

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

PLANNING & ZONING and
REGULAR SESSION
THURSDAY, MARCH 26, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 26, 2015, with ten members present: Vacant, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via telephone); McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Maddox, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Renee Ramirez, Director of Human Resources; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Jody Boeding, Chief Counsel; Ken Moore, Assistant Counsel; Bridgette Cobbins, Unified Government Clerk; Rob Richardson, Director of Urban Planning & Land Use; Henry Couchman, Senior Attorney; Jamie Ferris, Planning Department; Bryon Toy, Planning Department; Chris Slaughter, Wyandotte County Land Bank Manager; Janet Parker, Planning Department; and Captain Steve Haulmark, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend Mike May, St. Luke's Lutheran Church.

The agenda for March 26, 2015, was presented.

PLANNING & ZONING AGENDA

Mayor Holland said tonight we have two distinct parts of our meeting. The first is Planning & Zoning which will be handled first and then afterwards our Non-Planning & Zoning meeting. Before we begin, I'll ask the Clerk if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, stated there are no revisions.

I'll now ask the Clerk to read the Planning & Zoning statement followed by the items on the Planning & Zoning Consent Agenda.

Ms. Cobbins asked if anyone on the commission wished to disclose any contact with proponents or opponents on any of the agenda items. **Commissioner Townsend** said I wish to disclose contact with an opponent of the special use permit that is not on the Consent Agenda. It is Special Use #SP-2015-6. **Commissioner Walker** said I had contact with both proponents and opponents of Special Use Permit #SP-2015-6. **Commissioner Kane** said opponents of the one Howell just said. **Commissioner Maddox** said I've had contact with a proponent of #SP-2014-55. **Mayor Holland** said let the record show those are all the disclosures at this time.

Mayor Holland asked if there were any set-asides on the Planning & Zoning Consent Agenda. If an item is not set-aside, it will be voted on by a single vote following the recommendation given by the Planning Commission. **Carmen Shaw** asked to set-aside A-1.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning & Zoning Consent Agenda, excluding the set-aside item.**

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

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

PLANNING & ZONING CONSENT AGENDA
SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 080151...SPECIAL USE PERMIT #SP-2014-55 – WILLIAM AND PAULA JOHNSON

Synopsis: Special use permit for the temporary use of land to park three dump trucks at 1508 and 1510 North 17th Street, submitted by Robin H. Richardson, Director of Planning. Mr. Johnson currently parks three Peterbilt dump trucks (1986, 1996 and a 1997) on his property that is zoned R-2 Two Family District and has done so for many years. On October 30, 2008, the Board of Commissioners approved a six-month special use permit to allow the applicant to find a more appropriate place. On August 27, 2009, the Board of Commissioners approved another six-month special use permit to allow the applicant to find a more appropriate place. On September 30,

2010, the Board of Commissioners denied application #SP-2010-15. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application #SP-2014-55.

Carmen Shaw, Johnson Truck Company, 1508 North 17th Street, said I'm speaking on behalf of Paula Johnson. On behalf of Johnson Truck Company, I would like for it to be removed. **Mayor Holland** said it's been removed and now we're ready to consider it. Would you like to speak to why you would like—what you'd like to see happen? **Ms. Shaw** said I'm speaking on behalf of Paula Johnson. Someone is going to come and speak on her behalf as well.

Rob Richardson, Director of Urban Planning & Land Use, said, Mayor, at Planning Commission, Ms. Johnson presented a petition that's being distributed to you right now.

Paula Johnson, Petitioner, 1510 North 17th St., said my husband and I who can't attend any meetings because he's a diabetic. He has very bad incontinence problems right now. They're working on that. I'm here before you this evening to ask that you please approve this permit to allow these dump trucks to be parked on the lot of 1508 North 17th Street. There are two trucks there instead of three. William has one at the shop trying to sell it. If we have two years permit, we would like to find a place if they can't stay on the property. These trucks have resided at this property at 1508 North 17th Street since 1980 when they were first purchased and the land was purchased ahead of that which was first gravel and dirt. The Kansas City Kansas Police Department said it couldn't park on gravel and dirt. It had to be an asphalted lot which was turned into asphalt.

William had tractor trailers ahead of that and never had a problem. Then we had a call from Code Enforcement and the Police Department said that the trucks could no longer be there just in 2009. The only problem was that's told, that the lot had to be asphalted. In 1982 there were no code enforcements. Our trucks have sat in this lot since then. Had I known at the time we had bought this property, he would have bought somewhere else where he could have parked his trucks and had an eye on them. I'm asking that maybe something could be done to the lot that would help approve this. Maybe a shed or a tall fence, something that would shield the trucks from the Oakland side if that's the problem.

I understand it's a zoning issue but if you walked out of our driveway and tried to go across to Oakland, it is literally 25 steps to which a business is there, the doctor's office. We have spoken with the doctors in this office and none of them have a problem with these trucks. I have

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also spoken with the neighbors and have signatures and addresses and phone numbers. None of the neighbors have an issue with the trucks also.

William was told today by a gentleman that came to see how he was doing, that he had gotten a citation from Code Enforcement. The man told him to come to City Hall and ask for a permit. When he got to City Hall, he said he asked to speak with the gentleman that was in charge. He said that if he paid \$350, which we also did, he could stamp his paper and take it back to Code Enforcement and he would get a two-year permit. I'm wondering why the same thing wasn't done for us. Mr. Richard said we had a six-month permit which we hired an attorney. The attorney said he spoke with the Mayor and he said it was okay for the trucks to be parked on our property. I'm really kind of confused as to what should we do here.

Mayor Holland said I would like to open up the public hearing. If there's anyone else who would like to speak in favor and then I'm going to come to our staff after that. Is there anyone else who would like to come and speak in favor of this proposal of having the dump trucks located here? I see no one moving forward.

Mayor Holland asked would anyone like to speak in opposition to these dump trucks being located here. I see no one coming forward so I'll close the public hearing at this point and we'll ask Mr. Richardson to make comment.

Mr. Richardson said this case has a rather long history which is explained, at least the zoning history explained, on page 4 of your staff report. In September of 2010, the same request was made and it was denied by this body. Even after the denial, the trucks remained there; and through Code Enforcement action, this case came before you. The Planning Commission recommended denial of this case, 7 to 0. Mrs. Johnson mentioned another party that mentioned being able to pay \$350 and get a permit. That's just to start the process. That's not to actually get the permit. That's the special use permit fee for this type of use. It's not a pay and get the permit, it's a pay to enter the process to get the special use permit.

Commissioner Maddox said I also got a call from Mrs. Johnson in representation of William Johnson and I went to the actual location to see for myself. Where they're sitting, I don't know if you can zoom in closer, I couldn't even see the vehicles until I went closer to the front of their property. The vehicles are really not seen from the front side of the property at all. If they're not

driven often and they're just sitting there, I don't know if Planning & Zoning has an actual statute or something that they offer to citizens whether it be special use or something. I mean, I don't see a problem with it but I don't know who complained in the first place about the trucks. I'm just kind of going off what I was told.

Mr. Richardson said, Commissioner, I don't know where the complaint originated either but the trucks, it's my understanding, go out in the morning, early in the morning with construction duties to perform for the day and come back in the afternoon. The issue is that the zoning code, residential zoning doesn't allow trucks of this gross vehicle weight to be parked in residential zoning. That's the zoning code issue and the special use permit that's before you is the vehicle by which they could have that. I don't know what you'd call it, relief from that particular zoning code. This process is how you'd—if you wanted to let them keep the dump trucks, then it would be to approve this special use permit for a period of time.

Commissioner Maddox said so I guess my other question is why was it denied? On what premises or what? **Mr. Richardson** said I believe that the Planning Commission felt that it wasn't a proper use in a residential area. **Mayor Holland** asked and that was in 2010. **Mr. Richardson** said and most recently with the Planning Commission vote earlier this month. In 2010, there was public opposition. There isn't public opposition at this time.

Commissioner McKiernan said as I read back through the staff history here, it says that there was a six-month special use permit granted in October of 2008 and again in August of 2009, each time that special use permit was granted to give time to find a more appropriate place for the vehicles. Am I correct in interpreting that? **Mr. Richardson** said that is correct.

Commissioner McKiernan asked what obstacles prevented the relocation of the vehicles in 2008 and 2009. **Mrs. Johnson** said in 2009 is when they said I had six-months to find a place to park the trucks. We checked everywhere: 711, QuikTrip, different places that hosts trucks, and no one had a spot available then, that's when he hired an attorney to see what he could do to get the two years. That's when the attorney said it was approved that he talked to the Mayor. We had an attorney, Kevin Cavanaugh, he said it was approved. **Commissioner McKiernan** asked you hired the attorney in 2009. **Mrs. Johnson** said yes. I didn't do it—this is only my second time this year, well, it started last year. I have a blood disorder. I was in the hospital and I had to do

chemo for several rounds and I was sick. That's why it's been on the agenda for so long because I wasn't able to come from 2014 until now.

Commissioner McKiernan said I'm still going back to 2009 and again it says here, the special use permit was denied in September of 2010. I would assume after the two, six-month special use permits had both expired, the commission declined to renew them. Is that correct? **Mr. Richardson** said that's correct. **Mrs. Johnson** said it was never two times back then. It was one time. **Commissioner McKiernan** said it has two separate case numbers though, 2008-18 and 2009-35. **Mr. Richardson** said that's correct, Commissioner.

Commissioner McKiernan said so there were two, six-month special use permits granted. **Mr. Richardson** said correct. **Commissioner McKiernan** said one granted after the first one expired, both with the expressed intent of finding a place to put those trucks before the six months elapsed. **Mr. Richardson** said correct and they had difficulty doing that, in finding another place that was secure. There are places that are not secure where they were afraid the trucks would be vandalized. I believe it's...**Commissioner McKiernan** asked how secure is the current parking location. **Mr. Richardson** said well, it's adjacent to their house. They can watch it. It's not secured in any way. **Commissioner McKiernan** said okay. Thank you. **Mrs. Johnson** said again, this is only my second time with a special use permit. I don't know where they got that this would be the third time because it was 2009 and just last year, it wasn't twice.

Commissioner Townsend asked this location is in what district. **Mr. Richardson** said it is in zoning district R-2, Residential Two-family. **Mayor Holland** asked whose commission district is it. Commission district, is it in four? **Commissioner Townsend** asked is it one or four or what is it. **Mayor Holland** said it's in commission district four, Commissioner Maddox's district.

Commissioner Townsend said the question that I have seems to parallel what I think Commissioner McKiernan was getting at. I was under the impression from reading the previous action history that the last time a special use permit was denied was back in 2010. I'm not understanding what's happened since that time. Were the owners to find a new, safe location and if this permit is granted, how that would be different if this has been going on since 2010? **Mayor Holland** said let me check and see if there—I think that's a rhetorical question unless,

Commissioner, you would like to hear from the applicant. **Commissioner Townsend** said yes, no that's fine.

Mrs. Johnson said with the two-year permit now, he already has one truck up for sale and with his health, he will no longer be able to do the company so his thing is he could probably get rid of all the trucks within the next two years. The gentleman that came before us in 2009 often went to a lodge that is around the corner from our home. He wanted to buy one of the trucks and when he told him it wasn't for sale, that's what started the process. Before then, it wasn't an issue. It was the gentleman that had a problem because he wouldn't sell him one of the trucks. He came up and sent the Code Enforcement folks out to talk about the trucks being in the neighborhood. Like I said, no one in the neighborhood has a problem, not even the people in the doctor's offices or the gas station, in the place around the corner, the funeral home, nobody else has an issue.

Commissioner Maddox said this is for Mr. Richardson. I just wanted to know, when did the complaint come forward about the truck leaving I guess in the wee hours of the morning? **Mr. Richardson** said well, the original complaints were I believe in late 2007 or early 2008 and then most recently in the January-February timeframe of 2014. **Commissioner Maddox** asked in 2014 you had a complaint about the trucks being driven in...**Mr. Richardson** said well, Code Enforcement must've visited them and they came to us after Code Enforcement visited them. Complaints generally don't come to me directly, they come through Code Enforcement. Then when Code Enforcement gives someone a notice of violation, then they come see me. **Commissioner Maddox** said okay.

Then I wanted to ask Mrs. Johnson, how often are those trucks driven and it's not three anymore, you're saying it's two there. **Mrs. Johnson** said there're two there. The trucks might go out. This week it went out one time the whole week. Last week they went out two days so it's not all five days. It's once a week, twice a week; very seldom they get five days a week.

Commissioner Maddox said okay and I wanted to know what does it take to possibly create an option for an extension of maybe a six-month special permit without any other occurrences. **Mr. Richardson** said the way this is presented to the Board of Commissioners tonight, it's recommended for denial by the Planning Commission. This is the first time it's been before you so you could send it back to the Planning Commission with direction to consider a short-term

timeframe for approval, or you could change the recommendation this evening with eight votes or you could approve the recommendation for denial with six votes.

Commissioner Maddox said okay. This is my concern for Mrs. Johnson. When I spoke to her on the phone probably four days ago, she explained to me that she just needs a little more time. I don't know about two years. I don't know if every commissioner is willing to make that kind of decision, but if maybe a six-month timeframe for them to be able to remove the trucks, get them sold, whatever takes place, I'm fine with that.

Action: Commissioner Maddox made a motion, seconded by Commissioner Philbrook, to send Special Use Permit Application #SP-2014-55 back to the Planning Commission with the option for possibly a six-month special use permit.

Mayor Holland said I'm sympathetic obviously about small business efforts. I think that the issue is, it was five years ago that this was denied. I think it's a wrong precedent that someone ignores the commission vote that says no we don't approve it and then zero action is taken for five years. I think that precedent that if we're not going to make any action, if our action of saying no, this doesn't count, when we have a code violation and we say no to a code violation and five years passes and the law is completely ignored and whatever efforts were made didn't happen, six more months isn't going to happen. There were two special use permits for six months. There was five years that have passed when the Planning Commission said no, the Commission said no. The Planning Commission has said no again, I don't think there's anything else to talk about except that the answer is no.

I don't support sending it back to Planning & Zoning. I think it's been vetted thoroughly over the last six years. Five years ago this commission said no and the property owner has refused to abide by that decision which was a legally binding decision and they ignored it. I think the message that we send to our community is, you can apply for a special use permit but if we say no, you get five more years plus six months and then you don't ever have to do it. I think that's the absolute wrong message for our community.

I think that you've had six years to move these trucks. You've decided not to move these trucks or not been able to move these trucks, and I don't think another six days, six months, six

years is going to fix it. I think the answer is no, and I don't think we need to send it anywhere. I think we just need to vote no and move on.

Then we need to have some action taken to move these trucks off the property if the owner will not remove them. I think it's time after five years we need to abate this situation and get the trucks moved because the owners have refused to abide by the law.

That's the part that's frustrating to me when you shirk the law for five years. All the other people in our community apply for a special use permit in good faith. Sometimes you win, sometimes you lose. People are upset. We get a lot of emotion in this room, but when the law is set to ignore the law for five years, I think is a disrespect to this body and a disrespect to the citizens who have set these codes up in order to have our community work in a certain way.

I disagree with sending it back, and I think the trucks need to be moved. We need to take abating action to move them off the property if the owner won't do it.

Commissioner Townsend said I have a question for clarification. I understood that this item was actually removed was the word that I wrote down or was it set-aside? My question is, if it was removed, do we need to take any action at all as a body? **Mayor Holland** said I appreciate that. It was set-aside off of the Consent Agenda for evaluation tonight by this body. So, yes, we do need to take action. **Commissioner Townsend** said thank you.

Roll call was taken on the motion to refer the item back to Planning & Zoning and there were eight "Nays," Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia and one "Aye," Maddox.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to accept the motion that was the direction of the Planning & Zoning Committee.**

Mayor Holland said it has been moved to accept the Planning & Zoning recommendation which is for denial. A vote of yes is to uphold the Planning & Zoning recommendation.

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

Commissioner Walker said, Mr. Mayor, based on your statements, I'm assuming that the administration now, through Mr. Richardson and Code Enforcement, will take whatever is the appropriate action for Codes or whomever. **Mr. Richardson** said what we will do, as is our general practice, is to notify Code Enforcement that the case was denied and they will move forward with the court proceedings that are pending. When she applied for the special use permit the court proceedings were put in abeyance until this process was concluded. We will move forward with the court proceedings.

ITEM NO. 2 – 130106...SPECIAL USE PERMIT #SP-2015-7 – PAUL J. HEIDE WITH ROSEDALE FARMERS MARKET

Synopsis: Renewal of a special use permit (#SP-2013-16) for a farmer's market at 4020 Rainbow Boulevard, submitted by Robin H. Richardson, Director of Planning. Mr. Heide is requesting a special use permit for the Rosedale Community Farmers' Market to conduct a weekly Farmers Market on the Commerce Bank property on Sundays at 10:00 a.m. to 4:00 p.m. from May 1 through October 1, 2015. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2015-7, subject to:

Urban Planning and Land Use Comments:

Any approval should be subject to: five-year permit.

Public Works Comments: none.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-7 for five years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 3 - 150057...SPECIAL USE PERMIT #SP-2015-9 – CHIP CORORAN

Synopsis: Special use permit for the temporary use of land for a temporary trailer at 2605 West 43rd Avenue
and

PLAN REVIEW APPLICATION ITEM NO. 1 – 150057...PLAN REVIEW APPLICATION #PR-2015-4 – CHIP CORCORAN

Synopsis: Preliminary and final plan review for a new school (Frank Rushton) at 2605 West 43rd Avenue, submitted by Robin H. Richardson, Director of Planning. The trailer would be used as a temporary classroom for the 2015 – 2016 academic school year. The preliminary and final plan review is to build a new two-story, 62,350 square foot elementary school, Frank Rushton Elementary School on 6.27 acres. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-9 and Preliminary and Final Plan Review Application #PR-2015-4, subject to:

Urban Planning and Land Use Comments:

1. The temporary, modular classroom shall be removed prior to the opening of the new Frank Rushton Elementary School. The applicant has indicated that the classroom will be used for one year, the 2015 – 2016 academic school year. Staff will not issue a TCO or Final CO for the new school until the trailer is removed from the premises.

Applicant Response: Acknowledged.

2. Please provide color building elevations.

Applicant Response: Please see color elevations provided with this response.

3. Staff has concerns about the lack of building articulation with the proposed concrete tilt-up panels. It should be noted that there are different material styles being used on the building with thin brick paneling, precast concrete and precast concrete limestone panels; but with the large, expansive sections of wall, staff does not want this building to appear overly dominant at the pedestrian scale. How do you intend on breaking up the façade through recesses, articulations and incorporating different building materials?

Applicant Response: Color building elevations and perspective views have previously been sent to Mr. Byron Toy. A description of the use and variety of materials was provided. The design intent of the material placement was explained. An email response from Mr. Toy indicated that this was sufficient evidence that the façade was adequately articulated. In addition, the design team was considering some optional wall treatments to add a level of detail to the brick areas. These refinements would be minor in nature and do not constitute a change from the design intent, but rather an extended expression of what is already proposed.

4. There are 99 parking spaces proposed. How many staff members are employed at the school?

Applicant Response: School Administration indicates that 50 parking spaces will be needed by staff.

5. There are two types of fencing proposed on the site, plastic chain-link, which staff presumes is to enclose the soft play area, and wrought-iron with masonry columns every 32' on center along the east and west property lines. Please clarify and illustrate on the site plan.

Applicant Response: The fence denoted on the plan along the east and west property line is existing and shall remain in place. New fencing will be added both north of the building and south of the building, connecting the existing. This fencing will be black powder coated chain link fencing. Note: the new fencing will be out of the site lines of West 43rd Avenue.

Staff Response: The applicant has clarified the fence question; however, if a fence is to be constructed around the perimeter of the site, it shall be wrought-iron with masonry columns every 32' on center along the south, east and west property lines. This stipulation shall include fencing along the north property line adjacent to West 43rd Avenue.

6. The trash enclosure shall be constructed from the building materials as the school. The gate shall be closed at all times, except when in service.

Applicant Response: Acknowledged.

7. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf. The proposed monument sign must be set back at least 15 feet from the property line. It appears that the proposed sign is only set back 3 – 4 feet. The overall sign height, from base to the top of the sign, may only be 5 feet. Additionally, the sign area may be no larger than 40 square feet.

Applicant Response: Acknowledged.

8. All wall mounted lighting shall be decorative. Wall pack lighting is not permitted.

Applicant Response: Acknowledged.

9. All lighting, whether mounted on the wall or installed in the parking lot, shall have 90 degree cutoff fixtures.

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

11. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted and those that are interior to the site, adjacent to the building, shall be 3 gallons when planted.

Applicant Response: Acknowledged. Landscape plan has been revised accordingly.

12. All landscaping shall be irrigated.

Applicant Response: Acknowledged. Landscape plan has been revised accordingly.

13. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

Applicant Response: Acknowledged.

14. Continue to work with Public Works to locate the pedestrian crossing of 43rd Street appropriately.

15. Add sidewalk from 43rd along the west and south sides of the parking lot.

Public Works Comments:

Special Use Permit:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): none.

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

Plat:

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

- a. Provide a printout of the map closure report for the plat boundary.

Applicant Response: Closure report submitted herewith.

- b. You will need to provide this office with signed and sealed section corner reference reports with a check and envelop addressed to the Kansas State Historical Society or provide this office with copies of the reference reports, check and a cover letter that was sent to the Kansas State Historical Society.

Applicant Response: Copies of the section corner reference reports, check and cover letter are attached herewith.

- c. What documentation was used to put the PI in the south right-of-way line of 43rd Avenue?

Applicant Response: The south right-of-way of 43rd Avenue was determined by the use of pins found on Maple Leaf Lots Addition on the west and Ireland & Peterson 1st Addition on the east. These plats were used in conjunction with the County Engineer's Quarter Section Plat Map, which depicts the angle point in the right-of-way. This angle point also fits the topo along 43rd Avenue which depicts a distinct angle point in the sidewalk, curb lines and retaining walls. Attached please find the County Engineer's Quarter Section Plat Map and a copy of the Topographic Survey.

- d. You will need to provide a 10' U/E around the out boundary of the plat.

Applicant Response: The plat has been revised accordingly. A reviewed copy is attached herewith.

- e. You will need to add the following above the signature line for the Register of Deeds

State of Kansas)

) SS

County of Wyandotte)

This is to certify that this instrument.

Applicant Response: The plat has been revised accordingly. A reviewed copy is attached herewith.

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- f. Final plat requires construction drawing review. Because alignment and easement requirements of roads and sewers may affect the final plat, Engineering Division will not recommend approval of the final plat until the construction drawings for public infrastructure are approved.

Applicant Response: There are no public improvements contemplated as part of this project.

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

Plan Review:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

Applicant Response: Acknowledged.

Staff Response: Plans have been approved by staff.

2. Items that are conditions of approval (stipulations): Sidewalks/crosswalks, etc., shall be coordinated with the "Safe Routes to School" Project currently underway in Wyandotte County.

Applicant Response: Acknowledged.

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

Staff Conclusion:

The applicant has worked with staff to resolve the architectural concerns and Public Works' issues. The redevelopment of this site will be a greater addition to the neighborhood. The layout of the parking lots will help ease the traffic congestion in the neighborhood.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-9 for two years and approve Plan Review Application #PR-2015-4, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

MISCELLANEOUS – ORDINANCES

ITEM NO. 1 – 130310...ORDINANCE

Synopsis: An ordinance relating to Environs review, Chapter 27 Planning and Development, amending Section 27-152 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE O-21-15**, “An ordinance relating to Environs review, Chapter 27 Planning and Development, amending Section 27-152 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 2 – 120209...ORDINANCE

Synopsis: An ordinance rezoning property at 4300 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-22-15**, “An ordinance rezoning property hereinafter described located at approximately 4300 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family and C-1 Limited Business Districts to CP-2 Planned General Business District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 3 – 140272...ORDINANCE

Synopsis: An ordinance rezoning property at 9910 France Family Drive, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-23-15**, “An Ordinance rezoning property hereinafter described located at approximately 9910 France Family Drive in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture, R-1 Single Family and CP-2 Planned General Business Districts to CP-2 Planned General Business District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 4 – 150034...ORDINANCE

Synopsis: An ordinance vacating a 15 foot wide sanitary sewer easement, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-24-15**, “An ordinance vacating a 15 foot wide sanitary sewer easement, recorded in Plat Bk. 41, Pg. 35, and lying 7.50 feet on both sides of the following described centerline and whose sidelines are either lengthened or foreshortened to terminate at their respective property lines, being all that part of Lot 34, The Legends at Village West, Fifth Plat, a subdivision lying in the Northwest Quarter of Section 2, Township 11 South, Range 23 East, both being in the City of Kansas City, Wyandotte County, Kansas, and being more particularly described as follows: (Note: Held South 88 degrees 02 minutes 00 seconds West along the North line of the Northwest Quarter of Section 2, Township II South, Range 23 East - Matches The Legends of Village West Third and Fifth Plats), COMMENCING at the Northeast comer of the Northwest Quarter of Section 2, Township 11South, Range 23 East; Thence South 88 degrees 02 minutes 00 seconds West, along the North line of the Northwest Quarter of said Section 2, a distance of 1013.22 feet to a point, Thence South 01 degrees 58 minutes 00 seconds East, departing the North line of said Northwest Quarter, a distance of

759.48 feet, to a point on the centerline of a 15 foot wide Sanitary Sewer Easement, recorded in Plat Bk. 41 , Pg. 35, said point also being on the South line of said Lot 34, and also the POINT OF BEGINNING; Thence North 32 degrees 51 minutes 08 seconds West, along the centerline of said Sanitary Sewer Easement, a distance of 95.25 feet to a point; Thence North 03 degrees 50 minutes 20 seconds West, continuing along the centerline of said Sanitary Sewer Easement a distance of 355.88 feet, to the point of termination of said centerline, containing 6,767 Square Feet or 0.1553 Acres, more or less, located at approximately 1929 Village West Parkway, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

PLANNING & ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 150056...SPECIAL USE PERMIT APPLICATION #SP-2015-6 – THAI JOHNSON

Synopsis: Special use permit for the temporary use of land to park a tow truck in the driveway at 4708 Kimball Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application #SP-2015-6, subject to:

1. No loaded truck shall be permitted on the property.
2. No Emergency Lights.
3. No idling.
4. The applicant agrees to allow code enforcement officers access to property to investigate neighborhood complaints.
5. Approval is for one year.

Nicholas Porto, Attorney, 1600 Baltimore, Suite 200A, Kansas City, MO, said I am here this evening on behalf of the applicant Thai Johnson as well as his employer, Midwest Tow Service. Mr. Johnson is here today to request a limited special use permit to park a flatbed type tow vehicle at his residence at 4708 Kimball Ave. The special use permit would allow him to park that tow vehicle only on Monday and Wednesday nights from 6:00 p.m. to 6:00 a.m. and every other weekend.

March 26, 2015

The reason for the application is that as part of his job description from Midwest Tow, Mr. Johnson is required to respond to certain law enforcement type tow requests from certain tow rotations for the Kansas Highway Patrol and the Kansas Turnpike Authority. The way a tow rotation works for those of you who might be unfamiliar is, several law enforcement agencies in the area rely upon participating tow companies to respond to certain serious type tow calls. When a tow is summoned by one of these law enforcement agencies, tow companies are required to respond as quickly as possible.

For his employment, Mr. Johnson works for Midwest Tow and his shift is on Monday and Wednesday evenings from 6:00 p.m. to 6:00 a.m. and every other weekend. Because of the time constraints on Mr. Johnson in order to respond to this call, it is necessary for Mr. Johnson to bring his flatbed type tow truck to his residence in order to respond within 20 minutes.

At no time other than Monday and Wednesday nights from 6:00 p.m. to 6:00 a.m. and every other weekend will the truck be parked in the driveway. During those times, Mr. Johnson will not be driving a recreational vehicle at the same time and he is not permitted to drive his tow truck for his own purpose. Meaning, when he takes his tow truck home at night or on every other weekend, it will stay there with him at all times; therefore, we do not believe an issue that was addressed was safety concerns raised by the neighbors including the ability of children to play on or around the vehicle because Mr. Johnson will be with the vehicle 24/7 while he's there. We do not believe that to be an issue. At no time will the tow truck ever be loaded with another vehicle. In other words, it will be empty the entire time it is there.

We appeared before the Planning Commission where approval was recommended on a 6 to 1 basis and Mr. Johnson was also agreeable to never activating his emergency lights in his driveway or on the street and to never allow the vehicle to idle, to address any concerns the neighborhood might have.

I will also note that even though the recommended approval was for one year, Mr. Johnson intends to leave his residence in November of 2015; therefore, if a shorter period to allow Mr. Johnson only to use this special use permit for duration of his lease, that would be acceptable too.

Mayor Holland said I'll now open up the discussion. If there's anyone here who would like to speak in favor of the applicant. Let the record show I see no one moving forward.

Mayor Holland asked if there's anyone who would like to speak in opposition to this application, you may come forward at this time.

Mr. Richardson said, Mr. Mayor, Mrs. Rupp has several exhibits she would like to show to you and Ms. Parker is passing those down the line at this point in time. **Marsha Rupp** said, Rob, they're just a copy of the codes of the city. Can I give them a chance to look at this? Mayor, please, could I give them a chance to each look at this and read it? **Mayor Holland** said no, go ahead. We get materials all the time that we look at while the message is going on.

Mrs. Rupp said I did want to bring that. This is so important. You know I've been to so many meetings up here and I've heard you guys talk about comparisons to Lenexa and how they do everything so perfect, comparisons to Johnson County. This is just one reason why we need to work even harder when it comes to code enforcement. This is why we're having so many problems is because we're breaking the deal here and letting code violators come in.

When we first spotted this vehicle there on Kimball, my husband saw the tow truck, flatbed rollover, parked in the driveway and he also saw a vehicle parked on the lawn on the grass. I sent Officer McCurley up there with the code violation that you're still looking at, that you're all looking at here to give this to the gentleman and let him know that it is not allowed in a residential area. He did do that and he told him to remove the vehicle. That was at 9:46 a.m. on a Thursday morning. I have that time right here. At 9:46 a.m. on July 1, he gave him that material. He showed back up at 1:09 p.m. with the vehicle. A couple of days later, Officer McIntosh went up there and Officer McIntosh told him I have read the law, I know what the law is and it's against the law to have that vehicle in a residential area. He said if I see it here again, I'm going to issue a ticket. During that time he came up and got a special use permit; but before he even got approved, he was driving that vehicle all the time through the neighborhood. All the time; day, night, all the days that he did not mention. I even mentioned to one of the commissioners, I said, is this right to do this or why is he doing this when it hasn't even gone to Planning & Zoning yet?

Now we've gone through Planning & Zoning and that's why I'm showing you the codes here because we really need to stick to the laws in our county. Us neighborhood watch leaders and our groups are working so hard to clean up our neighborhoods to make it. These are our safe havens. This is where we come home from all of the industrial and commercial going on. This is where we want to lay back and relax, let our kids go out and play, play safely in the neighborhoods and not have to worry about big vehicles.

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I called my code enforcement person and I asked him about the vehicles, what was the reason. He said it is for the safety of the children also. Not only is it an eyesore, it's an industrial vehicle but it's for the safety of our children. The children love to climb. They have young legs. They like to get upon these things and climb or go underneath them and play hide and seek. Somebody comes out and starts a truck and we have a fatality. We have a steep hill on Kimball. We just had an accident, a fatality of a woman saying she came upon a hill and there were kids out there and she ran over and one was a fatality. This is why this is a code violation.

We have nothing against this gentleman living there. I mean I think that's wonderful. If he wants to live there for the rest of his life, I think that's wonderful. We have something against the truck and it says no tow trucks. That doesn't just mean flatbeds. That says no tow trucks at all. I'm just saying and he says he's an emergency worker and he...**Mayor Holland** said, ma'am, you have one minute. **Mrs. Rupp** asked can I ask for a little bit longer from the Commission and the Mayor.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Walker to give five more minutes.** Motion carried unanimously.

Mrs. Rupp said I would just like to say my husband works for BPU, he did for 27 years. He retired from there. He's an emergency worker. He got called out at 1:00 and 3:00 a.m. He doesn't have his truck there. He didn't have the bucket truck there. He had to get in his regular truck, get dressed just like this guy, and get in his regular truck. All the BPU guys do, all the Gas Service Company they have to go to the location. They have to then get in their truck and then they have to go work for 13,000 and 4160 to light up this county of hospitals and day cares and people that have wheelchairs that need to be charged up, people on breathing machines. Those are emergency workers. If they can do it, he can do it. I understand that he's got to be somewhere at a certain time. I don't know how long it takes the gentleman to get dressed and it's really none of my business, but I can get dressed in five minutes and be at a meeting out at Lone Star out west in 15 minutes. That's 20 minutes and that's taking Parallel and State Avenue straight. I'm sure we've got enough highways and things like that that would accommodate him.

We just can't let down on the codes in this city. You're setting a precedence is what you're doing. If you let one do it then you're going to have to let more and more. I'm talking on this microphone so a lot of people from Wyandotte County are listening to this. Pretty soon we're going to have every tow truck driver, every dump truck driver—why don't we just bring in the

Deffenbaugh trucks. Why don't we let them park them in our neighborhoods or Nebraska Furniture Mart or UPS or the concrete trucks? There're a lot of men/women that drive trucks for a living. Just think what our neighborhood would look like if they all brought their trucks home and how unsafe it would be for our children. We couldn't even back out of our driveway, we couldn't see the road.

We have nothing against the man being there. He could live there forever, but I do against his truck. He does have a Jeep. He's welcome to stay there forever.

Ernestine B. Smith, 2727 N. 46th Street, said I'm the secretary of the 46er's Neighborhood Watch Group and former secretary of the Kansas City Kansas Branch of the NAACP. I'm against approving the truck traveling or being parked in the driveway on Kimball because the street is too narrow. I traveled that street this afternoon and two cars were close together on that street. I'm against approving it.

Mayor Holland asked if anyone else would like to speak in opposition. Let the record show no one else is coming forward. I will now close the public hearing portion of this.

Mayor Holland said I would give the applicant an opportunity to respond to the comments that have been made if you would like to. You do not need to, but you are welcome to. I'll open it up now to the Commission.

Commissioner McKiernan said as I go back and look at some of the previous discussion about this that occurred in Planning Commission, it says here pretty much all tow truck drivers take their response vehicles home. Is that true that that happens in Kansas City, Kansas, and if so, how many other code violations do we have out there? **Mr. Richardson** said a lot; yes, and a lot. We get these on a regular basis. I believe in the staff report there are probably 10 or 12 special use permits out for tow trucks in various places. This one is a little different because the nature of the road. This road is 16 feet wide and it's not—some of them are on different roads that are more conducive to tow truck driving but there are others out there. There are others that I drive by that I think are probably in violation but they haven't been turned in. **Commissioner McKiernan** asked and we're going to pursue those, right. **Mr. Richardson** said Code Enforcement pursues those on a complaint basis.

Commissioner McKiernan said another question that I have and this is really just kind of a more fundamental question in regards to your employer. How can an employer reasonably expect knowing that the code ordinances that exist in this city and other cities for any employee to be able to meet their response times when that constricts the area in which that employee can live based on the codes? **Mr. Richardson** said I do not know. **Commissioner McKiernan** asked what allowance does the employer make in terms of requiring you to respond within “X” amount of time but then requiring you to live in a house that’s in a residential neighborhood that doesn’t allow your truck. **Mr. Richardson** said, Commissioner, it’s not the employers that sets that as a—it’s our Police Department and the Kansas Highway Patrol that sets those response times. In many instances on the interstate, they are trying to get the traffic cleared so that other traffic can proceed and so they make that part of their response contract. **Commissioner McKiernan** said okay, so that is something that you knew about in terms of response times when you chose that house at that location.

Okay, and then in your presentation earlier, you mentioned something about maybe getting a short-term special use permit that would allow time for, or until November, that would allow time for relocation. **Mr. Porto** said correct. **Commissioner McKiernan** said vacate the house in November. **Mr. Porto** said correct. **Commissioner McKiernan** said that’s different then because here the minutes from Planning Commission say that you’ve investigated alternate locations to park the vehicle and you found none that were acceptable. **Mr. Porto** said oh, I understand the question now. We did investigate alternatives immediately and we were not able to locate one. Mr. Johnson—this is a rental house. His lease expires in November and he does not intend to renew his lease in November, to my point about how it was originally recommended for approval for a year. Our point is that we do not require a year; we require seven months or whatever. **Commissioner McKiernan** said thank you very much.

Commissioner Kane said I was going one way and I guess I’m lost in the street. Was it 16 feet? What’s a normal street? **Mr. Richardson** said our typical standard is either 28 or 32 feet from back of curb to back of curb or a new subdivision street depending on if it’s a regular residential street or residential...**Commissioner Kane** asked how wide is this tow truck? **Mr. Porto** said 8.5 to 9 foot. The road’s plenty big. **Commissioner Kane** said I am sure that road is—because it’s your truck and you can back it in and out. You truck drivers; you’re good at moving the vehicles around. There’s no doubt. My concern is it’s a 16 foot street and you get another truck there like mine with big mirrors, we’re going to knock each other’s mirrors off. **Mr. Johnson** said I’ll

always stop, pull over or I won't even go onto the street if I see somebody else coming. **Commissioner Kane** said I've got to gather my thoughts for a second.

Commissioner Walker said we just saw an individual that we gave two six-month special use permits. I don't like, I mean it's a terrible idea to have a truck in a neighborhood. The same time the guy's telling us before tonight there was no requirements on him as to what time he had to be home with the truck or any other. Now we know he's suppose to be there two days and every other weekend and that apparently at least by November, if that's the operative date we want to use, they're going to be gone. Now how is it fair that we gave Mrs. Johnson two six-month permits and ignored her for five years and not consider the same limited special use permit here? I mean it's as much our fault when we require our tow trucks to be on site in 20 minutes. Most tow operators do not have a place of business within a residential community so you can't live near where you work. As far as the comments about the Board of Public Utilities, that's true with some workers. There are plenty of workers that take trucks home and use them from home. We pay for that as taxpayers. I suppose the lights going out, there's no legal requirement that they be back on in 20 minutes. I find that we're being inconsistent not to let the company or the gentleman, whoever this permit is really benefiting, for a six-month period and enforce the requirements. We're good at setting down these rules. If he's there on Tuesday, he's violated it and revokes the special use permit before November.

We have options but at the same time then we need to change it. We need to have a cop; we'll keep a cop out on the scene until a tow truck operator can get from home to the tow place, get the truck warmed up and get it out. Sometimes that's going to be more than an hour, hour and a half. We're going to pay for that as taxpayers. The Highway Patrol, they insist on 20 minutes. Now you tell me how a person can get from any place in Kansas City, unless you live right in the neighborhood, and go to the tow site and get the tow truck out to the site of a wreck which could be all the way out in Bonner Springs, in 20 minutes. That is an impossibility. I just think I don't want to give them a year, it's less, it's six-months about...**Mayor Holland** said I think it's eight months. **Commissioner Walker** asked is it eight months now. **Mayor Holland** said April, May, June, July, August, September, October, November; it would be eight months. **Commissioner Walker** said alright, I'm in favor of eight months. I don't want to do a year because he doesn't need a year. He's saying he's not going to hold over; he's going to be out of there and the truck will be gone.

Action: **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2015-6 for eight months, subject to the stipulations.**

Commissioner Townsend said I believe this is in District 1. We talk a lot about trying to improve our communities. I know that District 1 and some of the other communities in the northeast area have particular challenges with development. That's one way of trying to get new development in the areas, one way to make the eastern part of the city look more like the more western part. I think another big issue is, and another methodology we have to employ is, the enforcement of our current code system. I just don't think it's appropriate to have commercial vehicles in residential vicinities.

The 20-minute time constraint I think as Commissioner Walker said, that just seems to me to be unreasonable but the occupants of that neighborhood should not be the ones who bear the responsibility or the hardship for some arbitrary number that's been set by the authorities with the Kansas City Highway Patrol.

I would welcome as I guess Mrs. Rupp said, the applicant remaining in his home and in the 1st District. I'm also aware that whatever his intentions are tonight to leave in November, for a variety of other reasons, he may decide to stay and then where would we be with this situation.

I would really not be in favor of granting this special use permit but at most I could see maybe two to three months to give him an opportunity to make other arrangements but certainly not longer than that. If we had to, I would recommend that that be the timeframe. I think anything longer is too long because basically we have a code violation here and the long standing residents of that community need to be honored and their property values appreciated.

Doug Bach, County Administrator, said I just want to make clarification. When it comes to requirements that Kansas City Kansas Police Department or our Sheriff's Department or even that of the Kansas Highway Patrol puts on tow companies to response, our position is not one that we're thinking somebody has to have it at home. That's a requirement on that tow company that they may be 24/7 around the clock and how they could do it.

There are tow companies that respond all times of the day so because they choose to elect an operation where they will put their people at home and on call, it's that call of the tow company. We put that out to them. It's their responsibility to determine the legal and correct way as to how they will have their responders on duty to respond to any service call that we make.

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Mayor Holland said well, and to that point, I think there are a couple of issues here: 1) I agree with Commissioner—I agree with everything that’s been said. We have codes. I don’t want commercial vehicles parked in our residential areas. I did vote for the two six-month extensions for the last one in 2008 and 2009 but then it didn’t get honored. I do agree with Commissioner Walker that eight months for this gentleman because I think we have a larger issue in our city. Based on the staff report, this is happening everywhere. Some have special use permits and some don’t. We have, I believe, two companies under contract with the Unified Government. Is that right for towing; three? One of them is Midwest Tow.

The towing contracts with cities are highly competitive. People want those contracts. I think we need to look at our contract and the contract language with all three of our tow companies that we contract with and say, you are not allowed to require residency in terms of the tow truck being at someone’s home in our neighborhoods. I think we can go back to our own contracts and start to clean that up and put it back on the tow companies to say, stop forcing your drivers, who are good hard-working men and women, stop forcing them to bring their trucks home in order to keep their jobs. That’s not fair to them and it’s not fair to our neighbors. I think we need to look at that requirement in our contracts and I think that’s a good place to start.

We also, I think, it would be worthwhile looking at—and this would be interesting, if a tow operator is requiring someone, I don’t know if we can penalize the tow company and fine the tow company, and say if you’re requiring someone to take it home without providing a provision for your response time by requiring it to be in a residential neighborhood. I don’t know if there’s a way that we can penalize the tow companies for that but I think we ought to look into that as well.

I think the resolution of this case; I think this gentleman, Mr. Johnson, has been caught up in a situation. He’s doing what everybody else is doing. This is not a good place for a tow truck. It’s in a residential neighborhood and the tow truck doesn’t belong there, but I think we have a larger issue so I would support the eight month extension. I would want us to take proactive action particularly with the three companies that want our business to say, you cannot continue this practice because it’s unacceptable. I think that’s a good place to create some leverage.

We have a motion and a second. It is a change from what is on here because the approval is for one year. To change it down to eight months would require eight votes. Is that correct? Alright, we have a motion and a second. It would require eight votes in order to lower it to eight months otherwise we’re back to the recommendation by the Planning & Zoning.

Roll call was taken on the motion to approve Special Use Permit Application #SP-2015-6 for eight months, subject to the stipulations, and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Walker, McKiernan, Murguia, Maddox; and one “Nay,” Townsend.

REGULAR AGENDA

MAYOR’S AGENDA

No items

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if anyone in attendance or anyone on the commission would like to set an item aside please do so now. Anything not set-aside will be voted on with a single vote.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.**

Commissioner Maddox asked is this the Land Bank. **Mayor Holland** said no, not yet. Let the record show no one is moving forward to set an item aside.

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

ITEM NO. 1 – 150044...ORDINANCE: TERMINATE TREMONT TIF DISTRICT

Synopsis: Ordinance terminating the Tremont Redevelopment District, submitted by Lew Levin, Chief Financial Officer. On March 9, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-25-15**, “An ordinance terminating the Tremont Redevelopment District created pursuant to Ordinance No. O-10-97 and terminating tax increment financing with respect to such redevelopment district.”
Commissioner Kane made a motion, seconded by Commissioner McKiernan,

to approve the ordinance. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 2 – 150062...RESOLUTION: JMHCP GRANT

Synopsis: A resolution approving submission of a \$200,000 grant application for the FFY15 Justice and Mental Health Collaboration Program (JMHCP) through the US Dept. of Justice, submitted by Lisa Stimetz, PSBO. Funds will be used to expand the already established law enforcement and mental health collaboration plan. The \$50,000 in-kind match will be a percentage of salary and benefits of KCK Police Dept. and Wyandot Center staff. On March 16, 2015, the Public Works and Safety Standing Committee, co-chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-22-15**, “A resolution approving the Kansas City, Kansas Police Department’s submission, on behalf of the Unified Government, of a grant application in the amount of \$200,000 in federal funding, and a \$50,000 match requirement, for the FFY15 Justice and Mental Health Collaboration Program (JMHCP). Grant funding will be used to expand the already established law enforcement and mental health collaboration plan between the Kansas City, KS Police Dept., Wyandotte County Sheriff’s Office, Wyandotte County Detention Center, Wyandot Center, Heartland RADAC, District and Municipal Courts, Community Corrections and the State Dept. of Corrections.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 3 – 150039...GRANT: COMPREHENSIVE FOOD SYSTEM ASSESSMENT

Synopsis: Request to submit a grant application to the Greater Kansas City Healthcare Foundation in the amount of \$177,115 to fund a comprehensive food system assessment, submitted by Dr. Larry Franken, Public Health Director. No cash match required; in-kind staffing in the amount of \$72,307. On March 16, 2015, the Public Works and Safety Standing Committee, co-chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.

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

ITEM NO. 4 – 150047...GRANT: 20/20/20 CAMPAIGN

Synopsis: Request to submit a grant application to the Greater Kansas City Healthcare Foundation in the amount of \$56,095 to fund the 20/20/20 Campaign (20 miles of high priority sidewalks, 20 miles of trails, and 20 miles of bike lanes by the year 2020), submitted by Dr. Larry Franken, Public Health Director. Cash match required which will be achieved with funds already secured through CDC REACH grant and Slide for Health funds. In-kind staffing will be met with a percentage of current Healthy Communities Wyandotte Program supervisor salary. On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 5 – 150048...ACCEPT FUNDS: SLIDE FOR HEALTH CONTEST

Synopsis: Request to accept funds in the amount of \$9,468.32, which were charitable funds raised by the Slide for Health contest sponsored by Healthy Communities Wyandotte (HCW), submitted by Dr. Larry Franken, Public Health Director. The funds will promote physical activity by improving levee trails in the county or help build new recreational trails. Schlitterbahn offered HCW to sponsor the Verrückt opening in the summer of 2014. On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 6 – 150049...ACCEPT FUNDS FROM GM

Synopsis: Request to accept charitable funds on behalf of Healthy Communities Wyandotte in the amount of \$5,000 from General Motors Fairfax Assembly Plant, submitted by Dr. Larry Franken, Public Health Director. The funds will support the work of the Infant Mortality Action Team. No match required. On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 7 – 150059...PROPOSED CHANGES: HUMAN RESOURCES GUIDE

Synopsis: Request proposed changes to the Human Resources Guide, submitted by Henry Couchman, Senior Attorney.

- 1.2 Definitions
- 2.1 Equal Opportunity in Employment
- 2.2 Harassment in the Workplace
- 5.6 Family and Medical Leave
- 7.1 Rules and Discipline
- 7.2 Grievance Procedure
- 7.5 Social Media

On March 16, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 8 – MINUTES

Synopsis: Minutes from special sessions of February 19, 26 and March 5, 2015; and regular sessions of January 22 and February 5, 2015.

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

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 5, 12, and 19, 2015.

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

PUBLIC HEARING AGENDA

No items

ADMINISTRATOR’S AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

COMMISSIONERS’ AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

ITEM NO. 1 – 150043...COMMUNICATION: LAND BANK APPLICATIONS

Synopsis: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Board of Trustees has recommended approval.

On March 9, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

91 Applications for yard expansion, unless noted otherwise:

3304 N. 57th St. - LaVerta Hulse for a garden
 235 S. 21st St. - Brenda Juardo for a garden
 1007 Seminary St. - Pleasant Valley Baptist Church for parking
 1700 N. 7th St. - New Bethel Church, Inc. for parking
 1702 N. 7th St. - New Bethel Church, Inc. for parking
 1704 N. 7th St. - New Bethel Church, Inc. for parking
 12204 Pebble Beach Dr. - Katherine Dodd for single-family construction
 220 S. 8th St. - Joannie Hillesheim
 3544 R N. 59th St. - Leonita Davis
 2943 N. 27th St. - Doris Winston
 1511 N. 18th St. - Ann Bridgewater
 823 S. Mill St. - Alicia Hook
 1705 Walker Ave. - Luis Amiel
 4729 Farrow Ave. - Roy Perez
 2320 N. 9th St. - Aldama Socorro
 13646 Martin Luther King Ave. - Jeffery Barger
 334 N. 40th St. - Ricardo Berumen
 3530 N. 35th St. - Michael Jackson
 1860 S. Pyle St. - Wilberto Linares
 1231 S. 40th St. - Sergio Castillo
 654 Rowland Ave. - Eugene Hall
 1707 Waverly Ave. - Ernest Moore
 1928 N. 26th St. - Roberto Maldonado
 2930 N. 12th St. - Francisco Torres
 27 S. Tremont St. - Olga Flores
 2952 N. 35th St. - Jason Young
 2115 Lombardy Dr. - Carl Campbell
 3306 Freeman Ave. - Lidia Mejia
 1432 S. 29th St. - Pedro Salazar
 2912 Washington Ave. - Reyna Rodriguez
 3036 N. 42nd St. - Ruben Weaver, Sr.
 2905 N. 13th St. - Eh Tee Ta
 2942 N. 43rd St. - Manuel Hernandez
 812 Quindaro Blvd. - Jacquetta Noble
 1934 N. 25th St. - Sam Soundara
 342 N. 40th St. - Linda Clark
 61 S. 26th St. - Felix Luque-Borquez
 3015 N. 48th Terr. - Ubertino Contreras
 318 N. 20th St. - Reynalda Morales
 85 S. 19th St. - Jose Alfredo Soria
 6838 Webster Ave. - Madella Henderson
 2113 S. Ferree St. - Michael Mitchell

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535 S. 71st St. - Jason Indorf
124 R N. 98th St. - Charles Stites
329 Walker Ave. - Warren Robinson
2315 N. 47th St. - Roxanne Robertson
403 Troup Ave. - Steven McCord
429 Quindaro Blvd. - Steven McCord
2218 Garfield Ave. - Talishia Robins
1532 Yecker Ave. - Kenneth Ellison
1955 Stewart Ave. - Maria Murillo
1739 Haskell Ave. - Marchita Butler
2430 Farrow Ave. - Shellaine Bradford
2312 N. 26th St. - James Wheeler
2519 N. 18th St. - Joseph Esry
1300 S. 36th St. - Alejandro Aguilar
2817 N. Tremont St. - Dorothy Youngblood
1115 S. 40th St. - Rosa Fisher
1905 Parallel Ave. - Francisco Ramirez
1923 Parallel Ave. - Francisco Ramirez
1506 Richmond Ave. - Tanya Bland
3608 Garfield Ave. - Peggy Graham
937 S. 135th St. - Kevin Cook
1603 W. 39th Ave. - Leslie Karnahan
1130 N. 32nd St. - Guillermo Medina
1513 N. 17th St. - Carol Evans
29 S. Tremont St. - Michael Valentine
3020 Parkwood Blvd. - Eric Jones, Sr.
2150 S. 38th St. - Adela Moreno
940 Kansas Ave. - Richard Sanchez
1607 N. 55th St. - David Stracke
430 Troup Ave. - Elsy Segovia
1917 N. 11th St. - Juan Martinez
3228 Brown Ave. - Juan Franco
3240 Cleveland Ave. - Truman Road Corridor Assoc., Inc.
650 N. 62nd Pl. - Tecumseh Long, Jr.
1707 N. 25th St. - SC & ND Real Estate Investment, LLC
2720 N. 20th St. - Eddie Williams/Doris Jones
219 N. 27th St. - Vickie Browning
2234 Richmond Ave. - Dennis Smith
1981 Richmond Ave. - Marco Mendoza
2305 N. 11th St. - Fernando Apodaca
2416 N. 11th St. - Bryant Huskey
1333 Oakland Ave. - Eric Jenkins
2203 N. 45th St. - LaTuessa Halliburton
1354 Brown Ave. - Edward Taylor
1836 N. 18th St. - Steve Jaklevic
1846 N. 18th St. - Steve Jaklevic
228 S. 21st St. - Wade Lytch
2015 S. 51st St. - Argus Rothmeyer
3010 N. 32nd St. - Isabelle Riley

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7 Applications for transfers to Land Bank:

5122 Crest Dr. from City of KCK

4821 Crest Dr. from City of KCK

4718 Crest Dr. from City of KCK

5127 Crest Dr. from City of KCK

2805 S. 51st St. from City of KCK

2859 Highland Dr. from City of KCK

(Future development with a not-for-profit in the Highland Crest neighborhood)

1508 Quindaro Blvd. from Unified Government

(Land Bank has been contacted by owner of 1510 Quindaro Blvd. to obtain)

Commissioner Markley said, Mayor, I'm just noting that there is one on this list that I believe was actually recommended for denial so I'm guessing that's just a typographical error. That would be the South 53rd Street, 2921 S. 53rd Street. It's at the top of page 8ish. **Mayor Holland** said, say that again. **Commissioner Markley** said it's about one, two, three, four, five, six, seven, eight down from the top; 2921 S. 53rd Street. This was the one that was recommended for denial by the...**Commissioner Murguia** said the Standing Committee. **Commissioner Markley** said and well, by the neighborhood group, the advisory committee. **Chris Slaughter, Wyandotte County Land Bank Manager**, said yes, that's a typo. That should not be on this list. **Mayor Holland** said thank you. That one will be removed.

Mr. Slaughter said also, we're going to ask that 3530 N. 35th Street be removed from the vote tonight. We received another application and we're going to come back later with a best and final. **Mayor Holland** said that one will be removed. Are there any others on the consent items that folks on Item No. 1 would like to remove?

Action: **Commissioner Murguia made a motion to approve.**

Commissioner Maddox said yes, I would like to remove and look at 1700 N. 7th Street, 1702 N. 7th Street and 1704 N. 7th Street. **Mayor Holland** asked so the three at the top of page eight. Is that right? Okay, those will be removed.

On this Consent Agenda is also Item No. 2 which is the Land Bank Policy. Mr. Bach, do you have comment. **Mr. Bach** said I just want to clarify, and I don't think it needs to be removed, but the instructions within the document indicated that the Administrator will assign staff to this. It was clarified, I think, during the committee that we would actually—one of those would be a member of NRC so that was put into the document and that's different from what

went to standing committee. We just specified that a representative of my appointments will include NRC. **Mayor Holland** asked was that the intention all along. It was a clerical error that it was not included initially? **Mr. Bach** said yes.

Mayor Holland said so with that clerical correction, we now have the remaining items before us. All except on the top of page eight, the first three: 1700, 1702 and 1704 North 7th, 2921 was typographical and should not be included, it was already been denied by the standing committee, and then 3530 N. 35th Street has been removed by request of the staff to look at a best and final because there's another option.

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

Mayor Holland said that brings us to the three items that were pulled off: 1700, 1702 and 1704 North 7th Street. Commissioner Maddox, would you like to make comment. **Commissioner Maddox** said I just wanted to ask Mr. Slaughter was the Douglass-Sumner Neighborhood Association contacted about these three properties. I know that in this area they currently have a partnership with the LISC Organization for a Neighborhoods Now Initiative which they've been building homes along the 7th Street corridor. My question is, 1) has the Douglass-Sumner Neighborhood Association been contacted in regards to these three properties because it's right in the area where they're building homes. **Mr. Slaughter** said there have been previous conversations with the neighborhood group and they were fine with the applications. Then basically we came back at a later time and we put the area on hold. Then basically I contacted the church and said we're going to just kind of hold off right there. Since then and kind of part of the reason we put them on hold is, they were in the process of obtaining additional property from a private owner. They have since obtained that property and we don't have time to put a map up, but if you really look at the map of the area, there's a small corner that is Land Bank and that is these three properties.

I felt it only made sense that since they already controlled the rest of the property maybe it could be considered a good anchor tenant for the development of the neighborhood and that's why I made the decision to bring it forward. **Commissioner Maddox** said right, so my question

still is, have you contacted the neighborhood association or the president about this area, these three properties within the Neighborhoods Now Initiative. **Mr. Slaughter** answered not since the last conversations, no. **Commissioner Maddox** asked which was when. **Mr. Slaughter** answered probably the fall of last year, maybe last summer. **Commissioner Maddox** said okay, well I'd like to possibly hold off on those until we can contact the neighborhood association to make sure that that is not a conflict with the Neighborhoods Now Initiative as they continue to move forward and build those homes.

Mayor Holland said so you would like to move to send this one back to the standing committee. **Commissioner Maddox** said yes, sir, pending contact with the Douglass-Sumner Neighborhood Association. **Commissioner Murguia** asked, are you making a motion. **Mayor Holland** asked do you want to hold it over to this group or to the standing committee. I'm open to either one. We could just bring it back to this group at our next commission meeting. It's going to be the same result, right? **Commissioner Maddox** said yes, it can come back to the commission. **Mayor Holland** asked come back to the Commission. So we'll just send it back and we're going to table it. We're going to table these three to this group, to the Commission, pending your conversation with the neighborhood group. At our next meeting...**Ms. Cobbins** said April 9th will be the next meeting. **Commissioner Walker** said if you contact them within the next few days or early next week, we can have it on the next agenda. **Mayor Holland** said yes, we can have it next week. We can table it for one week until April 9th pending this conversation with the neighborhood group. **Mr. Slaughter** said if that's what the board wants. I will already have items on that agenda anyway so it's not a problem.

Action: **Commissioner Maddox made a motion, seconded by Commissioner Kane, to table 1700, 1702, and 1704 N. 7th St. applications until April 9, 2015, and for Mr. Slaughter to contact the neighborhood group.**

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

ITEM NO. 2 – 150046...REQUEST: ADOPT REVISED LAND BANK POLICY

Synopsis: Request to approve a revised Land Bank policy, submitted by Chris Slaughter, Land Bank Manager. On March 9, 2015, the Neighborhood and Community Development Standing
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Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

PUBLIC ANNOUNCEMENTS

No items

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:12 P.M.
MARCH 26, 2015**

Bridgette D. Cobbins
Unified Government Clerk

cdm

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