The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, May 28, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via telephone); McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Mayor Holland, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Ken Moore; Deputy Chief Counsel; Rob Richardson, Director Urban Planning and Land Use; Bryon Toy, Planner; Jamie Ferris, Planner; Janet Parker Administrative Assistant; and Captain Randall Balliett, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

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

Mayor Holland said we have two distinct parts of our meeting. The Planning and Zoning part will be handled first following by our regular Commission meeting.

Mayor Holland asked if there were any revisions to the agenda. Bridgette Cobbins, UG Clerk, said there were no revisions.

Commissioner Murguia left the meeting at 7:04 p.m.
Ms. Cobbins, UG Clerk, asked if any members of the commission wished to disclose contact with proponents or opponents on any item on the agenda. Commissioner McKiernan disclosed communication with proponents of Item A1 on the Consent Agenda and proponents of Item A1 on the Non-Consent Agenda. Commissioner Walker said I need to state that I am an unpaid board member of ANDA for Item A2, Change of Zone. I don’t recall of having any contact from anybody on that board about that. Commissioner Kane said on the Non-Consent Agenda, Petition #SP-2014-80 both opponents and proponents and on Petition #SP-2015-24 an opponent. Commissioner Bynum said I also have had contact with proponents on the Non-Consent Agenda Item #SP-2014-80. Mayor Holland said I’ve also had contact with proponents of A1 and proponents and opponents on A1 on the Non-Consent Agenda.

Mayor Holland asked does anyone wish to set-aside any items on the Planning and Zoning Consent Agenda. There were none. A gentleman said I don’t hear real good so I’m sorry. Mayor Holland asked would you like to set-aside Number 3 for Quick Auto Salvage. The gentleman said all I know is I’m a middle man of all this and I was sent up. Mayor Holland said I will help you out. It is recommended for approval. If you do nothing it will be voted on by the commission in a single vote and it will follow the recommendation of this board, which is for approval. If you do not support approval, then you would want to pull it off and speak against the motion. If you want them to get their special use permit, it’s on the Consent Agenda for approval. Do you want them to get their special use permit? The gentleman said, yes.

Mayor Holland said I would leave it right where it is. Let the record show no one moved forward to remove an item from the Consent Agenda.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan to approve the Planning and Zoning Consent Agenda. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.
PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 150024...CHANGE OF ZONE PETITION #3085 – UNIFIED GOVERNMENT BOARD OF COMMISSIONERS

SYNOPSIS: Rezone properties covering an area on 6th Street from Taurome to Splitlog from C-3 Commercial District to either C-D Center Business District or TND Traditional Neighborhood Design District, submitted by Rob Richardson. This is to zone the neighborhood’s commercial area to better fit current and proposed uses while enhancing compatibility within the neighborhood. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3085, to the TND Traditional Neighborhood Design District.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Petition Application #3085. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 2 – 150110...CHANGE OF ZONE PETITION #3086 – THERESE GARDNER FOR ANDA

SYNOPSIS: Change of zone from R-1(B) Single Family District to R-2(B) Two Family District to construct a duplex for seniors at 4014 Strong Avenue, submitted by Rob Richardson, Director of Planning. ANDA is seeking a change of zone in order to construct a duplex for senior living. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3086, subject to:

Urban Planning and Land Use Comments

Please provide site and development plans for the duplex, as required for submission.

Staff Response: Plans were provided.

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 McKiernan, to approve Change of Zone Petition Application #3086, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 3 - 150111...CHANGE OF ZONE PETITION #3087 – RICHARD MULLER/VAN TRUST REAL ESTATE LLC

SYNOPSIS: Change of zone from CP-2 Planned General Business District to BP Planned Business Park District for Dairy Farmers of America global headquarters at 1405 North 98th Street. The applicant with Van Trust Real Estate, LLC wants to build a three-story, 150,000 square foot office building and one 50,000 square foot laboratory with the potential future technology and innovation center as the corporate headquarters for Dairy Farmers of America (DFA) on 15.31. The future technology and innovation center, which are two separate buildings, a three-story and two-story building respectively, will be constructed in the second phase of this development. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3087, subject to:

Urban Planning and Land Use Comments

Building Architecture

1. 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.

2. 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 percent of any façade.

Overall the building does not comply with our Commercial Design Guidelines. The largest non-conformity would be the proposed metal exterior. A number of past cases such as Performance

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Toyota, some tenants within Plaza at the Speedway and every casino application staff reviewed, originally proposed metal. Staff did not support any of those proposals.

The Cerner office building was approved by the City Planning Commission to have precast panels on the ground level and a metal panel skin on the subsequent eight stories. The panels were a high-quality, durable stainless steel that did not require any maintenance. The panel will not rust and due to the nature of the rain screen, it will not weep (drip marks that occur over time). The City has continuously denied any substantially metal buildings in the past and forced applicants to use alternatives.

Staff was concerned about precedence, but what distinguished Cerner’s building from other buildings were the two nine-story towers and that they utilized high-quality, stainless steel that needed no maintenance over time. Lesser quality stainless was available, but was not allowed in that application or any other.

Metal accent, similar to EIFS, should not exceed 15 percent per facade.

Applicant Response: The elevations have been revised to show spandrel glass in lieu of metal accents around the vision glass. See revised Sheets A201, A202 and A203 dated 4/27/2015.

3. Wood screening is proposed as the other exterior building material. Other commercial developments have proposed using wood as a major accent; however, that material was reduced in scale to comply with the Commercial Design Guidelines.

Applicant Response: Based on our conversations with Director of Planning Robin Richardson, we understand that staff evaluates wood accents in the spirit of EIFS accent percentages. The high-quality wood rain screen material accounts for approximately 18% of the façade.

A request in the deviation of the Commercial Design Guidelines must be approved by the City Planning Commission.

Applicant Response: Request for above deviation is hereby made.

Staff Response: Staff supports this request with the two caveats. First, an authorized DFA Agent acknowledges the difficulty of maintaining the wood in a like new appearance as is desired. And further, that failure to maintain the wood in a like new appearance is grounds for code enforcement action under our code. Staff would prefer DFA move to a ceramic product that mimics the wood appearance to alleviate the maintenance issue. Secondly, the west elevation uses a significant amount of metal panel
in the dock area. The dock area must be one hundred percent screened from adjacent properties and 98th Street prior to any certificate of occupancy. The method to accomplish this will be a subject for the final plan review.

Landscaping and Screening

1. All trees must be planted at 2” caliper. All shrubs along the exterior of the site must be planted at a minimum of 5 gallons. Internal shrubs must be planted at a minimum of 3 gallons.
   
   Applicant Response: Acknowledged.

2. All landscaping shall be irrigated.
   
   Applicant Response: The applicant is applying for LEED certification of the building. One of the strategies that the applicant is utilizing is water reduction strategies to cut the water usage for landscaping by 50%. While some of those strategies are using more efficient irrigation systems, to achieve this goal the applicant must reduce the amount of landscaping that is on the irrigation system. The applicant will be using a variety of native and drought resistant plants in the non-irrigated areas to achieve this without compromising the look of the landscape.
   
   Staff Response: This strategy has failed for other users in implementation. All landscape must be irrigated and LEED points sought in other areas.

3. The rooftop units are screened from all sides by the parapet.
   
   Applicant Response: The applicant understands staff’s concerns about the aesthetic of the rooftop mechanical screen. The applicant will conduct sight-line studies from 98th Street, confirm rooftop unit heights, and consider revisions to rooftop unit screening and parapet designs. The result of this effort will be presented with the Final Development Plan application.
   
   Staff Response: The applicant must be aware that raising the parapet has costs and that it would ultimately help in their material percentage calculations. Staff continues to prefer parapets to rooftop screening. It is not expected that this user would screen the roof from Interstate 435, but from 98th Street.

4. Utility boxes (including green transformer boxes) are screened from public view by landscaping that is evergreens and the same height as the box. As an alternative, the applicant could build a screen wall and use shorter landscaping plantings around the perimeter of the wall.
   
   Applicant Response: Acknowledged.
5. Utilities close to the building or mounted on the wall shall be screened by an architectural wall or landscaping. The wall mounted utilities should be tucked in a corner and painted to match the building.
   Applicant Response: Acknowledged.

6. 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.
   Applicant Response: Acknowledged.

7. Trash enclosures shall match the building and use the same materials in its construction.
   Applicant Response: Acknowledged.

8. Sec. 27-577(b)(1) 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. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. This distance is to be measured from the public right-of-way or curb line of a private easement.
   Applicant Response: Acknowledged.

9. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
   Applicant Response: Acknowledged.

10. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

    a. One tree with a minimum caliper of two inches (ornamental), evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
       Applicant Response: Acknowledged. The required tree plantings have been provided in the described landscape zone on Sheet L100 dated 4/27/2015.

    b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
       Applicant Response: Street trees within the right-of-way are part of the 98th Street realignment project by others.
Lighting
1. All lighting should be decorative lighting and have 90 degree cutoff fixtures to ensure that residual light is not spilling across the property lines. Any light cast may not exceed one foot candle at the property line.
   Applicant Response: Acknowledged.
2. Exterior parking lot lighting shall have 90 degree cutoff fixtures.
   Applicant Response: Acknowledged.

Trail and Pedestrian Circulation
1. The 8’ sidewalk that complies with the Sidewalk and Trails Master Plan must be completely installed upon completion of the realignment of 98th Street between France Family Drive and Parallel Parkway.
   Applicant Response: Sidewalk within the right-of-way is part of the 98th Street realignment project by others.
   Staff Response: The street project must be completed including landscape prior to any certificate of occupancy for this building.

Signage
1. Signs are reviewed separately and are not part of this approval. When the applicant is prepared to discuss on-site signage, staff requests that the applicant submit an overall sign package for ease of review. General monument sign location is shown on the site plan.
   Applicant Response: Acknowledged.

Public Works Comments Note: All a level comments were left in the report so that the planning commission could see the responses. Staff is only presenting b and c level comments for consideration at this time.
1. Items that require plan revision or additional documentation before engineering can recommend approval:

Note: A level comments items 1 and 2 are now provided as background information
A.) Submitted “Traffic Study” is under review by the County Engineer. Updated comments shall be forthcoming. Site Plan modifications are anticipated to be required.

Part I: Comments Applicable to Dairy Farmers of America Site
1. The plans submitted 3/27/15 continue to show traffic handling that is at odds with the prior planning 98th Street and with staff’s recommendations. After consideration of the past planning, the previous and current traffic study, the applicants request in the

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letter 3/26/15 from Van Trust Real Estate, and the UG staff professional opinion, we are prepared to move forward with Dairy Farmers’ entrances as follows:

a. We will accept the fourth leg of the 98th/France Family Drive (Drive 8 in Figure 3 of the study) to serve as the primary entrance as shown. The entering leg is to proceed no less than 150 feet before the first break for parking aisles – to accommodate the storage needed.

Applicant Response: The applicant requests approval of this entrance as originally submitted for the following reason: It is reasonable in most situations to require a throat distance (without any break for parking aisles) to accommodate the expected exiting traffic and to avoid conflict points of incoming and exiting traffic. This is very useful at land uses that generally have an equivalent split of incoming and exiting traffic. In the case of the normally operated office use of DFA, in both the AM and PM peak hours, this particular leg will have a heavily weighted split between incoming and exiting volumes. In the AM, significant incoming traffic and very limited exiting traffic at that same time is expected. Again, in the PM, significantly more exiting vehicles are expected with very limited incoming traffic. Because this significantly reduces the possibility for conflicts at parking aisles, a reduced throat length at this location is anticipated to more effectively distribute incoming AM traffic to the parking field.

Further, utilizing the longer throat would then force more vehicles toward the front drive and main building entry where we expect more pedestrian activity. Our goal is to distribute the vehicles into the site parking lot and reduce the number of potential pedestrian/vehicle conflicts as much as possible. To meet this goal, we believe a shorter driveway throat is needed rather than focusing the vehicles down the main drive and into conflict with pedestrian crossing areas.

b. We will accept Drive 9 (southern access) as a right-in-right- out only (RIRO).

Applicant Response: Acknowledged.

c. Drives 6 and 7 (northern access) are to be combined into one driveway located near the joint property line of DFA with the area north (called out as 6.25 potentially office use). This combined Drive 6/7 will then have a full break in access of 98th. This better serves both parcels and will allow the truck entry as requested in the Van Trust letter. This drive is to be designated via private easement/agreement to serve both lots. The split point between lots is to be no
less than 150 feet from the edge of right-of-way to permit storage and maneuver (final distance subject to your revised analyses).

Applicant Response: The applicant is generally supportive of this solution, provided staff acknowledges the explanation in Item 1a above and rescinds its objection thereto. The applicant has entered into negotiations with the property owner of the adjacent parcel about the recommended shared access drive/associated easements that will be required, and anticipates including said solution in the Final Development Plan application.

2. The decision to proceed with Dairy Farmers at this time is contingent upon finalizing the other remaining access break questions along 98th so that we can confirm that the allowance made above can work together as a network. The attached exhibit shows the Public Works Department’s designation and requirements for all remaining entrances. This exhibit shows the result of careful consideration of public and private needs, and is considered our firm and final designation. The exhibit shows the disposition of individual driveways as shown below. Numbering of drives follows the convention given in Figure 2 of the 3/27/15 Traffic Study.

Applicant Response: While the applicant understands staff’s desire to consider the entire network, the applicant cannot control the outcome of or be subject to the duration of negotiations between the UG and other parties about off-site issues. Applicant requests approval for Access Drives 8, 9, and 6/7 as described by the applicant’s responses above.

2) Construction Plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

Applicant Response: Acknowledged.

2. Items that are conditions of approval (stipulations):

a.) Drives 6 and 7 shall be combined into one driveway near the joint property line of DFA with the future 62.5 acre lot to the north. This combined drive 6/7 is then allowed to have a full break in access of 98th. The minimum throat distance to any side drives shall be 150 feet from the right-of-way line.

b.) The main entrance opposite France Family Drive at 98th Street shall proceed no less than 150 feet from the right-of-way line internally until the first break for parking aisles.
3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: Public Works has accepted the applicants request to de-link their traffic issues from the other items still pending on adjacent areas of 98th Street. The Commission stated that the staff is authorized to negotiate the stipulations as needed with the applicant.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Petition Application #3087, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.

**SPECIAL USE PERMIT APPLICATIONS**

**ITEM NO. 1 – 130135…SPECIAL USE PERMIT #SP-2015-17 – LONNIE WASH**

**SYNOPSIS:** Renewal of a Home Occupation Special use permit (#SP-2013-18) for a barber shop at 4001 Oakland Avenue, submitted by Rob Richardson, Director of Planning. The applicant is seeking to renew a home occupation special use permit for a barbershop out of his house. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-17, subject to:

**Urban Planning and Land Use Comments**

1. Are there signs present?
   
   Applicant Response: No

2. What is the number of employees?
   
   Applicant Response: One

3. Are there any employees that are not family members?
   
   Applicant Response: No

4. What is the maximum number of customers allowed on site at any time?
   
   Applicant Response: Two

5. What are the hours of operation?
   
   Applicant Response: 8:00 a.m. – 5:00 p.m.

Staff recommends approval for five years, subject to:

1. No signs.

2. No employees other than members of the immediate family residing on the premises.

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3. No more than two clients at any one time.
4. Hours of operation being 7:00 a.m. to 5:00 p.m.
5. Business license must be renewed annually.

**Business License Comments**

“This entity has not filed an occupation tax application with our office to conduct any business from the home. We would object to any renewal of a special use permit until they have filed and become current with our office.”

**Applicant Response:**

- Permit Number: 15980-00253
- Receipt Number: 352788
- Invoice Number: 670189

**Public Works Comments**

None

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-17 for five years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.

**ITEM NO. 2 – 150112... SPECIAL USE PERMIT #SP-2015-19 – STEVE BEAUMONT/KCAI LP DBA CHATEAU AVALON**

**SYNOPSIS:** Special use permit for live entertainment at 701 Village West Parkway, submitted by Rob Richardson, Director of Planning. The live entertainment would be on the patio from 6 p.m. to 11 p.m. on Friday and Saturday nights. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-19, subject to:

**Urban Planning and Land Use Comments**

1. What type of entertainment will be performing at the hotel?
   
   Applicant response: Live bands on the patio, mostly acoustic sets.

2. Any approval will be for two years.

3. Live entertainment shall be limited to the patio from 6 p.m. to 11 p.m. any day of the week.

**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 McKiernan, to approve Special Use Permit Application #SP-2015-19 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.

**ITEM NO. 3 – 100152… SPECIAL USE PERMIT #SP-2015-20 – MICHAEL MORSE/QUICK AUTO SALVAGE AND TOW**

**SYNOPSIS:** Renewal of a special use permit (#SP-2012-54) for an auto salvage yard and police tow at 1124 Pawnee Avenue, submitted by Rob Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-20, subject to:

**Urban Planning and Land Use Comments**

1. Where do the truck drivers park the trucks at night?
   Applicant Response: Trucks will not be parked on this site. No trucks are owned by this operation.

2. If they are parked within the boundaries of Kansas City, Kansas, have they obtained a special use permit to do so?
   Applicant Response: Truck drivers are independent owners and will need to obtain their own special use permits if parked within the Kansas City, Kansas boundaries.

3. Any approval would be for five years.
   Applicant Response: Five year renewal would be acceptable, but owner would prefer a ten-year renewal.

Staff recommends the applicant demonstrate that each independent truck driver holds a Kansas City, Kansas business license and special use permit. Applicant has three months to provide documentation showing that truck drivers have the necessary special use permits to park vehicles.

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within city limits and are current with business licensing or the special use permit will automatically terminate. This will require each driver living in Kansas City, Kansas, to apply for a special use permit to park their vehicle at their home by May 29, 2015, or find commercial parking arrangements.

Business License Comments
The entity is up to date with their home occupation tax as well as their regulatory scrap dealer license.

Public Works Comments
None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-20 for five years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley.

Commissioner Murguia rejoined the meeting at 7:09.

PLANNING AND ZONING NON-CONSENT AGENDA
SPECIAL USE PERMIT APPLICATIONS
ITEM NO. 1 – 081023… SPECIAL USE PERMIT #SP-2014-80 – RYAN DENK WITH MCANANY VAN CLEAVE & PHILLIPS
SYNOPSIS: Renewal of a special use permit (#SP-2012-56) for live entertainment in conjunction with the Wine Barn at 2850 North 119th Street, submitted by Rob Richardson, Director of Planning. Noah Hiatt and his daughter are members of Wine Barn, LLC requesting renewal of a special use permit to have live entertainment in conjunction with a small farm winery at 2850 North 119th Street. The Planning Commission voted 7 to 1 to recommend approval for six months of Special Use Permit Application #SP-2014-80, subject to:
1. Approval for six months (basically this summer as another test for them to fully comply)
2. Live music events (which includes the 4 contracted weddings for 2015 and any others contracted) from May-October.
3. 57.5 DB at the big tree near the Reynolds’ property line. The responsibility for monitoring this belongs to the applicants.
4. Live music ends by 9:30 and the Wine Barn coordinates its calendar with the neighbors

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5. No guest parking on 119th Street
6. Parking is constrained to the size of the event according to staff.
7. No parking adjacent to the Reynolds’ property
8. Improved parking is not required but must comply with storm water quality regulations.
9. No rock bands
10. No more than 14 events per year totaling no more than 35 hours
11. Any new drives must be paved
12. Collect trash on 119th Street after each event
13. Use of fire hydrant only with meter and it may never have its view obscured
14. The Wine Barn will add two new segments of fencing.
   a. Wine Barn to extend an fence (not necessarily a privacy fence) from the southeast corner of the Wine Barn to the vineyard or beyond to make it difficult for patrons to come near the Seebergers’ property
   b. Wine Barn to extend a 6’ privacy fence from the northeast corner of the Wine Barn east to the east edge of the drive to the pond (and beyond if necessary) to block the view of the parking area from the Seebergers’ property. This will also prevent interaction between neighbors and guests.
15. Conform to UG security policies for events with alcohol and entertainment.
16. The parties are to communicate via email not in person. Mr. Denk and Mr. Richardson should be copied on communications.
17. Request the County Administrator waive application fee.

**Ryan Denk, McAnany, Van Cleave & Phillips, 10 E. Cambridge Circle Dr.,** said I’m here representing the applicant, the Wine Barn, and specifically the applicants are Scott and Denise Hiatt and Brian and Celeste Mikijanis. I don’t have a lot to add from what happened at the Planning Commission. We are in agreement with all of the stipulations. The only thing I would add is we did have a meeting with Mr. Richardson yesterday where we went through and discussed and agreed upon all of the fencing and everything that was going to be laid out there. Really, I just stand for any questions.

**Mayor Holland** opened the public hearing.

No one appeared in favor.

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Mayor Holland said we do have an email that came in. I haven’t even read it. Is it for support? Commissioner Walker said it’s from Rachel and Jeff Miskec and they support the application. A little bit of dialogue about having heard they were in opposition and she wanted to make clear that they were not in opposition and they are in favor.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Commissioner Kane said I guess I am a little bit frustrated. I’ve worked on this project more than I worked on the development on 110th & Parallel where there are 2,000 jobs. We put staff through the ringer. Multiple phone calls — the phone calls from the republicans, which I didn’t like, at the state level asked me what I’m doing. Why am I not protecting the Wine Barn? I’ve never been opposed to the Wine Barn. There’s one thing in common that’s happened. We have a fight. We’re at the school and we fight. We settle that fight, we get done, we go back and we say we’re going to do it this way and then we get stipulations that you guys are given that say you got to do it this way, and then you’re comments were that wasn’t the way we see it.

Now we have new neighbors move in and then there’s another fight. They said they don’t like this and they don’t like that. I make a recommendation about putting up three panels of fence, which is in the record there so nobody can see it. It will help with noise protection.

I want you to thrive out there. What you’re going to do this time, and I mean this because this is the last time I’m going to ask the Commission to support this, you’re going to follow it to the letter of the law, every single time, every single meeting, everything that you do out there and if you don’t do it, I’ll be the first one that comes out there and says we’re done and it may not make it until December. With that being said, I make a motion that we push it forward. If they do something wrong, we’re going to remove it.

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to approve Special Use Permit Application #SP-2014-80 for six months, subject to the stipulations.
Mayor Holland said I would like to ask, because, Commissioner Kane, I think you’re accurate. I have been an advocate of the Wine Barn. I have also been an advocate of working out the situation with the neighbors. We did have a number of stipulations for the previous one. Mr. Richardson, in your opinion, were the stipulations met for the last special use permit. Rob Richardson, Urban Planning and Land Use Director, said for the period of the previous approval, I don’t believe that the stipulations were complied with. Mayor Holland asked and how long was that previous approval given for. Mr. Richardson said one year. Mayor Holland said they had a one-year special use permit and they had stipulations in there that included things like — do you recall off the top of your head what the previous stipulations were. Mr. Richardson said they were very similar to the 14 that our included this time. There were a couple of others that we’ve removed. They’ve already been done. I believe there were more live music events than were allowed. There was testimony from the neighbors at different occasions that the sound level may have been above what it was supposed to be. Those are the two that I can recall off the top of my head, Mayor.

Mayor Holland said it is troubling, and I share Commissioner Kane’s frustration, because we’ve spent a lot of time on the Wine Barn. It is frustrating when we do offer a special use permit in good faith for a year and then those stipulations are not met. It’s also frustrating that I learned that you were cited for theft of water from a fire hydrant, formally cited for that and paid a fine to the Board of Public Utilities in using the water apparently to water the vineyard. I know there are other allegations about that are unsubstantiated. It bothers me that we go to bat to try to get you a special use permit.

I know Commissioner Kane specifically has spent a lot of his personal time on site trying to negotiate a settlement that would be acceptable to the neighbors and to you, and the stipulations aren’t met and there are other issues as well. I don’t know of many other circumstances when people don’t meet the stipulations that they’re given that they actually get a renewal of a special use permit. This is for six months.

I will say, I was sympathetic to the issue that even despite having a special use permit, you booked weddings. Because I participate in weddings often, I’m sympathetic to not tell brides that the group screwed up and shouldn’t have booked weddings that they didn’t have permission to book. I know it would be my phone that rang if I told the brides that they didn’t get to have their wedding and I didn’t want that. I think there was a negotiated settlement for six months.
I’m very hesitant to support this just because it has not felt, from my perspective, to be a good faith effort that has been given by others. I think the six months to get you through the summer, I know you have some weddings. I personally don’t want to cancel weddings. I think that is problematic. I also think that if these stipulations aren’t met, we don’t have to wait six months to pull this permit. I personally will not hesitate as well to pull the permit by the end of the summer if it’s not met. It’s enormously frustrating and you use up a lot of good will when we worked genuinely to work with you and to not make that happen. I’ll make the same statement. It has been properly moved and seconded but I wanted to make that statement before we voted.

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

ITEM NO. 2 – 150113...SPECIAL USE PERMIT #SP-2015-21 – TARA KNIGHTON-HARRISON

SYNOPSIS: Special use permit for four to eight chickens at 6730 Speaker Road, submitted by Rob Richardson, Director of Planning. The request is to aid in therapies for her special needs foster children. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application #SP-2015-21, subject to:

Urban Planning and Land Use Comments

1. Please create and submit a plan for how to deal with waste from the chickens.
   Applicant Response: I will be moving the coop on a monthly basis minimum utilizing the chicken tractor. The waste will be removed and put either in my compost bin or directly into my plants/garden. If I have excess that I am unable to use, I have friends in the area who have expressed that they would like chicken waste for their gardens also.

2. Please address the issues of feed storage and where the coop with be located.
   Applicant Response: All food will be stored in an enclosed container in the laundry room of my home closest to the back door and the proper amounts taken to the coop daily.
3. Please provide photos of the property, specifically where the coop will be built.
   Applicant Response: Provided.

4. Approval would be for two years.

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

**Tara Knighton, 6730 Speaker Rd.**, said all I’m asking for is permission to have between four and eight chickens so that I can use them as sort of therapy with some of the special needs foster children that I have coming in and out of my home and also nap and other things. I’m here on good faith because I know that if I don’t get a permit that I’m breaking the law. KDHE is in my home quite often so are all the other foster care agencies, and I like to stay legal.

**Mayor Holland** opened the public hearing.

No one appeared in favor.

The following appeared in opposition:

**Frances Jones** said thank you, commissioners, for giving me the opportunity to speak and give my opinion why I disapprove of the chicken manure project. My husband and I are both not in good health. My husband has congestive heart failure and this chicken manure coop is not healthy to the heart. It can cause sickness if it’s not cleaned up like it’s supposed to be. It has antibody resist and bacteria. It’s also found in chicken manure. The bacteria is called staphylococci. When these bacteria affect the food or water supply of humans, it can infect the digestive system of people. I have asthma. I have allergies. My husband has congestive heart failure. We’ve been there 50 years. We live at 6726 Speaker Rd., Kansas City, Kansas. We built the house in 1965 and we take care of our property and yes, we did have animals at one time back in the grandfather clause and we had several. We had chickens and everything, but we always cleaned up everything every night, every day, we fed them right, we took care of them. We had peacocks, we had ginnies, we had wild turkeys come to our house.

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There are a lot of predators around the area. There’s raccoons, there’s foxes, there’s deer, there’s wild turkeys. I am opposed, me and my husband, because this is going to make our value of our house go down just because somebody wants to put chickens in. I have no problem of the chickens being put in if they were put in the right area of the acre of ground, but no, they have to be right in behind her house and Mrs. Harrison only plans to move them once a month. Once a month is going to bring a lot of stink. There’s going to be flies, there’s going to be enough mosquitos as it is because of the weather. Flies, stink, we get stink from that house as it is because of the septic tank.

We’ve been at our house 50 years. We’ve watched water go under that house and out the front. It is on a slab of concrete and it has no basement. It has a crawl space.

We’ve seen a lot and the weeds are constantly growing up all the time. I have no problem with Mrs. Harrison wanting these chickens, but they should be in the right place and they’re not.

We have two houses on Speaker Rd. We do not want to have to deal with this. We deal with enough from this lady and I don’t want any problems. I want to live my golden years in peace and we’ve not been able to live our years in peace because since she moved in in 1997, 1998, we’ve had nothing but problems.

She’s stalking me all the time with a camera and I don’t appreciate that because for the simple reason I shelter cats because I take them in. I take care of them. I get them their shots. They come to my house, I take them in. I don’t want to see them killed. I love animals. I always have.

I have no problem against these chickens except I don’t want all the stink, I don’t want all this other stuff. We’ve got an acre and three quarters to our house and when we had chickens and stuff, we put it to where it didn’t bother nobody. It’s whatever but I don’t feel that it should be put next to our house like it is. Thank you very much for listening and I appreciate it very much.

No one else appeared.

Ms. Knighton said the only response I have is as we discussed in the last meeting, the chicken coup will not be arranged anywhere near her property. It will be on the opposite side. It is moved once a month to stop the erosion and to make sure that there is fresh grass. It will be

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cleaned. It will be maintained. It will be inspected. If the chickens are causing issues, I would also announce so do cats and so do the 25 - 30 turkeys we have in our backyard every night.

Mayor Holland closed the public hearing.

Action: Commissioner Bynum made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2015-21 for two years, subject to the stipulations.

Commissioner Walker said you stated it was going to be inspected. Ms. Knighton said in that, I’m working with 4H chickens program to help me make sure that I’m doing it right. I’ve never had chicken so they’re coming out once a month to make sure that I’m doing it right and working with the children. Like I said, I’m a foster parent. Every kid I have in my home has somebody comes to my home once a month. Some kids have nurses, they have physical therapy, occupational therapy, so what I’m saying is, there are state personnel in my home minimum of four times a month that if there’s an issue, KDHE will be called in a heartbeat.

Commissioner McKiernan said I just have one question. What’s the physical relationship of the house of the woman who just spoke to your house? Ms. Knighton said if you look at the video, my house is on the left next to the 200 empty acres and her house is to the right.

Mr. Richardson stated, Commissioner, the way she described it, the coop would move up and down this tree line on the left side of the property.

Commissioner McKiernan asked what’s the frontage of that lot, Rob, do you know. Ms. Knighton said I believe it’s 150 across and 375 deep. Commissioner McKiernan said thank you.

Commissioner Walker said, Mayor, as you know, we do have a chicken expert on this Commission. Perhaps we should ask Commissioner Murguia to weigh in.

Commissioner Murguia said so I have three chickens as Commissioner Walker has announced. I also have a special use permit. I don’t have any smell. My unit is not even mobile; it stays in 

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the same spot. I have no smell. As long as there is no rooster, there’s no noise. Hens don’t make any noise, I don’t know if you know that. I think it’s an admirable thing you’re doing. They’re probably not going to be a fraction of the work that the children you take care are.

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

ITEM NO. 3 – 150114...SPECIAL USE PERMIT #SP-2015-24 – WIL ANDERSON/BHC RHODES

SYNOPSIS: Special use permit for a cemetery at 8350 Leavenworth Road, submitted by Rob Richardson, Director of Planning. Due to the fact that proper ceremonial burial for Muslims in Kansas City is limited, the church would like its own 150 plot cemetery.

Urban Planning and Land Use Comments
1. Compliance with Kansas State Board of Mortuary Arts as applicable.
2. How deep are the bodies buried? Is that above the water table on the property?
3. How will each grave be marked and located?
4. Provide a map of burial plots.
5. Will these burial plots be sold?
6. Please explain the long-term care and maintenance of the cemetery.

Applicant’s Response
5. Will these burial plots be sold?
6. Please explain the long-term care and maintenance of the cemetery

Applicant's Responses

April 27, 2015

Responses to Draft Staff Comments on AZ- Zahra Center Cemetery Application

In response to the draft Urban Planning and Land Use Comments:

Item 1. Compliance with Kansas State Board of Mortuary Arts as applicable.
   a. Yes, Joel Brinkley manager of Chapel Hill will be their consultant.

Item 2. A. How deep are the bodies buried?
   a. 6 feet below ground level.

Item 2. B. Is that above the water table on the property?
   a. PSI were contracted to carry out soil borings on the property and their report
      was provided February 13, 2014. All borings were to a minimum of 10 feet. The
      borings were to determine whether rock was encountered and a general report
      on the applicability of the site for burial. Moisture was encountered in two
      borings in the south west of the site but was at or around the 10 foot depth.
      The remainder of the site no water was encountered.

Item 3. How will each grave be marked and located?
   a. The headstone shall be placed flat on the ground such that it would not
      protrude from the ground more than the thickness of the stone. This is for the
      ease of mowing and maintaining the ground around it.
   b. Plots will be surveyed and marked to enable location of specific plots from the
      final plat.

Item 4. Provide a map of the burial Plots.
   a. To be provided. The current submittal shows the approximate location and
      siting of the plots.

Item 5. Will these burial plots be sold?
   a. The burial expenses, including preparation, digging, cost of the plot, will be set by
      the AZ-Zahra Board based on feedback of the community. The cost will be
      published once a year unless no changes have been made.

Item 6. Please explain the long term care and maintenance of the cemetery.
   a. As to maintenance, there will be held in escrow $500 for each plot sold
      in a restricted account that only 2 people will have access, one being
      the UG treasurer. Rob, again, these are all people that will be interred
      and have local family. The possibility of an abandonment of the property
      is very unlikely given the investment in the structure, congregation and
      local family pressure to maintain the cemetery.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.
Wil Anderson, BHC Rhodes, 901 N. 8th St., Kansas City, KS, representing the AZ-Zahra Center, Inc. in their petition for a private cemetery at the location at 8350 Leavenworth Rd., Kansas City, Kansas.
That’s just an aerial view of the AZ-Zahra Center. You can see the building of the front. The red band with the yellow box is the location of the proposed private cemetery in the back. One of the questions we had had was whether the cemetery is visible from Leavenworth Rd. As you can see, the ground rise away. You can just see the building between the trees and the cemetery is behind that.
Some of the things that we had to look at were whether we were compliant or in compliance for the private cemetery within both the Unified Government and the actual Kansas state requirements. The things that we’ve stated before we fully have been complying with the Kansas State Board of Mortuary Arts.

One of the issues with private cemeteries is what happens in the long-term if the congregation moves on or the church shifts. What we are putting in place is an account that’s signature shared with both the UG and a member of the AZ-Zahra Center Board for each plot that’s available. There will be a $500 kit for that and if you look at 150 plots, were up at $75K. For the long-term care on a small private cemetery, this is fairly good.

The plots need to be able to be defined by the recorder of plats so they’re all able to be defined by the recorded plat. The recorded plat is the second part of this if a cemetery rules and regulations have been established. At this stage, they’re just in an early stage. In some of the handouts you’ll see the rules that they have currently got in place. One of the other things we did was did soil samples and took evaluation to make sure that we could a) bury the bodies and b) where are the aspects of the land itself.
The second part of the investigation was really to see whether we could meet the requirements of the AZ-Zahra Center community. It’s an Islamic congregation and they do have some requirements. The Islamic burial, and you can see that in one of the handouts that we’ve given you that all plots are aligned to Mecca.

We needed to meet a need for 150 plots. If you can average that out, in the past two years the congregation—the cemetery is limited to those people that are members of the congregation or their close family. We’ve figure that for a year or for two years will put that out to 75 years so we don’t expect that to go out of play. One of the other things was all of the plots are the same size, four foot by ten foot. It has to be easy to maintain. They’re a community organization so even the headstones will lie flat to the surface. They just stick a little bit above the actual ground level so they can maintain that. The other thing is that the actual area for the cemetery sits back from each of the adjoining boundaries by 25 feet and that will be landscaped between the boundary and the actual cemetery itself not only to provide privacy for the neighbors, but also for the cemetery itself.

One of the things that we wanted to get across was the fact that this has been a long process. Our initial meeting with AZ-Zahra Center was back in September 2012. We met not long after that with Rob Richardson just to discuss what we were trying to get to do just to make sure that we could comply with what he felt was the issue. The meeting was essentially between Pete Peterson, a long-time attorney in the Wyandotte area, and myself and Rob Richardson. We then basically put together a team to step back and look at all of the requirements that we might need both from the local government, the state government and the AZ-Zahra community itself. The AZ-Zahra Center Board provided a member; he’s here, Mr. Agha, to add comments. We went through the process initially and then as part of our process, we obtained a neighborhood listing from the UG Planning Department of all those people that were likely to be asked as a result from the formal application process.

We held a neighborhood meeting in effect and we had some neighbors come along. The people we invited along to answer questions included Pete Peterson from the attorney’s side, Joel Brinkley from the Funeral Director’s side, the AZ-Zahra Center Board. We also invited along Chris McCord, a local appraiser because there was some concern about whether property values would be affected by this application. We answered all the questions that they had and then moved forward. On most concerns we further developed the requirements and determined the information gaps, followed through with the Geo-Tech work and then entered into the formal application process earlier this year.

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At the Planning Commission, there were questions raised about the property value. There was a letter from an apartment across the road from the AZ-Zahra Center. I asked Chris McCord, he’s an appraiser in this area, for comments. He’s provided comments on that in the letter and basically saying that there should be little or no effect to the property values in the surrounding area. There was some questions regarding a Geo-Tech information whether there was water within that, where was the water table. The Geo-Tech drilled to 10 ft. in about eight or nine locations around the area. They found no standing water. There was moisture in the soil. It is a clay soil, but basically the interest for us is that there was nothing that would stand out, especially the water table.

Long-term maintenance was a concern. As I said, each of the plots will come up with a $500 that would go into escrow and be under the long-term control which handles that. The cemetery itself or the proposed cemetery should be easy to maintain and the AZ-Zahra Center currently maintains their property in good condition.

Compliance with state requirements. There were some questions about whether we complied or not. We have stated that we complied with state requirements. We have a funeral director, general cemetery manager, on the team and he advised us and kept us on line for what we may or may not have to do. Part of that is in one of the handouts. We’ve set aside a procedure. He is set up basically to say this is how they would run and how the AZ-Zahra Center basically takes part in that procedure.

The final was the Islamic burial rituals and you can see on the back page the same thing, the basic requirements for those rituals.

Our next step is to obviously seek approval by this Commission. If we get approval, to establish these agreements and documentation in place and that includes recording of the plat and then hopefully the private cemetery comes into operation.

Just so you know, that it was a broad based in terms of the people involved, AZ-Zahra Center, they had board and congregation representation so we weren’t going outside their bounds. Pete Peterson, the attorney, who’s recently done some work on some of these trustees public and private cemeteries; Joe Brinkley, who is the Cemetery General Manager and Funeral Director within the Wyandotte County area; Chris McCord, who is a local appraiser; myself, and then PSI with Geo-Tech on this side who, again, do a lot of work for us.

**Commissioner Bynum** said the question I have is $500 per burial plot for—**Mr. Anderson** said just for the maintenance; the long-term maintenance. It does not include—I’m sorry, finish your
question, I apologize. **Commissioner Bynum** said times 150 plots. **Mr. Anderson** said yes. **Commissioner Bynum** said $75,000 and I just—I guess my one and only concern is what authority would the Unified Government have over a private cemetery. I think I understood you to say that money would be held—**Mr. Anderson** said in escrow. **Commissioner Bynum** said for that purpose of maintaining. **Mr. Anderson** said that’s right in the event of the cemetery faulting. **Commissioner Bynum** said and when that money was gone because that just doesn’t sound like very much money to me to maintain the cemetery.

**Mr. Richardson** said the intent would be that while the church is there and operating that they would maintain that without touching that money. That money would be there in case in the future that the congregation move and there would be no one there to maintain it, or the congregation would go away then that money and whatever interest it had earned over time would be available for us to use, theoretically, the interest off that, on an annual basis to maintain the cemetery. **Mayor Holland** said because it is important, I think, to point out, correct me if I’m wrong, I’ll ask my Legal staff to correct me if I’m wrong, I believe by state law, if a cemetery goes under as it were; if a cemetery goes bankrupt, dies, or something, if a cemetery goes under, then it defaults back to the county to maintain. Is that right? **Commissioner Walker** said yes. **Mayor Holland** said we currently maintain a number of formally private cemeteries. **Commissioner Walker** said they were more than adequately funded, so the representative said at the time, but somehow the trust money always seems to disappear. **Mayor Holland** said so I think it is an apropos question but the idea is the $75,000, when it’s full, and if the congregation leaves and there is no one to care for it, that money would go to the city, or the county in this case, the Unified Government, to maintain. Does that answer your question? **Mr. Richardson** said, Mayor, the other thing would be that agreement isn’t drawn up yet so we would have our attorneys work with Mr. Peterson to draw that up so that we would be protected and the trust money couldn’t be used without UG approval.

**Commissioner Walker** said I’m always a little bit curious when groups make application or seek some kind of special use permit and then they never show. You’re here, you’re clearly not part of the congregation I don’t think. **Mr. Anderson** said as I said, one of the board members—**Commissioner Walker** said I’d like to ask them some questions.

**Jameel Agha**, Paola, KS, member of the Board of Trustees of the AZ-Zahra Center appeared. **Commissioner Walker** said has the Board of Trustees done any financial analysis by **May 28, 2015**
a CPA or somebody to address the question of Commissioner Bynum. I, too, am a little concerned about the—it’s a paltry amount when you’re talking about maintaining a cemetery in perpetuity. Once it’s there, it’s going to be there forever. As the Mayor has indicated, we are now obligated, the taxpayers of Wyandotte County are now obligated to take care of a certain number of cemeteries because the trust funds have run out and there is no board any longer. Whatever board there was has dissolved or disappeared.

I’m certainly not a financial analysis but it does seem to be somewhat of a modest amount to say to the commission, you’re going to maintain this cemetery in perpetuity with $75,000. I don’t see it happening. The question is, did you have anybody run numbers for you as to what amount you should levy for perpetuity? How does this compare—I know what it compares to in terms of what I’ve paid for plots at other cemeteries and it’s not close. I would say have you had any financial advice on what you should be charging? Mr. Agha said our attorney had done some research on what the initial amount should be set-aside and he thought that was a very good number. He’s spoken with other people in this business and we took his recommendation. If the board has other recommendation, we’ll definitely be—Commissioner Walker said I’m not in a position to advise you on that. I’m just saying I am personally aware of what fee I had to pay for a couple of plots and it was a lot more than what you’re projecting. I’m not anymore certain they’re going to maintain it in perpetuity than I am your church is.

Mayor Holland said let me do this too. I started with questions and I should have probably opened up the public hearing first and then come back to the questions. I got a little out of order here.

Mayor Holland opened the public hearing.

The following appeared in support:

Joel Brinkley, 701 N. 94th St., said I came up to help out with Commissioner Walker’s question. It’s pretty much in line. ECF Endowment Care Fund is what Chapel Hill pays because we’re not a private cemetery. It’s 10% of what we sell a space for. $500 is kind of high actually because I have very few spaces that are $5,000. The reason the state of Kansas doesn’t require the private cemeteries to do that is because they realistically, the chances of them ever being abandoned is very small because you’re talking about a community who has reached out and these are their relatives and their friends. It’s like your little church cemeteries you’ll find out in the counties.
There might not be anything for miles but there’s somebody there that takes care of that cemetery every day.

I believe that everybody is in agreement that the chance that’s ever going to happen is minimal. The reason it’s more feasible in a situation like Chapel Hill or Mount Calvary or Highland Park and those situations, is once all the spaces are sold and we have no more space to sell, there’s no way to produce the income which they will still have a community that produces income through tithes and things like that.

No one else appeared in support.

The following appeared in opposition:

**Michael Baska, 6300 Parallel Pkwy.,** said I came in opposition to this. I am highly against it because of from what I understood from the last meeting, which I tried to get minutes on too online and I’ve not been able to get. From what I’ve gotten from the last one is that I’ve heard that the caskets are made for water flow to flow through. That is not true. I live in a funeral home family and drilling holes is not common practice. I’m also worried about the ground water contamination. I heard there are only two soil samples versus the eight to nine, and that there was water found at 10 ft. That’s only a four-foot gap. If you look at the weather going on now — you can look at Houston. Their graves are popping out of the ground so that shows that there are no holes that drill threw. That’s also desecration of a body; desecration of a grave. The air pollution and the soil degeneration—if there is no tarp or any incasing around that, there is nothing that I have heard of any process of anybody checking on any bodies with communicable diseases if they have anything that can catch on. Kansas law states by the Kansas Board of Mortuary Arts that requires encapsulation and that’s got to be checked before burial. I haven’t heard anything of that. From what I understand, it’s directly ground burial. There’s no encapsulation so I’m really concerned of when the body decomposes. In 30 days, it’s going to get into the soiled water. I also know that when a cemetery is put in, it’s normally not—it does change. It changes the property value, it decreases it actually quite a bit from my understanding from what I’ve seen. That’s basically what I have.

No one else appeared in opposition.
Mr. Brinkley said I included in the packet that you got there that the committee plans on using a funeral home to facilitate the burials there and cemetery. It’s up to the individual funeral home, the licensed funeral director, to know what to do in the rare case that there would be something that would be communicable or contagious.

Kansas does have a requirement to notify the funeral home if a person has been diagnosed with a communicable or contagious disease so we’re aware of that. The two options, yes, in that case, become either to embalm the person or to encase them in a hermetically sealed box which they would need to choose one of those two options if that were the case. It’s not up to the community to do that, it’s up to the licensed funeral director to know that.

You have to call a funeral home anyway. The community couldn’t process a death certificate themselves anyway. Without a funeral home involved, there would be no death certificate, there would be no record to be able to get insurance and things like that so.

As far as the holes, Mr. Baska wasn’t at the meeting. I think he’s heard it second, third, maybe fourth-hand. What I was saying was some of the—and I’m sure he’s familiar with Clark Vaults, I would hope, that have no bottom in them. They are the lower costs outer burial containers. What they do, they do have openings in the bottom to let the water back out as it comes in otherwise the box would become filled with water and never drain out. The reason that is, the purpose of an outer burial container is not necessarily to encapsulate or hold anything in or anything out. The main purpose of an outer burial container—the reason we require it at Chapel Hill is strictly landscaping purposes. It’s designed to hold the weight of the earth. If we didn’t have that, eventually the ground would cave in and we’d have to come in after the grass is already growing and the sod was established and put new dirt and new grass down.

Mayor Holland closed the public hearing

Commissioner Johnson said I would like to preface my comments and questions with due respect to the Muslim community and the appreciation for the need to have a location to properly bury their dead. I share in the same concern relative to the perpetuity of the operations, particularly the management of said facility. We know that there is a fund that will be established. I agree with comments that have been made by Commissioners Bynum and Walker relative to what I would consider a meager amount. Even at $75,000, how long would that last?

There seems to be some predisposition toward the dissolution of said facility or cemetery. With that in mind, it makes me wonder why there are maybe it’s just putting the cart before the
horse—why there were not numbers to kind of justify this that were provided with this packet. It causes me to ask the question, even at 150 plots that you’re saying over 75 years, four burials per year, is there really a market for this type of facility to support that?

The congregation, is this one congregation, or is this multiple congregations that we would be looking to as the market to be able to continue to have this going on so that we don’t have this discussion about whether or not the county can support this. I don’t think we should even be having that discussion. If that’s part of the discussion, I don’t know that we need to be even talking about this. There needs to be data that will support the perpetuity of this. Just by using numbers such as $500 times 150, I don’t think that really cuts it. What data are you utilizing to justify that there really is a market for this type of facility? Mr. Anderson said the issue is the difficulty—the goal was to provide an Islamic cemetery that meets their requirements. The set-aside of the $500, how the $500 was judged, was is basically upon using the same perimeters they use for public cemetery where the figures are much higher. The figures that we have set are basically set by that perimeter. How do judge that figure, if the $75,000, if the church is there, they are maintaining, that amount is not touched. The $75,000 basically continues to grow as the people are buried. I guess the danger is that if the cemetery falls before all are buried, then you don’t end up with the $75,000. In essence, the other thing to consider is it is one of the only Islamic cemeteries—it would be one of the only Islamic cemeteries available. To maintain a private cemetery aspect of it the aim was to basically keep it within the congregation and the close family members. It wasn’t to be opened up to the general public because it was not a public cemetery. It was not aimed to be a public cemetery. I realize the number $75,000 may seem small but if it’s held basically under the control of both the UG as a signatory on the account or the trustee account and the board on the other side, then there’s that amount there in terms of how long that would maintain it. I’m not sure how you could judge that. Basically, it becomes similar to a family cemetery or similar to as Mr. Brinkley said, like the country cemeteries. They are still maintained no matter who is there just because of the family history of those places.

Commissioner Kane said obviously I’m not the religious leader of this group. I read this thing. We get the packet on Monday and I read it twice on Monday because I thought it was unusual that a religion wanted to take care of their folks in their very religious way and to honor the body by burying it in what they consider going on to a better place. I made sure that all this stuff fell inside the state guidelines as I was looking at it because I’ve never seen anything like this before.
As I’m reading it, they put a shroud over them. The females get five pieces, the males get three pieces.

I don’t know if this cemetery is ever going to fill, but I sure would like it if I had a religion like that that I could be buried right by my church, right with my family, right where they would want me to be. Every time I go to church service if I want to walk out the back I could go see them. I go see my mom a lot. It’s about 25 miles away. It sure would be handy just to walk out the back of one of the churches and say, mom’s back there. I know this is unusual. It’s completely unusual and I would be for something like this.

Doug Bach, County Administrator, said our current cemeteries that we have about 12 to 13 that we maintain in the county now. As you noted earlier, per state statute it requires counties to take them over when they’ve been abandoned. We spend a rate at about $1,000 an acre. We contract for most of them today so that’s our cost. The $75,000 that they’ve placed in trust is one that all depends what kind of interest rate you’re going to get. It’s assuming you need to put an amount of money in trust that you would never touch the principal on it. This is 3.79 acres so if you had 5% interest rate, you would get approximately enough to cover that. Mayor Holland said based on $1,000 an acre. Mr. Bach said based on $1,000 an acre and then you would assume your money probably grows a little bit. We don’t have a cost-of-living index that hits us at 5% a year for the cost of mowing, so assuming it would bill, probably beyond that amount per principal base over and above what cost-of-living would be a year.

We haven’t set out anything as far as this agreement where this money goes from a trust and it all goes in at that point. In a long-term investment, we could probably hit that kind of interest rate and there would probably be enough there that just seems like it would be close to that amount but it’s nothing we’ve ever projected before.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2015-24, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.
REGULAR AGENDA

MAYOR’S AGENDA
No items of business

NON-PLANNING CONSENT AGENDA
Mayor Holland asked if there were any set-asides on the Non-Planning Consent-Agenda. There were none.

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

Mayor Holland said I will say now, I didn’t want to pull it off the Consent Agenda, included in this Consent Agenda was a grant application by our Police Department to look for bodyworn cameras for our Police Department. That’s an issue we’ve been looking into. The Commission agreed that it’s something we’re interested in but we’re going to need some financial help to make it happen. This begins the process. The next day after the Commission had the conversation that the grant application became available through the Department of Justice. We’re now applying for that grant. Should we receive that grant, we will ask Chief Ziegler to put together a program to help us understand the full costs because the cost of the cameras is only the beginning of the costs in terms of implementing such a program. I have gone on record to say that I would be fully supportive of leading the region in implementation of this new technology to protect our sworn officers as well as our citizens. It holds great potential. It’s not the end all, but it holds great potential and that application was on the Consent Agenda.

ITEM NO. 1 – 150117…RESOLUTION: OPERATION GREEN LIGHT TRAFFIC CONTROL
SYNOPSIS: A resolution approving a cooperative agreement with Mid-America Regional Council (MARC) to fund operations of the Operation Green Light (OGL) Traffic Control System for 2015-2016, submitted by Lideana Laboy, Public Works. On May 18, 2015, the
Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:** RESOLUTION NO. R-32-15, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to enter into the cooperative agreement for funding operations of Operation Green Light Traffic Control System.” Commissioner Kane made a motion, seconded by Commissioner McKiernan to adopt the resolution. Roll call was taken and there were nine “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

**ITEM NO. 2 – 150102...RESOLUTION: MERRIAM LANE, WEST 36TH TO 24TH ST. IMPROVEMENTS**

**SYNOPSIS:** A resolution approving an agreement with the city of Overland Park, KS, for the public improvements on Merriam Lane, West 36th to 24th Street, submitted by Bill Heatherman, Public Works. The UG initiated this project and will pay all costs. On May 18, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:** RESOLUTION NO. R-33-15, “A resolution authorizing the approval of the agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and the city of Overland Park, Kansas, for the public improvement of Merriam Lane, West 36th to 24th Street.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

**ITEM NO. 3 – 150132...GRANT: BODY-WORN CAMERA PROGRAM**

**SYNOPSIS:** Request to submit a grant application to the Department of Justice to implement a Body-Worn Camera (BWC) Program, submitted by Terry Zeigler, Police Chief. On May 18, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

May 28, 2015
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 4 – 150100... GRANT: HEALTH DEPARTMENT PROJECT
SYNOPSIS: Request to subcontract with the Community Health Council who is partnering with KDHE (through a CDC grant) on a project to prevent obesity, diabetes, heart disease and stroke, submitted by Terry Brecheisen, Public Health Director. On May 18, 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,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – 150076... AMENDMENT: FOOD TRUCKS
SYNOPSIS: Authorize staff to move forward to amend the zoning code to allow short-term food trucks based on administrative review, requested by various commissioners and submitted by Rob Richardson, Director of Urban Planning & Land Use. On May 18, 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,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 6 – 150078... AMENDMENT: LIMITATIONS ON NEW “DOLLAR” STORES
SYNOPSIS: Authorize staff to move forward to amend the zoning code to require a special use permit or other limitations on new “dollar” stores, requested by Mayor Holland and submitted by Rob Richardson, Director of Urban Planning & Land Use. On May 18, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

May 28, 2015
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 7 – 150104... AMENDMENT: AUTOMOTIVE LAND USES

SYNOPSIS: Authorize staff to move a code amendment to the Planning Commission to require a special use permit for the following automotive related uses not associated with a new car dealer, submitted by Rob Richardson, Director of Urban Planning & Land Use. On May 18, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.
1. Used car sales
2. Used tire sales or tire services
3. Auto mechanics
4. Auto body repairs

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

ITEM NO. 8 – 150103... AMENDMENT: FLOODPLAIN

SYNOPSIS: Request an amendment to the floodplain ordinance to change the dates of the UG's approved flood maps in order to maintain eligibility for disaster relief, submitted by Rob Richardson, Director of Urban Planning & Land Use. On May 18, 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,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.
ITEM NO. 9 – 150106... AMENDMENT: RESIDENTIAL ACCESSORY USES

SYNOPSIS: Request an amendment to the allowed residential accessory ordinance due to issues arising from activities within the Hanover Heights neighborhood, submitted by Rob Richardson, Director of Urban Planning & Land Use. On May 18, 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,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 10 – 150133... GRANT: DOWNTOWN SHAREHOLDERS

SYNOPSIS: Request the UG apply for a grant from the Kansas Historic Society to conduct a historic resources inventory of Downtown KCK and designate Downtown Shareholders as the administrative agent (third party designee), submitted by Rob Richardson, Urban Planning and Land Use Director. On May 18, 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,” Walters, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 11 – 150057... PLAT: FRANK RUSHTON ELEMENTARY

SYNOPSIS: Plat of Frank Rushton Elementary located at 43rd & Springfield and being developed by USD 500, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

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

May 28, 2015
12. MINUTES…MINUTES
SYNOPSIS: Minutes from regular session of March 26, 2015; and special session of May 14, 2015.

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

13. WEEKLY BUSINESS MATERIAL…WEEKLY BUSINESS MATERIAL
SYNOPSIS: Weekly business material dated May 7 and 14, 2015.

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

PUBLIC HEARING AGENDA
No items of business

ADMINISTRATOR’S AGENDA
No items of business

STANDING COMMITTEES’ AGENDA
No items of business

COMMISSIONERS’ AGENDA
ITEM NO. 1 – 150144... GRANT 2015 CASINO GRANT FUNDS
SYNOPSIS: Request approval of the 2015 UG Hollywood Casino grant funds recommendation, submitted by Joe Conner, Assistant County Administrator.

Joe Connor, Assistant County Administrator, said what you have before you tonight is a summary spreadsheet of every application received, the requested amount and then the amounts that were awarded by you individually.

May 28, 2015
In way of summary, there were 54 total applications received this year. There are 33 grants being recommended for approval with the average of being almost $15,000 per grant. I’ll stand for any questions. If approved, this will be posted on the UG website next week with every application that was received so people can look and see what grants were submitted and what they were about and what you funded as well.

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

### LAND BANK BOARD OF TRUSTEES’ AGENDA

No items of business

Commissioner Markley said, Mayor, can I make a quick announcement? I just want to make sure that all the Commissioners are aware that on June 2 the CDBG committee is going to meet at 4:00 p.m. You’re all welcome. We’re going to meet on the 5th Floor. You’ll get a notice about it, but just so you’ll know we’re meeting with our consultant for the five-year plan that day and wanted to make sure that you were aware that’s your opportunity to meet with that consultant and talk about our five-year plan.

Mayor Holland said that’s on June 2. I would make this special request. Please let Janet or Dianna know in your office if you’re going to attend because if we go to five, we need to announce that meeting. Have we already announced the meeting? Commissioner Markley said yes. We’ve been announcing them anyway. Mayor Holland said you don’t need to RSVP, but you’re welcome too. Commissioner Markley stated totally optional to be clear, but you’re more than welcome to join us.

**MAYOR HOLLAND ADJOURNED**

THE MEETING AT 8:15 P.M.

May 28, 2015

_________________________________
Bridgette D. Cobbins
Unified Government Clerk

May 28, 2015