

Synopsis: Hold public hearing to consider an amendment to the Silver City Urban Renewal Plan, submitted by Marlon Goff, Economic Development.

Doug Bach, County Administrator, said several months ago our staff through evaluation and getting comments of interest for property in our community began to evaluate the Silver City Park area which has not been used for a park for some time. Through looking at it we determined it does have economic value in our community and that there is potential for development in this area where it is not being utilized at all today. We’re bringing this forward
June 25, 2015

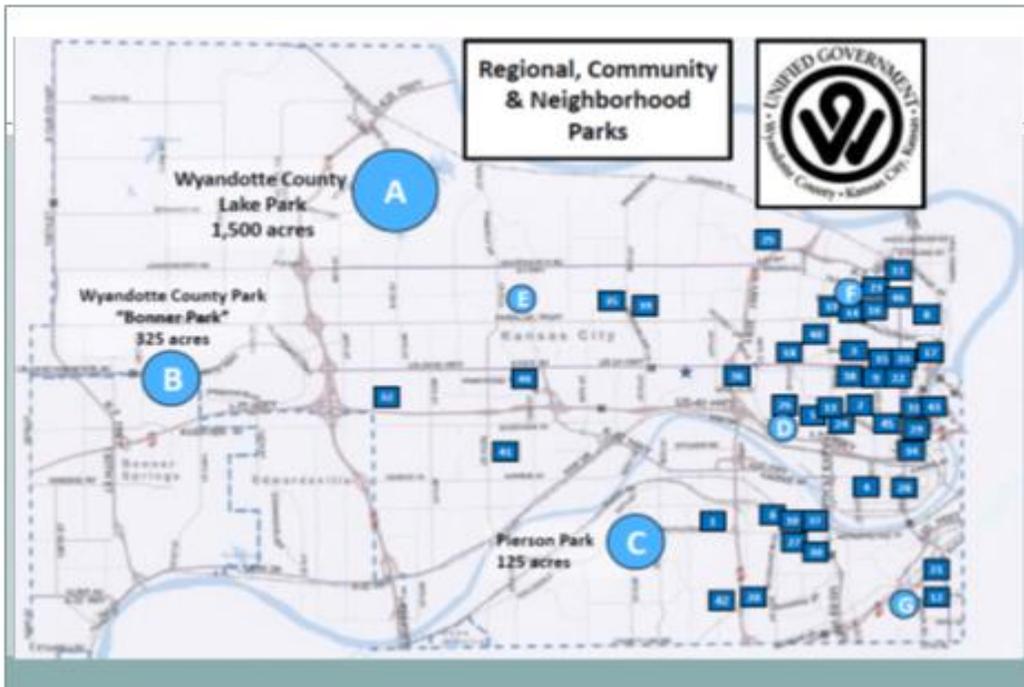
tonight as part of our process we go through for a public hearing. I'll recognize George Brajkovic, Director of Economic Development, to present the item and then we'll leave it for a public hearing.



George Brajkovic, Director of Economic Development, said thanks for the opportunity tonight to talk about what we see as a redevelopment opportunity at Silver City Park.

As we brought the resolution to you earlier this year to set this public hearing tonight, we had, I believe, Commissioner Bynum and others had some questions about just generally where are the parks in our community, what's the process we use to dispose of those that are declared surplus and kind of a laundry list of other questions. We had prepared an executive summary and submitted that as part of your packet tonight that I believe addresses all of those questions.

I'm not going to spend a lot of time addressing those questions in the presentation other than to offer this map that our Parks and Rec Department put together. Actually I need to recognize Jeremy Rogers and Jack Webb with Parks. They really provided us all of this information so we could have it ready tonight.



As we look at the parks we actually have three regional parks, four community parks and 46 total neighborhood parks.



On this map if you can see it, I believe Silver City Park is number 30 on the map. It's just to the right of the letter C before you get to G. It's kind of in a cluster with numbers 6, 10, 17 and 27. What does that look like? I tried to show on an aerial picture so number 30 is Silver City Park, 27 is Ruby, 37 is Vega Park, 10 is Emerson, 6 is Clopper and I think that's it. There's another park, Matney Park, that's just to the south, it's just outside of this picture. In talking to the Parks

Department, of these parks that are in close vicinity to Silver City, between 2014 and this year we've spent about \$140,000 in park improvements in those parks that are closest to Silver City.



Silver City itself then it's really one of those situations that looks like one thing on a piece of paper, but when you actually look at the physical location of the property it's something different. When you look at it on paper, looks like almost 40 plus acre site. When you actually get there because of the severe topography in the area it's really about 4.5 acres of useable space at the very top of the hill. In the past I think back in 2009 as we were preparing a list of what we thought was surplus property in the community, we had actually highlighted Silver City Park at that time for a variety of reasons.

Public Use and Accessibility

- Park was closed for public use prior to consolidation in 1997.
- No plans or budget authority to add park equipment or improvements to the grounds.
- Recent improvements to a park less than ¼ mile away. (Ruby)
- Parks & Rec responsible for mowing the open green space to control noxious weeds, pests and blight.
- Economic Development staff evaluating this park's redevelopment potential.
- Presentation before the Parks Board April & May 2015

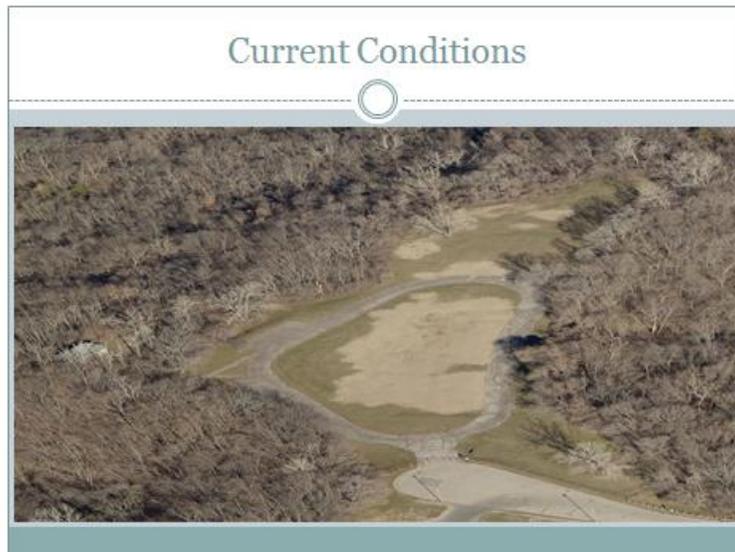
I'm probably going to get ahead of myself in the presentation a little bit, but really it's because the park had been closed before consolidation.

We talked to the Park Department and they didn't have any long-term plans for it. We looked at the deed by which this property was acquired, there weren't any deed restrictions limiting it to park use, however, and why we're here tonight is there was this Urban Renewal money used during the '70s to acquire it, therefore, the Urban Renewal Plan actually calls this out as park use property.

Kind of just a summary of what I'd mentioned previously, really no plans to improve that. Between myself and Marlon Goff on staff, we went to the Parks Board meeting both in the month of April and the month of May to try to get an opinion from the Parks Board of would they declare this surplus property. Unfortunately neither month a quorum was present to actually take a vote at the meeting and really we kind of had a mixed bag. One month it was very supportive and the next month there were more questions. A determination was made to just come back through standing committee and ultimately the full commission for consideration on this.



This is the park entrance. Like most parks, like really inviting. It's a gate with a chain and big stop sign. You can actually slip through near that front post to get access to the property.



Current conditions, it does have what I guess could be considered a walking trail. It's not much of one and the surface is in bad condition.



Just to the left, kind of go back down the trail a little bit, there is a shelter so it looks like it does get some use by graffiti artist and variety of other people. It's a boarded up park, we don't have any long-term plans for it and this is what it looks like now. I'm sure Jack or Jeremy can tell you what we spend just mowing the property every year.

Silver City Urban Renewal Area

- The Silver City Urban Renewal Plan was adopted in September of 1963.
- The park grounds were acquired by city of Kansas City, KS from the Urban Renewal Agency in May of 1975.
- A change of land use would require a public hearing to consider an amendment to the urban renewal plan. [KSA 17-4747(c)]

What are we here for tonight? Well, it was acquired with Urban Renewal property funds so it does require, per that statute, a change in the Urban Renewal Plan.

Silver City Park circa 1948



Actually, Commissioner Walker, we threw this in for you because I think you had said as a younger Mr. Walker you attended Easter ceremonies and so we actually had someone from the park, I think there you are just to the lower right. It does show—actually the picture is great because it's kind of fuzzy, but you can see the elevation and it does have some great views from top of the hill and we just think it can be repurposed into something a little more appropriate. **Commissioner Walker** said well that is me.

Proposed Plan Amendment

- A change of designated land use from “park land” to residential.
- Redevelopment proposals would will still be required to obtain residential zoning conformance and applicable fees, reviews, etc.

Just highlighting, so even if you take action to change the Urban Renewal Plan, there's still underlying zoning that doesn't conform for any sort of residential use here. If we do change the plan and then we start to market this property and we attract a developer that wants to do a project, they're still going to have to come through P & Z to get the underlying zoning squared away.

Residential Development Potential

- The park is bordered by an existing S.F. neighborhood with mature and well-maintained homes.
- Immediate proximity to public elementary, middle and high schools.
- New grocery store and retail development, public library branch and Interstate access.
- Redevelopment could incorporate scenic views from the hill top.

Why we think residential might be the best use is for all of those reasons. There're new grocery stores in the area, its proximity to the schools and really just the general nature of the property kind of also limits the use.

Action Item:

- A resolution amending the Silver City Urban Renewal Plan and changing the land use designation for Silver City Park to residential.

Again, what we're here for tonight is the resolution approving the change or the amendment to the Urban Renewal Plan.

Mayor Holland said I'll open the public hearing first and then we'll open it up to the Commission for questions and comment. I'll begin by opening the public comment period so if anyone would like to speak to the action of resolution tonight that's being considered is to remove this, correct me if I'm wrong, amending it to un-designate it as a park and designate it as residential. That's the action we're contemplating tonight.

I'll break it up this way, if you are in favor of this action of moving it from park to residential, would you please come forward at this time. I'll open it up for people who are in favor of this proposal. (inaudible comments) **Mayor Holland** said I'll do that as well. If you don't want to talk, after we're done, we often do this, is the people who want to speak come to the microphone and then we will ask people who are in favor to stand and the people who are opposed to stand so we can see those of you in the crowd who don't want to necessarily speak to the issue, but want your opinion to be seen by the Commission.

J. D. Rios, 1009 N. 92 St., said I had the honor of being principal at Silver City Elementary, Argentine Middle School and J. C. Harmon High School, the three schools that surround this property.

As principal I can tell you that the property is a problem. Each site I was principal at I had to go to that park to take care of some situations. I think it would be a fantastic opportunity for this Commission to rezone this property. I also think that it would probably be quickly

looked upon for development. Several years ago it was in the '90s, El Centro actually looked at trying to gain this park property for residential development for homes in the plan and called for \$150 to \$200,000 homes at that time. Because of the view, it is a scenic area if it's approached in the proper way. I would just, as an educator, be supportive of having upgraded homes right across from the elementary school. For young families it would be ideal. I think a welcome addition and so I just want to speak in favor of moving forward with this.

Marcia Rupp said I am in favor of this. Anytime a lady commissioner wants to put houses that the city has to take care of and mow, I am all for it for any lady commissioner. I am for us supporting one another and helping one another in doing this because we need more revenue in this county to raise our credit rating.

Julia Hernandez said I'm 17 years old. I'm a student who lives right next to there. I live by J. C. Harmon and I feel like if the land isn't being used, then we should utilize it for something that could turn out to be good for the community overall, so I'm for it.

Leslie Mahone, 1060 Kimball, said what I would like to say is I don't live in the area I shop there. I do a lot of my business there because I'm from the northeast end where there's nothing, hardly. I don't particularly care about going way out by the Legends because it's too busy and it's more homey when I go the other direction; Argentine, Turner. I follow Commissioner Murguia because she's always doing something positive and it draws other people. It draws me. It drew me out of my area because I was looking for something we never had and I'm 57 years old. I attended Northeast, Sumner, Junior College and I tried my best, I have property in Kansas City, Kansas, 1060 Kimball.

The only thing I'm saying is whatever is good for the community at large, the state of Kansas, I know that from where I live I call it dead and desolate so I'm through with the northeast end personally in my heart I'm done, but I had to find someplace else to replace it and do Argentine all the time. Whatever she's got going, I'm in it. I'm for it 100%. If this property can be used for something positive, and I might even be interested in purchasing a home there myself, then I'm all in favor sir.

R. J. Samuels, Jr., 38th & Metropolitan, said until about three weeks ago I didn't know that park was up there until I was chatting with a friend of mine over here and he was talking about

this park up the street from us. We drove up there just to look at it and I was shocked to see this gate with chains, but obviously people had been going in there. It was real obvious. Just last evening I found out about they want to change this from a park to possibly housing and I thought that would be a terrific idea and to get more folks living in Argentine. We have grade schools and now we've got shopping going on down there with a couple of grocery stores and to bring more people living down there, I think it'll be great. I live at 38th & Metropolitan and I've been there for 15 years. My whole family—my father was born in the house across the street from where I live so I know Argentine pretty well and I think it'll be great.

Mayor Holland said I will ask everyone who is here in favor of this project, would you please stand to be recognized. It has been noted. Anyone who's neutral?

Dan Welch, 6221 Armstrong, said once upon a time we only had a few parks. Then came our Metropolitan City Park along with it came the magic personality of George Kessler to lay it out. Kessler soon had 13 parks on the drawing board. In the process of funding these, the first of these, Waterway Park, Kessler waved his magic wand and saved Huron Cemetery. Politics changed and the newly hired father and son team of Hare and Hare set many of these early parks on their current course. Within a few years still more parks were born to greet the new age of automobiles. Citizens demand more than picnic grounds and military parades and impressed us. Swimming ponds arrived to help sponsor fundraisers for World War I soldiers. The pond dams collapsed so often that six swimming pools replaced them in the late '20s. Yes, six swimming pools all operating at once: Armourdale, Clifton, Edgerton, Klamm, Rosedale and St. Margaret's.

By the late 1930's the swimming pools all leaked and were abandoned. Arlene Bartholomew, the contract era of George Kessler, who remained on the local planning board kept her seat for 40 years lead the van into this new park era. In the late 1920's organized recreation based on the plans of Demi Tilton arrived. Kensington led in recreation spreads all over town and into the school yards too.

The Depression did more than offer federal recreation financing, it brought improvements as well as it brought the lake park. Big Eleven Lake, Klamm, Mount Marty and Westheight gained notably. Although World War II stopped work in our parks, it brought more federal recreation. As the automobile grew became—(inaudible), Eisenhower's ramrod for the interstate highway system continued his local planning association. Always concerned with traffic,

Bartholomew presided over the rival of Jersey Creek Park, the splitting of Shawnee Park and the obliteration of Carpenter Place, Perry Square and St. John Park as well as chiseling of chunks from the City and Quindaro Parks. Then came New York's Jane Jacobs to affect our urban renewal. We acquired several new parks including, Fisher, Jersey Creek, Ruby, Silver City and Vega as well as relocated St. John's Park.

By (inaudible) and recreation waned. During the 1950's at least 74 paid recreation leaders led a large and varied summer program. During the last century our parks have seen many funding crisis. One year the budget was spent, the preceding year and all the projects ceased and only six park employees left the payroll. Kensington Park waited at least seven years and the teams were improved while Rosedale Park waited seven years in the '50s.

We've given away parks, leased parks, lost parks and abandoned parks, not to mention delayed improvements and deferred park repairs. The Unified Government has helped some here and there. New playground equipment has appeared all over town, building roofs leak less and water features play. Refurbished parks reveal new renewed popular areas neighborhood gathering place.

It is now time to make a decision on Silver City and live happily ever after.

Mayor Holland said everyone else who is neutral on this issue would you like to stand and be recognized.

We will now ask anyone who is in opposition to this proposal please come forward at this time. Is there anyone in opposition? Let the record show no one is coming to speak in opposition. Anyone who is here in opposition who'd like to stand and be recognized you're welcome to do that.

We'll now close the public hearing.

Commissioner Kane said, George, you know I love you, brother. Could you pull up the parks again, please. **Mr. Brajkovic** said sure. **Commissioner Walker** said the one that shows where all the parks are. **Mr. Brajkovic** asked this one. **Commissioner Kane** said there you go. **Commissioner Walker** said where they're not actually. **Commissioner Kane** said, George, could you please show me the parks that are north of Parallel and west of 435. **Mr. Brajkovic** said, Jeremy Rogers, would you like to take that question. **Mayor Holland** said it is a rhetorical question. **Mr. Brajkovic** said there are no parks that we are interested in redeveloping in that

quadrant. **Commissioner Kane** said well actually there is and you live there so you're going to like this. **Mr. Brajkovic** said yes, you're right, there aren't any parks. **Commissioner Kane** said and my point is I am for definitely selling the park and building houses, but now we have the money for some of the ground that we, the Unified Government, own to make a park out in District 5. While we're closing the park that's not a park and we have no parks and we have an identifying financial source to build a park so I just wanted to point that out that we have none. We now have the financial support and I think it's a great idea. **Mr. Brajkovic** said so noted.

Mr. Bach said before closing of staff's presentation, I just wanted to clarify a couple of things on the proposal that's out there tonight. It just sets out that we are—you are essentially giving staff authority to move forward in removing this from the park inventory and we would look at it as a piece of property that we could redevelop. From this point then we would advertise the property. If this is approved, we would advertise it, solicit proposals to come in, choose from those proposals and then frame a development agreement to come forward as to how someone would come forward with it. As our agreements go, we're not always looking for top dollar, but we're looking for the best project that could be the long-term interest of the community. Then that's what we would bring back to the Commission for disposition of the property in terms of development agreements.

You're not approving any of that final action tonight but if you approve this, you would be approving us to move forward down that path. **Commissioner Walker** said that's included in my motion.

Commissioner Philbrook said as I understand it then there's no—there hasn't been any prearranged agreements or anything. Somebody hasn't come out of the woodwork that says I want to work on this piece of property. We don't have anything that we've signed on to for any particular group. **Mr. Brajkovic** said no, you know in the past like I said in 2009 we had put it on a surplus property so over time we'd talked to folks. At one time El Centro was interested in doing a single-family development, but we advanced it as far as we could without spending any more time on it until we knew that there would be an approval to move forward...**Commissioner Philbrook** said then this is part of the effort of things that we've talked about for the last couple of years about developing some of this park property, using it for something else other than just mowing. **Mr. Brajkovic** said that is correct. **Commissioner Philbrook** said—and then being a problem so you guys see that this is really a good opportunity.

Mr. Brajkovic said yes, again, provided that there aren't any deed restrictions or any long-term use plans by the Parks Department. We really do view it as surplus property. **Commissioner Philbrook** said okay well I commend you for this. This is a nice big step and I'd like to see us do more.

Commissioner Bynum said I just wanted to support Commissioner Kane's desire for a park in...**Commissioner Philbrook** said say that louder please. **Commissioner Bynum** said I sure will. I'd like to support Commissioner Kane's desire for a park in Piper. I would like to point out to the Commissioner that Wyandotte County Lake Park, a 1500 acre park, is in District 5 and I support this effort with Silver City. **Commissioner Kane** said that's east of 435.

Mayor Holland said I do want to say, I want to reiterate the comments because there is—I'm concerned that the public perception not be wrong here. Several people have spoken to a commissioner redeveloping this property and there's nothing in this documentation that hints towards that. I think it would be a misrepresentation if we said that there was a development agreement already on there. I think what Doug Bach said was this is simply giving us permission to market the property, but I don't want there to be a misconception in the public that there's already a done deal because that is certainly not true. I only raise that issue because it was brought up by a couple of people who spoke at the public hearing.

I just want to make sure that if there were a plan on the table, it would be on the table and it would be in the public view. From the documents that we have there is nothing and we will open up a public process that will be transparent and clear. I just didn't want there to be any kind of misrepresentation today or any expectation that's not real. I think that's important that we state that clearly for the record.

Commissioner Walker said before I call for the question I would like to state for the record that this idea goes back even as far as the '80s after the creation of the council form of government. I know that Richard Ruiz initiated this idea and it hit some roadblocks with some of his fellow councilmen. He did, in fact, ultimately get the parish house built but he did not get this park developed. This idea is not a new one. This has been around a long time and it's way past due for this to have occurred. The record should be clear. It's a long standing idea that's finally looking like it's going to come to fruition. Call for the question.

Mayor Holland said I think we're done with comment already so instead of voting on the question and then on the item, I just ask for a roll call on the item. Roll call.

Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Walker, Townsend, Murguia, Johnson, Kane, Markley, Walters.

Commissioner Murguia said, Mayor, I just wanted to make a comment since there are a number of parks and plays here. I just wanted to say I don't get this chance very often to say I think our Parks Department does an excellent job maintaining our parks. I have the privilege of often working with Jack Webb who works at the Parks Department. He does a phenomenal job in Wyandotte County and we don't give them a lot of resources. He was just here. It was a great opportunity to recognize him. Jeremy I think you're doing a great job also. I just don't see you very often. **Mayor Holland** said well he's brand new. **Commissioner Murguia** said yes, that's right.

I know there are a number of employees that are out here. The guys that mow the grass, that pick up all of our stuff in our parks when we aren't responsible and don't pick them up ourselves. They do a phenomenal job so thank you everyone very much for all your hard work.

ADMINISTRATOR'S AGENDA

No business items.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 150165...REAPPOINTMENT: REACH FOUNDATION'S COMMUNITY ADVISORY COMMITTEE (CAC)

Synopsis: Communication requesting the reappointment of Addie Hawkins to the REACH Foundation's CAC for a two year term commencing June 1, 2015, submitted by Joe Connor, Assistant County Administrator. This item was heard at the June 22, 2015 Administration and Human Services Standing Committee and was requested to be fast tracked to the June 25, 2015 full commission meeting.

Commissioner Markley said, Mayor, if you'd like me to quickly address why that's on here. It is fast tracked because our appointment expired and we kind of snuck in on here to make sure

that we got someone appointed so it wasn't vacant and this is a reappointment of our current appointee.

Mayor Holland asked would you like to make the motion. **Commissioner Markley** said I would love to make the motion to approve her reappointment.

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

COMMISSIONERS' AGENDA

ITEM NO. 1 – 150172...GRANT: 2015 CASINO GRANT FUNDS

Synopsis: Due to the Wyandotte County Parks Foundation not accepting the funds previously approved, Commissioners Walker and Murguia have submitted revisions to their 2015 Unified Government-Hollywood Casino Grant allocations.

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

Mayor Holland said we are adjourned as the Board of Commissioners and we are reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Is there anyone who would like to set any item aside. Any item set-aside will be voted on individually. All other items will be set-aside or be voted on in a single vote.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve.**

ITEM NO. 1 – 150137...COMMUNICATION: LAND BANK APPLICATIONS

Synopsis: A communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On June 1, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Applications for yard extension unless noted otherwise

2748 S. 8th Pl. - Rex Davis

2024 N. 13th St. - Yuri Garcia

810 Quindaro Blvd. - Jacquetta Noble

3049 N. 27th St. - Guiding Star MBC

3053 N. 27th St. - Guiding Star MBC

3055 N. 27th St. - Guiding Star MBC

951 Ray Ave. - Gloria Chela

1511 N. 26th St. - Brenda Nunez-Baltazar

1913 N. Thompson St. - Mt. Zion Economic Foundation, for future development

144 N. 61st St. - Phillip Brown for single-family construction

Transfer to Land Bank

450 Walker Ave. from City of KCK, future development request from Mt. Zion Economic Foundation and Rev. C. L. Bachus

Best & Final

3530 N. 35th St. - Michael Jackson for yard extension, Maria Flores for yard extension

Commissioner Townsend said I don't know if everybody heard that. I have a question for clarification purposes about the Best & Final and maybe Mr. Slaughter can talk about that. That's the only reason I wanted it set-aside. It was not clear to me what we were voting on. The recommendation of the Standing Committee was that Ms. Flores be awarded the property, but as I read through the packet it appeared to me that no decision had been made at all so it wasn't clear what we would've been voting on today.

Mayor Holland said that is correct. Ms. Flores was given the property. Is that right? **Chris Slaughter, Land Bank Manager**, said that's correct. **Mayor Holland** said she was awarded the property and that's a clerical error that it's not clear. **Commissioner Townsend** said thank you.

Mayor Holland said let the record show that no one is moving to set any item aside. It is properly moved and seconded, roll call.

June 25, 2015

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

PUBLIC ANNOUNCEMENTS

MAYOR HOLLAND ADJOURNED

THE MEETING AT 8:21 P.M.

June 25, 2015

cm

Bridgette Cobbins
Unified Government Clerk