

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

PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, JANUARY 28, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 28, 2016, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Bridgette Cobbins, Unified Government Clerk; Ken Moore; Chief Legal Counsel; Rob Richardson, Director of Planning; Jamie Ferris, Planner; Chris Slaughter, Land Bank Manager; George Brajkovic, Director of Economic Development; Marlon Goff; Economic Development.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Mayor Holland.

Mayor Holland asked if there were any revisions to the agenda.

Bridgette Cobbins, UG Clerk, said yes, a blue sheet has been distributed. Under Non-Planning Consent Agenda, Item No. 7 is a new item. It is a plat for the Parcel 3, Center City. Under the Administrator's Agenda, Section VII, we have a clerical error under Item No. 1. The MOU with the Plumbers Local Union No. 8 is the fifth, not the sixth of the thirteenth local contracts to be ratified which represents 51% of the union workforce under contract. .

Mayor Holland said tonight there are two distinct parts of our meeting. The Planning and Zoning portion and the Non-Planning and Zoning portion.

We also have an agenda carried over from our five o'clock. We had a session from five to seven, a two-hour session upstairs. We actually had about three hour's worth of meetings. We've moved one portion to next week, but we brought the other portion down to this meeting and actually we're going to lead off with the Healthy Campus Update from our five o'clock agenda. We'll start off with that and then we'll move to our Planning and Zoning. Before I do that I will announce we do have Eagle Day down at Kaw Point Park in Kansas City, Kansas Friday and Saturday from 8:00 a.m. until 3:00 p.m. If you have any questions talk to Mr. Caldwell here. I appreciate that he did not bring his muskets through security. Thank you for bringing that to our attention for Eagle Day in KCK. With that I'll turn it over to CBC to give an update on the Healthy Campus.

Bill Crandall, Managing Principal of CBC Real Estate Group, said we've been hired and engaged to act as your master developer. On our team tonight here is Jason Glast. He is one of our associates. He is assisting us with the project. In addition Peter Ho is not here but has contributed quite a bit of effort to the project. Maybe as a quick bit of background, our role as master developer really is to lead the implementation stage of the project that you've been planning for several years. That's been the primary goal of our efforts over the last couple of months. I will breakdown our brief presentation to really two primary categories and be happy to stand for questions afterwards.

The first category is the funding in the capital campaign. The second category would be the planning update. In regards to the funding and capital there are really two phases that we're looking at right now of capital needs. What I would call predevelopment and then once we get into the actual campaign for the YMCA. The predevelopment phase we're seeking contributions from several different sources including LISK, Wyandotte County Health Foundation, and other grants and potential donors to assist us with some preliminary planning. That would include and engaging architects with planning for the area as well as specifically the actual community center. There will be feasibility analysis, market studies, and other real estate activities that we'll need as really support the entire initiative. The initiative would be to create the underpinnings for the market and feasibility of not only the grocery store but as well as the community center and other urban housing solutions that we contemplate. That's really the pre-development stage.

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The second funding stage would be the YMCA capital campaign. We're trying to raise \$8 million out of the \$14 million in projected cost. In an effort to do that we feel like we need, as I mentioned previously, to get the right architectural drawings and the right marketing documents prepared so we can go out and make a credible campaign. We have actually begun through the Unified Government Procurement Offices, we have an architectural RFP out on the street right now. I believe proposals were sent back a week ago Friday and so we're setting times to review those right now. We had a great response and our intent is to select a team to help us with the community center, and then preliminarily get them to document what we believe to be the conceptual plan so we can use that as the foundation for our marketing initiatives not only to potential donors for the actual facility itself, but as a tool to market to other interested parties, developers and anybody that would be interested in housing or retail in the area. That's the first phase.

The second phase efforts are really a planning update. The Unified Government had made progress previously in negotiations with a grocery store operator and we continue those negotiations and those negotiations are really maybe twofold. One is planning issues and others are economics and you've got to bring those both forward at the same time. We are really focused on the planning initiative first because that was sort of a negating issue. I think we've gone to an area where we ought to be able to make some progress on that. I know the Unified Government is pursuing the Choice Neighborhood Grant application. We think that would be positive for our efforts. It will be integral to our project and we think it will also help catalyze our efforts for redevelopment.

Lastly, from a planning perspective what went through all of this is an effort to market this area and we want to engage the firm to develop a website, develop marketing collaterals, and to develop information that will help, but if anybody in the development community identify and take this project seriously as a potential urban redevelopment opportunity. The map that you see up there—the Healthy Campus corridor really spans from 11th Street all the way down to 5th Street and Washington to Armstrong, but we're sort of anchored on what I would call the east end of the property, the east end of the zone. That really has served Big Eleven Lake on sort of the northwest corner and then go down a couple two or three blocks to the south and then head back to the east two or three blocks. We're really looking at nine blocks. We don't have a priority on that pursuit right now, but we are inventorying the property and really trying to

understand what is the least resistant path to development in those areas. I'd be happy to answer any questions.

Mayor Holland asked do the commissioners have any questions with the update. Our goal is to give a quarterly update to the Commission on the progress of the Healthy Campus. This is our update for the first quarter of this year.

Commissioner Townsend asked, Mr. Crandall could you just summarize where we are in the phase with regard to the grocery store so I can have in my mind and for those constituents in one and other districts listening distinctly just where we are again on that. **Mr. Crandall** said let me start from where we were before we got hired. They wanted to pursue a planning solution that was more of a suburban plan and so we had to really work with them and ask for their cooperation to develop a more urban site plan. It hasn't been fully agreed to, but we're definitely talking with them about that site plan which is really a significant move forward. Now that we've gotten that far we'll be able to reengage them on the economic discussion. I'd say that the big blocks of the planning solution have been generally resolved and now we need to get back into the economics of their transaction. **Commissioner Townsend** said for the benefit of our audience, could you talk a little about the difference between the types of planning that you were talking about. I think you said suburban versus an urban type of design. **Mr. Crandall** said I mean the best way to think about a suburban grocery store solution would be take a 35,000 sq. ft. grocery store and visualize a field of parking and asphalt that might sprawl in an area that's two or three times the normal with what you might be able to accomplish with a structured parking solution. 18th & I-70 suburban solution and what we're trying to do in an urban solution probably the best urban solution for a grocery store in the Kansas City area is the Cosentino's downtown Kansas City, Missouri. We're trying to take that grocery store footprint and think about it going vertically with parking and other residential developments, the community center as opposed to spreading out horizontally.

Commissioner Johnson said you gave me just enough time to think on that. Is there a general timeframe for the grocery store specific? **Mr. Crandall** said we don't have one at this point, but we know you're urgent and we're urgent too. They've been at this a longtime and I think candidly by virtue of our ability, the team's ability, not just our efforts but everybody efforts

including the grocery store operator; for them to consider what would be a wholly different planning solution was a big step and we're getting comfortable with that and I don't want to forecast a schedule without giving it some more thought, but I can tell you this we're making progress with them whereas before we were at a bit of a stalemate. **Commissioner Johnson** said maybe I can ask it a different way then. How long do these types of projects typically take when we're in this phase of discussion? **Mr. Crandall** said it's never a good answer, but it's going to take a couple of years unfortunately. What I would say is that hopefully by the end of this year we get to a point where we're under a development agreement with them, not the end of this year, in the fall, six months or so, get to a development agreement and get to a planning solution with them. There's a land acquisition strategy that has to operate on a parallel track with that and that schedule can be fairly unknown. Some of that's out of our control, if not most of it. Nothing happens unless you start and we have started to implement. I feel like we've got a good strategy with our land acquisition plan. We are definitely making progress with the grocery store operator. If we can get those things aligned and get the development agreement, which is probably the easiest of all of the things I talked about, put into place and approved by the governing body; if we can get that done in the next six to nine months they can start construction in the spring of 2017. **Commissioner Johnson** said thank you. I just want to let you know that the desert as they call it, the food desert, is growing drier and there is a lot of anxiety and anticipation of a grocery store in that area of town. **Mr. Crandall** said we definitely have sense of urgency. **Commissioner Johnson** said thank you.

Commissioner Murguia said so you have a grocery store operator that's willing to build a grocery store. **Mr. Crandall** said we don't have a contract with them yet, but we have somebody that's interested in coming to downtown under the right set of economic circumstances and planning circumstances to build a grocery store. **Commissioner Murguia** asked would you say that you have someone at the table that's interested but—is money the issue? **Mr. Crandall** said I don't know that money is the issue. I would say that we do have somebody at the table. They've expressed interest. They've been here for three years, way before we were hired to help you, and that's really important. As I said to everybody on our team that's a big deal. Getting them committed like this is a huge deal so that's really a big deal. Getting the land under control seems sort of like a pedestrian minor event, but when you're dealing with any one of those blocks might have ten landowners and anyone of them could

corrupt a land acquisition strategy. That's a delicate dance that you've got to deal with the landowners. All of that the land acquisition strategy, the physical cost of building the building, dealing with urban environments, many of those sites are pretty challenged typographically. All of that gets baked into the performas so we can go negotiate their economic transaction. We're trying to do this development not only with a grocery store, but in combination with a community center as well as some potential urban housing solutions and some other street side retail which would be the best way to get that whole block kicked off whichever block that is. I think the best solution for the Unified Government and for our efforts would be to do a holistic plan. If we get to a point where those other parts aren't falling into place, there's nothing to say that we can't proceed with just the grocery store. **Commissioner Murguia** said you're saying no to proceed with the grocery store that they're interested enough that they're ready to do a deal. It's just working out the details of the deal. **Mr. Crandall** said yes, I think by virtue of the fact that they've been working for us with three years, working with you for three years, they are interested in doing the deal, absolutely. **Commissioner Murguia** asked what is their specific holdup, the grocers. **Mr. Crandall** said it was the plan. I would say this, Commissioner, there is no reason to talk about the economic issues if we can't get passed the planning issues. Frankly, it was the Unified Government that didn't like the plan that they had proposed so we had to work in a cooperative way with the grocery store operator and develop a plan that they would accept and I think we're there now. I think those basic building blocks are in place right now and we're just at the point, as I have said, we can have the most perfect plan on the block that we want, but if we don't have control of that land then it's completely academic. **Commissioner Murguia** asked so they did bring back a plan, a design, and we didn't like that plan. **Mr. Crandall** said that happened before me, but I can tell you that we like the plan that they're putting in front of us right now. It's not the plan they're putting in front of us. We've cooperatively developed a plan with them. **Commissioner Murguia** said okay.

Commissioner Walker said I've got a lot of more questions than you've been able to give answers. It'd be my expectation—this project was reauthorized after an initial two year authorization for a third year. I would expect at the next quarterly report that we have some substantial information on our economic progress on this project. We're wasting a lot of time and energy addressing this. If the money isn't there or it's not going to be there, then we have \$6M dollars that we've committed that we could reallocate to a separate Juvenile Detention

Facility that you just heard upstairs. I don't think it's unreasonable after two and a half years to know whether we're making any progress on the economic funding of these various components. That's just me. Everyone else is satisfied with what information they've gotten, but at some point we have to make a hard call whether to keep going on this thing or is thing just going to go on forever and we don't have any economic information to be given because of one thing or another. I'm willing to work hard, I'm willing to consider some options that probably I wouldn't have considered at the beginning, but if we don't have any money to show to develop this project, then I'd rather we devote our energies in a different direction. We have a lot of things we need to do in this community. This answered a lot of questions, but I guess it's more of a statement than an answer or question.

Commissioner Kane said I wasn't going to say anything, but I agree with Commissioner Walker. Sooner or later we either have the money or we don't have the money. If we have the money, let's push forward and if we don't, let's stop and spend the money wisely somewhere else. **Mr. Crandall** said I couldn't argue with anything you've said. We're urgent. We have a sense of urgency about this. When we were brought on board maybe six months ago there wasn't a deal frankly. Now we have the makings of a deal that meet both planning and economic. I'd be happy to visit with you anytime you like about what we've done. I'm not trying to be defensive, but I do believe that we are making progress. I don't get paid very much money unless we make progress so I'm urgent. I want to make this happen. I don't like doing studies that you put on the shelf. I have no interest in that. If we're not going to get it done for you, I totally agree with what you're saying and I want to get it done. I honestly believe, Commissioner, we are making progress.

Commissioner Walker said that's good to hear.

Mayor Holland said one thing too that I'll just highlight and I think is good news. When we stopped the progress two years ago and brought in an architecture firm to do a master plan on this Healthy Campus. All that money, \$100,000 that was raised by philanthropic money given by the Healthcare Foundation and LISC and the funding that we have for CBC group that's working on this now is also philanthropic money that we have raised specifically for this purpose. In terms of the planning that we have done it has taken additional time and obviously

there is a lot of folks in our economic development and in our planning group that is working hard on this. The funding has been provided from outside sources and I think that's an important note to state to the public that we're not spending UG resources because this is such a hard deal that it took the philanthropic community to step in to have confidence that it's important enough that we fill this desert because this food desert because this food desert has got to be filled. We deserve a grocery store downtown and we deserve it yesterday and the opportunity to do a transformative development \$30M plus capital investment in our downtown will be transformative for our whole downtown. I think the people of downtown deserve to see the caliber of investment we're making out west, that we're making at 78th & State, that we want to make at Indian Springs. We need this to be a first class development and I think it's worth taking the right steps to make that happen and so I appreciate the Commission's comments tonight and were up to sense of urgency is there and I feel very confident that we're going to build something terrific in downtown in short order.

Commissioner Murguia said I just want to say I've listened to these plans and I know that your group is new to this so I kind of feel like I need to bail you out a little bit here. You just started how long ago. **Mr. Crandall** said I don't remember when our contract was approved. **Commissioner Murguia** said we, the Commission, have been involved with this for over two years, somewhere in that timeframe. I do agree that the planning and the stuff that was paid for this was done by the Unified Government raising money. My concern is that our reputation as a government that's raising philanthropic dollars for the project that I'm not seeing it being much further along than it was two years ago. What I don't want it to effect is those funders funding us for future projects because we're not performing. That's my only concern. It is absolutely philanthropic dollars paying for this study. I just happen to raise money for a living and I know that when you don't perform and you raise money they don't give you money in the future. I'm very worried about that. I have been very quiet about this topic. The Downtown Healthy Campus is not in my district. I'm very much a district commissioner. I am worried about the Unified Government's reputation to raise money based on performance.

Mayor Holland said I appreciate the presentation tonight. We will continue to keep the Commission updated on a regular basis as we have promised. I appreciate the work that CBC is

doing and a lot of great things are happening. I appreciate you're report. **Mr. Crandall** said we appreciate the opportunity.

Mayor Holland said that concludes our five o'clock session and now we can start our seven o'clock session. I will ask the Clerk to read the statement for Planning and Zoning. It's a required statement. It is a lengthy statement but it is required by law that it be read at every meeting.

Ms. Cobbins read the statement.

Ms. Cobbins asked if any member of the Commission wished to disclose contact with proponents or opponents on any item on the agenda. **Commissioner McKiernan** disclosed contact on the Non-Consent Agenda for proponents on Special Use Permit #SP-2016-6. **Commissioner Bynum** disclosed communication with opponents on Special Use Permit #SP-2016-1 under the Consent Agenda and communication from proponents on Non-Consent Special Use Permit #2016-6. **Mayor Holland** said we just need to Consent at this time. Is that correct? Let's ask our Legal to clarify. **Ken Moore, Chief Legal Counsel**, said the statement that the Clerk read said any item on the agenda so that's as it has been. It's all been separated. **Mayor Holland** said it will be all items, both Consent and Non-Consent. **Commissioner Markley** said I have received communications from proponents and opponents on Special Use Permit #SP-2016-6 on the Non-Consent Agenda. **Commissioner Philbrook** said I've had plenty of information given on both sides on Special Use Permit #SP-2016-6. **Commissioner Kane** disclosed conversation for both sides on Special Use Permit #SP-2016-6. **Mayor Holland** disclosed I have heard from both sides of that issue as well. I've also heard from proponents on Special Use Permit #SP-2016-10 and the related 2016-1. **Commissioner Murguia** said I received correspondence in regard to the Wine Barn issue, but I haven't had a conversation with anyone. I'm only reporting that because I'm hearing people talking about receiving emails and things and correspondence. I thought we only had to disclose that if we had a conversation. Do you want to clarify that Counsel? **Mr. Moore** said, Commissioner, you should disclose receiving any information which may affect your decision in this matter no matter how it was received. **Commissioner Murguia** said I thought it was just if we talked to anyone about it, had a conversation. **Mayor Holland** said we'll go ahead and move forward while you're looking at

the list and if there's another item that comes up we can enter that information into the record later in the meeting. **Commissioner Walker** disclosed I have no recollection of receiving anything on Special Use Permit #SP-2016-6 since the last time it was up. **Commissioner Johnson** said I have received communication but have not talked to anyone with regard to Special Use Permit #SP-2016-6.

Ms. Cobbins read all items on the Planning and Zoning Consent Agenda.

Mayor Holland asked would any member of the Commission or anyone in attendance wish to remove an item on the Planning and Zoning Consent Agenda. Any item not removed will remain and voted for with a single vote as recommended by the Planning and Zoning Commission. **Marcia Rupp, 2816 N. 46th St.**, said I would like to set aside Special Use Permit #SP-2016-4. **Commissioner Bynum** said I would like to set-aside #SP-2016-1 if, and only if, the gentleman that I spoke with is present to speak. **Larry Wilson** said I would like to set-aside Special Use Permit #SP-2016-1.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda subject to stipulations excluding the set-asides.** Roll call was taken and there were nine "Ayes," Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

PLANNING AND ZONING CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 158...SPECIAL USE PERMIT APPLICATION #SP-2016-1 – TIMOTHY DRUMMER/4220 RHYTHM AND BLUES LOUNGE, LLC

SYNOPSIS: Renewal of a special use permit (#SP-2014-8) for live entertainment at 4210-4220 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. Timothy Drummer for Rhythm and Blues Lounge LLC is seeking a renewal of a special use permit to allow live music at the restaurant lounge. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-1, subject to:

Urban Planning and Land Use Comments

Clarification of businesses

Staff understands that this was a lounge with music operated by a previous owner. We also understand that the applicant is committed to use KCK off-duty officers for security and the entertainment will be live bands or DJ on weekend and holidays. With that said, we are requesting a letter from the applicant that confirms how the business has been operating since the original granting of the special use permit. Specifically:

Staff is asking the applicant to explain what security plans are in place and what steps they have taken to make sure that the bar and the neighborhood is safe. Additionally, staff requests that applicant list in detail any security incidents that have occurred and how applicant has taken steps to better prepare for and remedy such incidents in the future.

Applicant has provided information that there have been some incidents (without detail) and that the off-duty police officers have helped remedy those situations. Otherwise applicant indicates that business plan has not changed.

Staff recommends approval, subject to:

1. An off-duty KCK officer is on site during the events. The applicant has agreed to comply and has also committed to use two KCK off-duty officers when he is expecting larger crowds. Those officers will use their training to deal with any situation appropriately.
2. The entertainment will be live bands or DJ only on weekends and holidays
3. The entertainment will take place between 8:00 p.m. and 1:00 a.m.
4. The special use permit is for five years.
5. All entertainment will be held inside the building.

Rob Richardson, Director of Planning, said this is a request by Mr. Drummer to renew his special use permit for live entertainment at 42nd & Leavenworth Rd. The applicant may be in attendance tonight and may wish to speak.

Timothy Drummer, Owner of 4220 Rhythm and Blues Lounge, said I have been there going on approximately over two years. I abide by the rules that the planning commissioner has given

me in regards to having two off-duty Kansas City Police Officers there. I run a tight ship there at that club. I have no control as to what happened across the street or up the street, but it does affect my business when my customers come and maybe block or have loud music when they are leaving or coming to my establishment. I have contacted the resource officer of the Kansas City Parks Department and I've talked to numerous officers and they stated that the problem is to be solved is very simple. Between 11:30 and 1:30 that's when most of my customers come to my establishment. Most of our customers are law abiding citizens, but there are certain customers who come down to my establishment they park up on 41st & 42nd St. which is in the vicinity of my club and there are times, not widespread, there are times that they block or park partially on the grass of my neighbors. I make it known to my customers every time I open up Fridays, Saturdays, and Sundays not to violate my neighbor's property or their property rights and most of my customers abide by this although there are others that don't. The complaints that my neighbors have that are here today I can say that I understand. I'm not objecting to their complaints, but the problem can be solved. When I talked to two of the complainants I told them that if they called the police and have the cars towed and ticketed, it would send a message to those that come into the neighborhood and violate their property rights. I do everything I can to run a good club and I've been doing pretty good. Up the street from my residents I have no control and that's why I went to Police Department to get that information as to what can be done. They say that my neighbors that complain about these violations have to contact them and sign a complaint or have ticket issued or have cars towed. I sympathize with them but the same complainants want me to close down. That club has been there for 57 years. There is one complainant that has made it known before I even signed the Contract for Deed for that place that he objects to me being there because of a certain reason which I choose not to disclose. That being said if the Police Department is called out, I'm sure you know after a certain amount of tickets or tows that can be done would stop the problem.

Mayor Holland said we would ask for you to stay up front. As the applicant you will have an opportunity at the close of the public session to make response to anything, any of the comments and also to stand for questions from the Commission if there are any. If you'd stay up front, we'd appreciate it.

Mayor Holland opened the public hearing.

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No one appeared in support.

The following appeared in opposition:

Larry Wilson, 3115 N. 41st St., said I have no problem with the people that frequent his club. My question here tonight is if he already has a live entertainment permit for the club at 4220 Leavenworth Road, why would he need a live permit for 4210 Leavenworth Road which is a vacant lot.

Mr. Richardson said this is a renewal on the permit at 4220. It doesn't have anything to do with 4210 except that I believe that it is part of the parking lot. **Mr. Wilson** said yes. As here on the agenda I'm reading that the permit extends over to 4210. **Mr. Richardson** said that's just because it's a matter of parking for the facility. It's not that he can go outside and have a party outside on 4210. **Mr. Wilson** said there is no open venue in the permit. **Mr. Richardson** said it can operate the way it has before. It's just that parcel is where they park their cars. **Mayor Holland** asked there is no provision for outdoor music. Is that right? **Mr. Richardson** said correct. **Mr. Wilson** said that was my major concern. Now as far as the parking and the overflow parking that is a problem, but I'm certain that the Kansas City, Kansas Police Department can handle it.

Brian Forck, 4211 Leavenworth Rd., said I'm speaking on behalf of my parents Roger and Naomi Forck that owns the property I'm residing at right now. They are not here tonight. I live directly across Leavenworth Road from this club and I have had problems with trash and people parking and driving through my yard for the past two years. I wish I wasn't here to defend my parents. I have never had the problems that I've had since 1996 when we owned this property when Beverly Burton owned this property. We never had any problems. Ever since he's had this property I have had trash that I'm not going to bring up in public forum that I've had to pick up out of my yard. It's in my backyard. If they weren't there, I wouldn't have these problems. I really would appreciate you guys to look me in the eye and say how would you like to wake up in the morning and find a used condom in your yard, broken liquor bottles in your yard, would you like that? You've lived there since 1996. You wouldn't like that. You wouldn't like waking up in the morning and finding that. I got nieces and nephews that want to play in my yard. I don't want this to go on. Thank you for your time.

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No one else appeared.

Mayor Holland closed the public hearing.

Mr. Drummer said what he just said is partially true. A lot of it has been exaggeration. I can count the number of times that an individual has parked in front of his resident on Leavenworth Road and on the streets. It's been maybe about five times over the last two years. I make sure, and my officers that's there, make sure if they see anybody parked on Leavenworth Road in front of his house they go out there, and tell them not to. Most of my customers know not to do that. I make sure that I keep special attention to his property. As far as the broken glasses and beer bottles in front of his residence that's a negative on that. Up the street on 41st Street there are times there are beer bottles and other trash that customers may throw out which I have no control of. This is not a widespread problem you know. The problem can be solved if he calls the police and sign a complaint, the problem can be solved but he don't wish to do that. I didn't want to bring this up from the time I signed the Contract of Deed on that property he was the one, the lady that I got my property from and other neighbors that he did not want me to have that property for certain reasons. It's a problem that can be solved by having the police involved.

Commissioner Townsend said I do have some questions for both gentlemen that might help. For Mr. Drummer, have you talked to Mr. Forck about the problems with the trash and if anything just as a good neighbor you might work out with him to minimize the impact. What I'm hearing is a trash problem not a parking problem in that circumstance. **Mr. Drummer** said I open up on Fridays, Saturdays, and Sundays. The problem is Friday and Saturdays. As of a couple of weeks ago I've been going up 41st St. and picking up beer bottles that's thrown partially on his property. It's not a widespread problem. There are some individuals that come to the neighborhood and they are not law-abiding citizens. They don't have respect for other people's property no matter where it's at. I try to inform my customers not to do these things but there are some that do. I've been going up and down the street that's adjacent to his residence and picking up bottles and stuff like that, but it's not a widespread problem but things can be solved. The relationship between him and I was never good. I don't even know him but his father it was okay. He just didn't want me there at all no matter what I do, it's not good for him. That being said I can understand that he has his differences, but I will do everything I can to

make sure that my customers doesn't violate his property. He's going to have to call the police. He's going to have to have tickets issued and request that a car be towed if it's on their property, other than that nothing can be done because we have to send a message to the non law-abiding citizens that you can't come in the neighborhood and block somebody's property or park on somebody's property. **Commissioner Townsend** said let me ask this, are you in attendance every night in your establishment when they have live entertainment or are you there every night. Do you have a manager? What are the circumstances? **Mr. Drummer** said I'm the owner operator. Ever since I've been in business I've been there every night. The officers that I hire on Fridays and Saturdays they tell me the same thing that they are going to have to have the police issue tickets and that would send a message. It's not a widespread problem but the exaggeration that he has mentioned some of it is true and some of it's not true. It's a problem that's got to be handled by the individuals who complain and they have to have the police issue citations to the violators.

Commissioner Townsend said what I would really like to see done is to have this sent back, this is the first time, to see if the individuals can work things out. Some things that I'm hearing is not necessarily just a police problem with trash. You're not going to call the police to take care of trash. This is a permit for live entertainment use. They've already had that. With regard to the parking, you can call the police with that but I'm hoping that maybe you and Mr. Forck can come to some resolution even if it may be some service that you can offer them for trash collection or something. I was just hoping to talk about it. The other thing that I might suggest considering if you're on the premises, that maybe you do something like other retailers and talk about and remind your patrons that if their parking in areas that they shouldn't be that they are going to be towed. Maybe in between the blues entertainment they can come out and move their vehicles.

Mayor Holland said that was not a question that was a statement. Do you have anything else Commissioner? **Commissioner Townsend** said that would be my motion. **Mayor Holland** said you'd like to make a motion to refer it back to planning and zoning. **Commissioner Townsend** said yes. **Mayor Holland** asked is there a second. That motion fails without a second.

Commissioner Bynum said I have done my share of picking up trash on Leavenworth Road and a variety of other places in this community. Mr. Drummer, I appreciate that you've taken the time to come here. I appreciate the efforts you've made to try to be responsive to your neighbors. Other than the trash and the parking that you've indicated I'm not aware of any other issues at your location. I have a question for Mr. Richardson. If this were to go back, would he then be in violation, would his current permit expire and he'd have a time where he didn't have one. **Mr. Richardson** said typically in these circumstances while they're in process and actively pursuing it we let them continue until there is a final decision.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Murguia, to approve Special Use Permit #SP-2016-1 for five years, subject to the stipulations.**

Commissioner Walker asked, Mr. Drummer, do people take open bottles out of your establishment. **Mr. Drummer** said no sir. **Commissioner Walker** said so these bottles and so forth that are being thrown aren't bottles that have come from your bar. **Mr. Drummer** said no sir. It is well known that some individuals who go to clubs they liquor up before they get to my club. They come from a liquor store or wherever they get their alcohol from and by the time they get to my club they probably had some drinks in their system. Nothing goes in or out of my club other than what I bring in. It's a violation of the Kansas liquor laws. **Commissioner Walker** said correct.

Commissioner McKiernan said thank you Commissioner Walker. That was going to be my question. How do they get that open bottle outside of your establishment? I agree with Mr. Forck. I don't think a citizen should expect to have to call the police and have them come out and issue tickets. I think that a citizen who lives on this street, in a house, should have a reasonable expectation that they wouldn't have to do that. I think that's on your sir. I think you need to intervene with your patrons and you need either direct your officers to initiate that themselves or you need to interact with your patrons and do your best to stop that from happening because I do not think that's his responsibility to pick up your slack on his side of the street.

Second thing, every bar, every restaurant has a closing procedure that they go through. You pick up the stools, you wash a few glasses. How about a closing procedure is you take a trash bag outside and you pick up trash around the perimeter of your property and you look across the street and see if there's trash over there. You do him the courtesy of picking up any trash that happens to be on the street side of his property and that way you avoid this problem from happening in the future.

Commissioner Murguia said I can't say it any better than Commissioner McKiernan. I'll echo those sentiments, but I would also add just for the safety of the people in our county I hope we are now having enough feedback to put law enforcement officers on that road so people are driving drunk on that road and showing up drunk at this bar, we are stopping them from driving. I hope that message is loud and clear. We do not need drunk people driving a street in Wyandotte County and having accidents and killing people. I'm startled that there's no reaction from that. I hope to God people think twice before their out there drinking and driving. I'm not naive enough to know that it doesn't happen, but when we know its happening and none of us are doing anything that is completely uncalled for. I hope our police has a message from the meeting.

Commissioner Townsend said I think the golden voice of Commissioner McKiernan stated what I was trying to get at before. There is something more that can be done I believe, Mr. Drummer, to accommodate your neighbor even if this goes forward and as a courtesy to do what you could do with the trash problem. Certain locations do tend to attract people with a certain kind of trash. They're doing something they shouldn't be doing, but people in the neighborhood should be able to quietly use their home and do so in a manner free of trash. I do know what it's like to pick up bottles and regrettably condoms out of my yard. I do know what that's like. Whether or not this goes back, that motion has been defeated, I think Commissioner McKiernan was getting at my concern that there would be something possibly you could do.

Mayor Holland said let me see if I can work with the Commission here. We have a motion and a second. Would the maker of the motion and the second, and I am just going to offer this as a friendly amendment that would stipulate, add two stipulations to the application. 1) That they add closing procedures that include a pickup of trash in the immediate area. **Mr. Moore** said

that would take additional votes. **Mayor Holland** said I understand. Trash pickup as part of the closing procedures including across the street, obviously you don't have to walk all the way down both sides of the street but in the immediate vicinity and 2) That you would redouble your efforts to notify your patrons of parking procedures and to ask your off-duty police officers to initiate if they need to call a police officer—you have security there, have your officers if they see someone parking illegally across the street they need to call and initiate one of their on-duty officers to come and initiate a ticket. I don't know if our off-duty police officers can issue a parking ticket. Can they do that? We can just have your off-duty police officers to have a ticket book and they can write tickets for people that are illegally parked in your neighbor's yards. Those are the stipulations that I've heard. Did I accurately state them? Would the maker of the motion accept that? **Commissioner Bynum** said yes, Mayor. **Mayor Holland** said second. **Commissioner Murguia** said, yes. **Mayor Holland** said then it is properly before us to change the recommendation of the Planning and Zoning for a recommendation with stipulations. It takes how many votes? **Mr. Moore** said eight. **Mayor Holland** said it now takes eight votes for approval.

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

ITEM NO. 2 – 1511...SPECIAL USE PERMIT APPLICATION #SP-2016-2 - GARY WHITE

SYNOPSIS: Special use permit for fourteen chickens at 6608 Woodend Avenue, submitted by Robin H. Richardson. The applicant wants to keep fourteen chickens on 1.94 acres at 6608 Woodend. Mr. White plans to keep the chickens in a store bought coop in a 10 foot by 14 foot fenced run, more than 50 feet from the east property line and more than 70 feet from the west property line, as well as more than 100 feet from neighboring houses. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-2, subject to:

Urban Planning and Land Use Comments

1. Are you planning on ever increasing the number of chickens on the property?

Applicant Response: We currently have 8 hens, but would like to add more in the spring. At no time will we ever go above 14 chickens.

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2. Please provide a drawing/image relating to where the chickens will be kept in relation to the home on the property, neighboring homes, property line and other structures.

See below

3. Please submit a plan for how the chickens will be kept in addition to a plan to deal with waste from the chicken

Applicant Response: Our hens are currently housed in a coop, with an attached run. At no time will the chickens be free ranged, unless closely supervised at all times. We are currently using the “deep litter method” if chicken waste. Basically, this means that the waste remains in the coop, with layers of straw added as needed. Not only does this keep smell to a minimum, it also provides heat in the coop for the winter months. In the spring, the coop will be cleaned out, and the straw will be added to a compost pile. This, in turn, becomes excellent fertilizer for gardens. During the summer months, the coop will be cleaned weekly, adding the waste to a compost pile.

4. Please address issues of feed and diet for the chickens, how will they be fed?

Applicant Response: Currently, our hens receive a diet of Purina laying pellets with added black oil sunflower seeds and whatever table scraps we have. Chickens are omnivores, eating both meat and vegetation. As a treat, we give them “scratch” which is cracked corn and bird seeds. We also add oyster shell calcium to strengthen the egg shells. The feed/seeds are stored in a water proof, food grade, heavy plastic containers and a container designed to store dog food. The hens are fed twice a day and fresh water is given daily. With the freezing temps, we have added an electric water dish that keeps the water from freezing. The hens are fed/watered outside the coop under a covered area of the run. Our intent is to grow a garden (using composted fertilizer), providing the chickens with fresh vegetables through the summer and fall months, and frozen/canned vegetables in the winter months. Right now our chickens are giving us an average of 3-4 large eggs per day. We have no intentions of selling eggs. We have a large extended family as well as friends and neighbors that will be gifted with any surplus we may have.

5. If approved, no roosters may ever be present on the property as they are prohibited by ordinance.

Applicant Response: We do not have roosters in our little flock. Mr. White seems to have a comprehensive understanding of the requirements of keeping his yard and chickens clean, safe, and nuisance-free for the neighbors as well as a willingness to cooperate with any stipulations staff may impose. While staff appreciates this, we feel that 14 chickens may be too many on a heavily wooded 1.94 acre lot. Approval is for two years for no more than ten chickens at any given time and the coup is in the middle of the yard.

Public Works Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-2 for two years subject to the stipulations. Roll call was taken and there were nine "Ayes," Kane, Markley, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 3 – 1512...SPECIAL USE PERMIT APPLICATION #SP-2016-3 - JENNIFER L. FINE

SYNOPSIS: Special use permit for a doggie day care and boarding operation at 4001 North 74th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to operate a dog day care and boarding facility for up to 17 dogs out of her 9.2 acre property where she resides at 4001 North 74th Street. She wants to provide door-to-door service, as well as overnight boarding of dogs. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-3, subject to:

Urban Planning and Land Use Comments:

1. How many dogs will be staying overnight in the boarding facility?

Applicant Response: At the very most 10-12 dogs overnight during the busiest season like Christmas and Thanksgiving. Most every other average day I would say I would average 1-5 a night. Some months like September, October and January I might not have any since travel is slow.

If approved the following stipulations are recommended:

1. No signage is allowed on site
2. Property owner maintains regular removal of dogs' waste
3. Hours of day-care operation are from 9 a.m. to 5 p.m.
4. Approval would be for two years.

Public Works Comments

None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-3 for two years subject to the stipulations. Roll call was taken and there were nine "Ayes," Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 4 – 1515...SPECIAL USE PERMIT #SP-2016-4 – RONALD J. BEAL, JR.

SYNOPSIS: Special use permit for the temporary use of land to park personal tow trucks at 1106, 1108 and 1110 Ella Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting a special use permit to allow tow trucks to be parked in the backyard area of 1106, 1108, and 1110 Ella Avenue. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-4, subject to:

1. The applicant has clarified that the trucks are for his personal use and not a commercial business.
2. The applicant will install either asphalt or concrete for the parking pad for the trucks during this two-year approval period.
3. No parking on the street.
4. Trucks must be empty at all times.
5. This special use permit is for the trucks in the pictures submitted by the applicant.

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6. Compliance with any Code Enforcement issues.
7. Approval would be for two years.

Rob Richardson, Director of Planning, said this gentleman has two tow trucks but they are not commercial tow trucks, they are for his personal use. No one appeared in opposition at either Planning Commission or at his neighborhood meeting. I believe that's correct on the neighborhood meeting at well in opposition of this.

Ronald Beal, Jr., 1110 Ella, said I got in an accident a couple of years ago. I'm a racer. I like to race cars. I got these tow trucks because I go and take them to the track and stuff like that. The one that I got is easier to work with because some of the stuff that I have with me, some limitations. I thought that I was within the limits of the law when I licensed them because I looked and it said under 10,000 pounds, but they came and told me that I needed to get a special use permit because one of them had a hydraulic bed on the back of it. I've improved the surface; put them behind a privacy fence. I've tried to do as much as I can possible to be a good neighbor and a good member of the community. That's really just all I need. I just want to park my trucks there because I'm just tired of getting my stuff stolen. I'm just trying to keep what I got.

Mayor Holland opened the public hearing.

No one appeared in support of.

The following appeared in opposition of this:

Marcia Rupp, 2816 N. 46th St., said I'm a neighborhood watch leader. I've been up here before about this. There is just one question I wanted to ask Rob if I could, Mr. Richardson. Is this an industrial area or residential. **Mr. Richardson** said it is residential quite obviously. **Ms. Rupp** said well I didn't know. I felt that we've gone through this before. I know that most of you feel the same way I do. We're trying to clean up our neighborhoods. We just talked about a neighbor and we talked about trash. We talked about eyesore. We work really hard, the neighborhood watch leaders do, to clean up our residential areas. It wouldn't be so bad if it was an industrial area around a lot of industrial but these are where children live, children play, and especially the hydraulic one, the flatbed roll over. Those are dangerous. Children play hide and seek. They think they can hide underneath them. The guy comes out and moves the truck and

then we have a fatality. These things do not belong in the neighborhood. They're a code violation. I hope at some point and time, and I know that this Mayor is really strong about this, and that's good; that we start cleaning up Wyandotte County so new residents want to move into those residential areas and new businesses want to come in here and close to them.

Mayor Holland closed the public hearing.

Mr. Beal said when she's talking about trash in my neighborhood, I live at 11th & Ella, two blocks from M.E. Pearson. My kids go to that school. I clean up the trash in the vacant houses along there and mow the grass because I catch the slack from everybody else because my kids play in that neighborhood. I put my trucks inside a big tall privacy fence in the back resident of my house so that no kids can get around it. I have kids myself and I have grandkids and I'm always thinking about them. I rake the lot next to me. I mow the grass. I do a lot for my community. I'm picking up trash. If you look at my house you can see that it's getting improved biweekly. We are always working on something to improve our house in our neighborhood. We're friends with all of our neighbors. I mean we all work together right there. We don't have a big problem with spray painting and people stealing our cars because we all work together.

Commissioner McKiernan said you're in my Commission District. When I first saw this on the agenda I went oh here we go again, another tow truck because we just had an issue on 60th St, not six months ago about this. I know exactly where you live. I've seen your property. I have gone through all of the minutes of the Planning Commission. I've seen the photos. I know how you're storing it. I've seen the truck. I've seen how you have improved the property both on which this truck is parked and on either side because you've got the three continuous lots right?

Mr. Beal said right. **Commissioner McKiernan** said structure, vacant lot, structure. At this point and time I know you were sensitized by the Planning Commission about code violations and about just making sure that everything stays picked up which you do, but then sometimes you collect it before you are able to get rid of it. We just want to make sure that we're always turning that over getting rid of the things that are on that street. I did not come to your public hearing nor did I come to the Planning Commission because I just wanted to see what the Planning Commission would say about this. I will periodically just pop by your house and take a

look and if there's code violations, we'll talk because I am confident that you will keep this up. Ma'am, I'm confident that he can keep this truck off the alley in a very nicely enclosed area and we can still improve the overall character and quality of the neighborhood. For that reason I would move that we approve as forwarded from the Planning Commission.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit #SP-2016-4 for two years, subject to the stipulations.

Mayor Holland said I will also acknowledge special use permits, if there are problems, can be revoked. It is clear that it is a special use permit for two years, but should there be problems with trash or the fence falls down or something that it could be revoked.

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

ITEM NO. 5 – SPECIAL USE PERMIT #SP-2016-8 – BILL SUPER/SM AUTO, INC.

SYNOPSIS: Special use permit for used vehicles sales at 610 South 78th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to use, as a co-tenant, 140 square feet of the 2,640 square foot building for an office to sell used cars at 610 South 78th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-10, subject to:

Urban Planning and Land Use Comments

1. Subject to approval, this special use permit shall be valid for two years.
2. Per the Business License Department: a. If approved, the applicant will need to register and file the occupation tax application with our office.

Their office is at 4953 State Avenue, KCK 66102. Their number is (913) 573-8780.

Applicant Response: Applicant will file with the Business License Department, if approved.

3. Will this building be split into multi-tenant spaces? If so, what portion of the building are you occupying?

Applicant Response: Applicant will occupy approximately five percent of the building.

4. This property has numerous overhead doors. How do you plan on incorporating these doors into your business operation?
5. Per Sec. 27-593(b)(20)a. a. Upgrade parking, including striping and/or resurfacing of parking lots if deemed necessary by staff.
 - b. Landscaping, screening, and façade improvements to meet commercial design guidelines.

The parking lot needs to be restriped and resurfaced as the asphalt and concrete lot has become degraded. With that said, on the scaled site plan (drawing), please illustrate where the used cars will be parked.

Additionally, the Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore 48 trees are required to be planted.

The trees that exist may go towards that total so please provide the total number of trees currently on the property, and the remaining deficit will be the number that needs to be planted to comply with the Commercial Design Guidelines.

Applicant Response: Striping can be done. Surfaces are in good shape. There are approximately 60 trees on the property.

6. In order to calculate the required parking, please provide the square footage of the building.

The parking ratio for vehicle repair is four spaces for every 1,000 square feet of building area. Looking at aerial photographs, the south and east sides of the parking lot does not have any striping. Staff cannot determine how many parking spaces are required if we do not know the building square footage.

Applicant Response: The contractor business occupies about 2,460 square feet. Auto sales will occupy about 140 square feet of office space.

Staff Response: Based on the existing square footage and the M-2 General Industrial District, five spaces are required for the contractor's business. The auto

sales business requires one space. Based on the aerial photographs, there is enough parking on-site for six parking spaces.

7. Per Sec. 27-593(b)(20)d.1-3.
 - a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
 - b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 - c. Each automobile shall be in a striped, designated parking space.

Please provide a more detailed drawing that shows the parking allocated for 610 South 78th Street. This includes property lines, building location, driveways, paved areas, pervious areas (grass), parking spaces for customers and the vehicles that are for sale.

Applicant Response: No vehicles under repair will be on this property. Parking of used vehicles will be in an existing, wall enclosed area on the back side of the building. The area where the used cars are parked will be striped.

Staff Response: Prior to obtaining a business license and paying your occupational tax with the Business License Department, the parking lot on the east side of the building and the used car parking spaces behind the wall on the west side of the building shall be restriped.

8. The chain link fence on the north and east sides of the property along the perimeter need to become 6' privacy fences. All outside storage must be screened from public view.

Applicant Response: The vehicles sales will not be in this area of the property. A detailed drawing has been added.

9. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

Applicant Response: Any signs will be similar to those of the existing building.

10. No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.

Applicant Response: There will be no display on the sidewalks.

Public Works Comments

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

Staff Conclusion

The applicant has worked with staff to resolve questions and comments pertaining to the use of the building and the location of the used cars. Knowing that the cars will be behind a wall that cannot be seen from Kansas Avenue and there is enough on-site parking for both businesses, staff stipulates the following:

- (1) Subject to approval, this special use permit shall be valid for two years.
- (2) At no time may any car for sale be displayed in the parking lot along 78th Street and Kansas Avenue. Any vehicle for sale shall be behind the wall in the enclosure adjacent to Kansas Avenue.
- (3) Repair work is not permitted on the property without an additional special use permit.
- (4) The east parking lot and the west paved parking area shall be restriped to comply with the code.
- (5) Any signage, temporary or permanent, shall require a sign permit from the Urban Planning and Land Use Department.
- (6) Compliance with the letter of operation submitted by the applicant.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-8 for two years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 6 – 1514...SPECIAL USE PERMIT #SP-2016-10 – DAVID FICKLIN/SPORTING CLUB AND SPORTING KANSAS CITY AND MASTER PLAN #MP-2016-1

SYNOPSIS: Special use permit for twelve soccer fields at 1500 North 90th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval of a special use permit to build 12 soccer fields and associated parking areas and maintenance facility on 63.11 acres as a community amenity, per the agreement with the Unified Government and Sporting Kansas City. The applicant is also requesting a Master Plan Amendment from Low Density Residential to Entertainment (Prairie-Delaware-Piper Master Plan).

The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application #MP-2016-1. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-10, subject to:

Urban Planning and Land Use Comments

1. Please provide a document showing the actual parking counts within each lot.
 - a. It does not appear that the plan shows the 500 +/- grass spaces described in the storm water study.
Applicant Response: Plan and drainage study have been revised to show 548 paved and 270 grass parking spaces for a total of 818 spaces.
 - b. Grass parking is significantly less compact than striped asphalt parking. How is this inefficiency accounted for on the plan?
Applicant Response: The plan has been revised to allow for 12' width in grass parking.
 - c. All grass spaces should be graded so that future paving is easily accomplished.
Applicant Response: All proposed grass parking areas are less than 3% slope currently. The earthwork specifications will require compaction of 95% or greater in these areas as well. In the future, if they were to be paved, it would simply require stripping the top soil, cutting the sub grade to depth and installing base rock and asphalt.
2. Any parking space adjacent to a pitch should be paved. Most notably the stretch adjacent to the western pitch "C"
Applicant Response: The area just north of fields 9-10 is now shown as paved.
Staff Response: Grass overflow parking shall be gated and only open when necessary.

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3. A speed table should be added mid-block on the western north/south drive.
 Applicant Response: The speed table at the north end of this drive next the traffic circle has been moved to the mid-block location. It makes more sense here, not where traffic is already slow.
4. Please provide a detail as to the edge of pavement adjacent to the grass parking. It would seem an asphalt edge would be inadequate support.
 Applicant Response: The paving details will be provided at the final development plan stage.
5. Please show restroom location and number of facilities within each. Temporary facilities will not be permitted.
 Applicant Response: Restroom facilities will be provided within the indoor building. The indoor building will be submitted separately but will open concurrent with the fields.
 Staff Response: If this is the case, construction permits will be issued simultaneously for both projects. Applicant must show restroom capacity and proximate location to serve the maximum number of patrons.
6. Landscaped islands must be included after every 20 parking stalls
 Applicant Response: We have shown parking islands consistent with parking lots in surrounding areas (Providence Hospital and Schlitterbahn). Please indicate where in the ordinance this requirement is located so we may address. This appears to be a requirement of an overlay district.
 Staff Response: This is a requirement of Sec. 27-577 e.3-4. It is included in the Commercial Design Guidelines Overlay District; however, we expect all new parking lot construction to be in compliance with these ordinances.
7. Show any lights and assure it does not exceed one foot candle at the property line
 Applicant Response: The lighting is shown on C07 with foot candle readings of 0 at the property line.
8. Show buffering and screening of facility from adjacent houses
 Applicant Response: Buffering and screening is provided by preservation of the existing tree line on the north, west, and southeast of the property.
 Staff Response: Due to neighbor concerns, the applicant shall provide more significant screening for adjacent residential properties.
9. BMP issues must be resolved by a Final Plan Review

Public Works Comments

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

Business License Comments:

If approved, applicant will need to register and file the occupation tax application with our office.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan #MP-2016-1 and Special Use Permit #SP-2016-10 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson

PLAN REVIEW APPLICATION

ITEM NO. 1 – PLAN REVIEW APPLICATION #PR-2016-30 – TONY PENNY/2 POINT CONSTRUCTION COMPANY, LLC

SYNOPSIS: Preliminary plan review for a car wash and drive-through restaurant at 9801 Troup Avenue, submitted by Robin H. Richardson, Director of Planning. Mr. Penny is seeking approval to build a 7,200 square foot drive-through car wash facility and restaurant on lot 6 of the Legends Auto Plaza. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application #PR-2015-30, subject to:

Urban Planning and Land Use Comments

- A) This site plan will be very confusing to future users. Directional signage cannot be used for advertising so there will be significant way finding issues with this site plan. It should be significantly reworked.

B) Signage

District (Includes Planned District Equivalent)	Wall Signs		Detached Signs						
	Number (Maximum of One Per Facade)	Area (As Percentage of Signable Wall Area)	Number	Pole or Pylon			Monument		
				Area (Per Sign Face)	Height (Overall Sign Height)	Setbacks (From All Property or Proposed Street Lines)	Area (Per Sign Face)	Height (Overall Sign Height)	Setbacks (From All Property or Proposed Street Lines)
		exceed 75 square feet)	permitted wall sign)	feet			feet		
C-1	2	7 percent	1	50 square feet	12 feet	15 feet	40 square feet	8 feet	5 feet
							For each one foot additional setback, one foot additional height and two square feet in area are permitted up to the maximums for pole or pylon signs		

- All signage requires sign permitting and standard sign permit review processing. Sign code must be met. Any deviation from sign code will require a variance.

Note that sign package submitted with approved plan does not constitute approved sign permit application.

- C) An erosion control plan including silt fences is suggested. See Conservation District comments attached.
- D) Parking
 - Restaurants are required to have a minimum of ten parking spaces.
- E) Architecture
 - All materials and colors must meet the materials palette approved in the Legends Auto Plaza Conceptual Design Guide (approved 2014). If approved by seller, written documentation must be provided.
All materials and color will comply with the approved Design Guidelines.
 - South Elevation (Sec. 27-576 c) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided

into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines. (Sec. 27-576 c)

One more treatment is needed to be in compliance with the guidelines as laid out above.

The south façade is broken up by masonry pilasters at approximately 15' O.C. A variation of masonry, stucco and brick break divide up the south façade, the masonry pilasters project out from the main building line creating shade and shadow along the wall. The building height has been increased at the pay center for the car wash.

- All downspouts must be internalized

All downspouts will be on the interior of the building

- All roof mounted units must be screened by the parapet

All rooftop units will be screened by the parapet or unit screens.

- All signs must be approved and permitted separately by the Planning Staff

Acknowledged

F) Lighting

- Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.
- Exterior parking lot lighting shall have 90 degree cutoff fixtures.
- Use of low energy, high efficiency LED lighting is encouraged.

Acknowledged

The Commercial Design Guidelines call for 360* architectural design. Staff has, at this point, not received updated architectural elevations. During the Final Plan Review, staff will work with the applicant to insure that the building meets the Commercial Design Guidelines prior to final approval.

Public Works Comments

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

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Conservation District Comments

The following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site has the grading already done. There are no erosion control measures in place. There needs to be silt fence installed on the east, south and west sides of the property to keep soil from flowing onto the street.
- If construction is not going to start right away, the area needs to be mulched and seeded. The area may need to be top soiled to get grass established.
- Construction entrance/exit needed to be installed and properly maintained. The Best Management practices in this report can be used to solve erosion concerns.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

The following Best Management Practices are recommended for this plat:

- * Access Road – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.
- * Dust Control – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.
- * Critical Area Planting - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary and Permanent Seeding.
- * Filter Strips – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

- * Silt Fences-Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the Protecting Water Quality Field Guide pages 175-181 for Sediment Fence.
- * Sediment Trap -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than two acres of drainage. See the Protecting Water Quality Field Guide for Straw Bale Sediment Trap.
- * Mulching – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the Protecting Water Quality Field Guide pages 61-66 for Mulching.
- * Precision Land Forming – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.
- * Sediment Basins – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Petition #PR-2015-30 subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

MASTER PLAN APPLICATION

ITEM NO. 1 – 1514...MASTER PLAN APPLICATION #MP-2016-1 DAVID FICKLIN/SPORTING CLUB AND SPORTING KANSAS CITY

SYNOPSIS: Master Plan Amendment from Low Density Residential to Entertainment (Prairie-Delaware-Piper Master Plan) at 1500 North 90th Street, submitted by Robin H. Richardson, Director of Planning.

January 28, 2016

Action: This was heard with #SP-2016-10.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 1516...SPECIAL USE PERMIT APPLICATION #SP-2016-6 – RYAN B.

DENK WITH MCANANY VAN CLEAVE & PHILLIPS FOR THE WINE BARN

SYNOPSIS: Renewal of a special use permit (#SP-2014-80) for live entertainment in conjunction with a farm winery at 2850 N. 119th Street, submitted by Robin H. Richardson, Director of Planning. Noah Hiatt and the Mikijanis' Brian and Celeste are members of Wine Barn, LLC is requesting renewal of a special use permit to have live entertainment in conjunction with a farm winery at 2850 North 119th Street. Mr. Hiatt resides on the 15.2 acres site includes the residence, a pond, a 30' by 40' accessory building, and a few acres of vineyards. Recently the Kansas Legislature exempted farm winery operations from local zoning so the only item at issue is live entertainment. The Planning Commission voted 5 to 2 to recommend denial of Special Use Permit Application #SP-2016-6 based on staff comments and public hearing comments received at the meeting.

Rob Richardson, Director of Planning, said this is an application by the wine barn to renew their special use permit for live entertainment. **Mayor Holland** said can you give us a little history. This has been before several times. **Mr. Richardson** said sure. On pages 4 and 5 of the staff report there is brief history, but this originally came before us as a farm winery which the code required a special use permit to operate at the time. Since that time we've learned that the state law allows farm wineries regardless of the zoning, but not necessarily other ancillary uses to the farm winery including live entertainment. They are here. They can have the farm winery but the subject of the live entertainment has been a bad issue for some time. There are twelve, thirteen, fourteen stipulations that go along with it and I think you'll hear about some of those this evening.

Mayor Holland asked can you also tell us did staff recommend approval or denial. **Mr. Richardson** said we recommended denial as did the Planning Commission. **Mayor Holland**

said staff recommended denial. Planning Commission voted 5 to 2 for denial. It's been before us a couple of times before.

Ryan Denk, McAnany Van Cleave & Phillips, 10 East Cambridge Circle Drive, KCK, 66103, said I'm here tonight representing the applicants of the Wine Barn. With me tonight I've got the applicants, Scott & Denise Hiatt and Celeste and Brian Mikijanis. They are the owners and operators of the Wine Barn. You can see the property here. It's about a 15 acre tract. It's at 119th Street. I know all of you are familiar with it. The application, as Mr. Richardson noted, is for the renewal of the live entertainment application of the farm winery SUP that's gone by the wayside. We'll talk tonight about the importance of the live entertainment special use permit with respect to the running of the winery itself. A little bit of history, Mr. Richardson talked about the procedural history. Let me talk about kind of the practical history of this. Scott and Denise Hiatt own this property right here. The Wine Barn started as a partnership between Mr. Hiatt and Sal Coco who was an individual who lived on this property right here. Mr. Coco and Mr. Hiatt began operations of the Wine Barn. Mr. Coco about two years ago sold the property to some individuals, some neighbors, and these neighbors have been unhappy with the operations of the Wine Barn. I'm sure many of you have probably heard from those neighbors. They are the Seebergers. The next closest neighbor or household is right here. That's the Reynolds household. For many years Rob talked about all of the stipulations that have been put together over, what have we had Rob, four or five renewals on this. They've been developed overtime. Really, a lot of those stipulations were developed through negotiations with the Reynolds, with the Tichenours, who are down here. Mr. Coco was living here at the time and he was in full support of the activities at the Wine Barn. The Seebergers move in here and then it's kind of been a game changer in terms of the satisfaction of at least this parcel right here with respect to the operations.

Let's just jump right to issue at hand. I think that what this Commission is going to look at and what the Planning Commission looked at is hey, we've got these stipulations, I guess there's seventeen of them. Has the Wine Barn complied with them since we were here last? There are really three stipulations which I think are at issue or were at issue at the Planning Commission and appear to be at issue here tonight. Basically, you can summarize it in kind of two broad sweeping categories. Number one the music is too loud and number two they had more live music events than they were permitted to have. Staff, based upon I think some

communications from the Seebergers that based upon a PowerPoint and a video that was provided by the Seebergers I think was of the opinion that the Wine Barn had violated those two stipulations. The video I and my clients saw it for the first time at the Planning Commission meeting so we to react on the fly to the video. Since that time we've had an opportunity to go back and look at the video/PowerPoint, break it down and really be able to address the two allegations. One, that we exceeded the number of events and two, that the music was too loud. The specific wording of it's too loud. That's not a stipulation. The stipulation doesn't say the music can't be too loud. What the stipulation says is that you can't exceed 57.5 decibels at the big tree near the Reynolds property line. The other thing that is says is there aren't to be any rock bands and then finally this is the 14 live music events. Here is the list of live events that they had over the past year since the May approval. There were 14 events that were scheduled. Three of them were canceled so ultimately they only had and this includes wedding, there are four weddings listed there and so they only had 11 live music events. I know and I don't know whether what of you commissioners have seen the video or PowerPoint that's been provided by staff. I'm going to show it to you because that's going to be the big issue in the case and either staff is going show it to you or I'm going to show it to you or the Seebergers are. That's really the evidence that the Planning Commission relied on for the finding that we exceeded the number of events and that the music was too loud. When you look at because there is slide after slide after slide on this video PowerPoint slides. When you look at it and you count them up many of the slides don't have any music or audio recordings associated with them at all. When we had the neighborhood meeting with Mrs. Seeberger who made the video she made it clear that she believes that if we're having an event with a lot of people there that should count as an event whether or not we have live music or not. We presented to staff and staff was in agreement at the Planning Commission meeting that if, and only if, we have live music that the event should account for one of our 14 events. That's what the SUP is for. It's for live music. It's not just for general events. In fact, two of the events that Mrs. Seeberger is counting as an event on her video are fundraisers. We've got the listing of events after the fact. We went back and broke down the video, tracked with our calendar and were able to put this together. Her slide shows on many dates has multiple entries. See for example, 9/14, 9/14, 9/14 that's all one event but she has multiple slides. When you go through and count all these up all that's on the video are seven events. Seven live music events. None of the others have live music associated with them. Many of the others have multiple slides of the same event. If all we're relying on for

the conclusion that there were more than 14 live music events is the video, I guess we'd have to agree to disagree on that because there's only evidence of seven live music events on there.

Let's talk about the second allegation that the music was too loud. I read for you the stipulation which controls the level of the sound of the music. 57.5 decibels at the large tree by the Reynolds property line. Here's the front five acres. That's the tree right here. Typically, these events are down here at the Wine Barn. There's a very good distance between that front tree and where these events are at. Again, the history as to why that's the measuring point is because these stipulations were developed when the Reynolds and the Tichenors were the ones who were concerned about the live music before Sol Coco left and before Sol Coco sold his property to the Seebergers. The Seebergers property line is right here. When you get right here, on the property line and our live music event is in front of the winery building which is right here, you're probably about 10 ft. away as compared to where we have the decibel reading up here several hundred feet, maybe a football field, I'm not sure, it's a large distance. That could be a source or a cause of the discontent is the Seebergers moved in here, the standard that we were given 57.5 decibels at the large tree by the Reynolds property, we met it, that's our position. We've got the logs and I'll show you all those. We did logs and readings at each of the live music events. We had a uniformed officer at each of the live music events and had a decibel reading log and took two readings at each live music event and attested it to the decibel meter reading. It was witnessed by the officer who was present. After each event we submitted them all, the Monday after the event, we submitted those logs to—in addition to the logs we would video tape the decibel reading each time so you would here an audio and you would see a visual of the decibel meter reading and we would submit the video and the audio to staff with a decibel meter reading attestation the very next Monday. We did that every time and we took two readings at each event. When it comes to compliance with the stipulation of 57.5 decibels at the large tree by the Reynolds property we feel like we've complied with it. Let's play the video that Mrs. Seeberger put together.

Mayor Holland asked and this was played at the planning and zoning. **Mr. Denk** said it was, yes. Before I play this and I think it's important to preface this with the fact that there are some portions and specifically one of the events where it's loud. She's right at that point, right at the property line which is about 10 ft. from where the live music is being played. It is loud. When you listen to this video I want you to listen for several things. It's our position and, I'm just a layman listening to this thing and so our my clients, but when listen and you watch this

video certain things appear to be overly amplified. You all will have to be the judge of that. I hear cricket's louder than I've ever crickets. You hear loud birds. You hear breathing, you hear grass slashing around as they're walking. It appears that the mics are wide open and really when you listen to the music that is being played it is so distorted. Who would play their music or set their amp at a level where no one could understand or hear the music. It doesn't make any sense. With that said I just wanted to preface that. What you will also see here is when we click through all the events many of the events don't have the audio and she just says disruptive gathering. These are events that Mrs. Seeberger is providing evidence that she contends constitutes a live music event that we've addressed in our spreadsheet.

Mr. Denk played the video. Right there, that's the privacy fence that we've put up. She's right at that corner property line. I'll go ahead and pause that. We did address this at the Planning Commission. There was no satellite dish or TV provided for viewing of the game. The Hiatt's have a satellite dish at their house and that's why the satellite truck was out there. Hear that screeching, it's a dog, I know it's kind of hard to pick up. It's not music. Do you hear what I'm saying talking about this distortion of the sound? You can't even hear the instruments or any of the vocals. Again, you all have to judge this for yourself. I understand that. Again, she's right here on the property line. **Mr. Denk** continued playing the video. I will note and pause right there. On this event, on September 26, this was the only event where my clients got a phone call from the Seebergers and said, hey, the music's too loud. At that point and time my clients then went up took a decibel reading and turned the music down. To some extent with your neighbors you do have to talk to one another and if you have issues try to work them out like that. **Mr. Denk** continued playing the video.

Mr. Denk said thanks for your patience on that, but that's what was presented at the Planning Commission. You all have now seen it and can judge for yourselves what your assessment of that is. I will say that my clients ultimate goal for this property and specifically for this permit, the special use permit for live entertainment. They want to build a building. They want to build building and put this stuff in a building so we're not going to have these issues. To do that they've got to get a longer termed special use permit so that they can finance a building because a bank won't finance them on a one-year special use permit. I understand that there is a lot of opposition to this but that is the long-term goal of what they would like to do with this

application. The last thing I'd like to do is to turn it over to Celeste to have her just talk briefly to you about why this is important to her and her business. It's more than just a live entertainment special use permit. It's really critical to the continued vitality of this business.

Celeste Mikijanis, owner of the Wine Barn, 2850 N. 119th St., said I just want to take a minute to let you know how important this is. I was born and raised here as were both of my parents. My husband and I chose to raise our children here to build our business here and our future here. That business is a farm winery. A farm winery is a agri tourism business which brings people and farms together. That's what it does. We harvest grapes. We make a product from that grape and we sell that product. As any business does we survive by selling our product. In our industry, the agri tourism industry, specifically farm winery, live music is commonplace. These events are commonplace. They offer a unique way to market our product through the experience. Live music is part of any farm winery business and as a matter of fact it makes up about 40% or more of our income. It draws guests in and it markets our product. We're not a large distributor. We can't go out and put our wine in every liquor store nationwide and sell our product that way. That's not how we do it. We're a small family owned business. We've invested our life savings, our everything into this business for this. We have complied with all of the stipulations that were given to us. We have a neighbor that is upset. This neighbor moved in knowing full well what was going on before they moved in. We have done everything we can to communicate to bend over backwards and juggle while doing it in order to keep our business alive. If this permit is not granted our business will close. Make no mistake our business is finished.

Mayor Holland opened the public hearing.

Mark Rowe, 11255 Leavenworth Rd., said I own Rowe Ridge Vineyards and Winery along with my wife. We as well have live entertainment at our property. Our property lays different than theirs does. The music defuses a little different than they do, but aside from that point I interjected when these people bought the property. I talked for Sol Coco. I called them back after they visited the property and I made sure I told them. I told them you would have music about every Friday night or whatever nights they happen to have live music. I said it's not real loud, you can enjoy it, and you can go down and you can see it. Saying it come unheard is ridiculous but the point of it being is it controls their business plan for their business. I just came

from a statewide conference in Manhattan for wineries, Kansas Grape Growers and Wineries. We've all had these problems. Some our different than others as we go along but one thing we found to get the people out and get the families out and to let them enjoy it is the live music. They really seem to enjoy it. The wine is a social thing. Nobody sits down and drinks wine alone unless they really, really need to. It's a social thing. You sit down with your spouse. You sit down with some friends, another couple and you visit. When we have music if you can't visit at a table the music's too loud, simple enough, but unfortunately some lands the music carries a little different than others. I know from talking to them that they've bent over backwards and we all trust in our Police Department. I'm sure you all do, I do as well. They use them as a witness for their decibel reading. They are really going to the limits to try. I'm speaking on their behalf and let them build their business and let them run their business. It's a family business. This is generational now as you can see.

Murrel Bland, 8311 Garfield, KCK, said I speak in favor of the 10-year special use permit. I'm very familiar with the Wine Barn. Business West, an organization which I head up as Executive Director, has had benefits there. It speaks to the quality of life. It's an asset to this community. I urge all of you to vote for approval.

Sal Coco, 6015 W. 119th St., Overland Park, KS, said I want to confirm the fact that every serious bidder on that property was told exactly what the Wine Barn did, all of its activities and all of its operations. Anyone who wanted to purchase that property knew exactly what they were going into. There was no cover up, no indication of anything different with that. I just want to confirm that.

Jordon Barbo, Fairlawn Rd., Topeka, KS, said I am here as employee of the Wine Barn. They first employed me in May of 2012 so it's been almost four years since I've worked for them. During those four years I did spend three years away, however, I did see a change. When I worked there in 2012 the stipulations they followed for their permit then and when I came back here in August and seen what they've down now and what things have changed and how they're still bending over backwards following the stipulations that they're given trying to make sure everyone's happy. As part of these events I've worked them, seeing the people who come in four years later, three years later, seeing the same faces, the same people who come back. They

love these events. They love to come bring their friends, bring their family and on behalf of the family who run the Wine Barn they brought me in as one of their own. They followed me through my travels overseas and the time that I spent away. They're great people. They're just trying to do what's best for them and what's best for themselves and something good for the community and bring something in for everyone.

The following appeared in opposition:

Ann Seeberger, 2810 N. 119th St., said to say I knew about all of the activities that were going to go on I think is unfair and Rob can explain how many times there had to be clarification on what constituted live entertainment and they had to keep working through that while I lived at this property. The video I'd like to clarify that the point I was making was there were events on dates that weren't provided to me so when events were rained out I got surprise events with the amplified sounds of music that I didn't know were going to happen such as the one that had the music on October 24 at the end of the video. The other videos near the fence line were to show how non-compliant with the fence rules and Rob stated that they would have to fix that. I brought those up in June, but they weren't fixed when it would have counted during the season so the sound and everything just went right around it. The other point is I shouldn't be able to record 10 ft. from the stage or 2 ft. I could record literally 2 ft. from the stage on my property. The point was the last time they give space and create a buffer and I was trying to demonstrate in the video that that wasn't done and that there wasn't that trust developed because when we did bring concerns they were disregarded. We've had to go through this for years and as soon as I moved into the neighborhood people wanted to come up to me and say do you know what's going on. You can be the one who tips the scale and make this neighborhood the way it was. The Kincaids, the Moons, the Vickers, the Reynolds. There was just a lot of people in this neighborhood who had stories of how they just said it was going to be a vineyard and they kept adding and adding the events of what we want in a residential neighborhood. I showed video of the patrons that come to my home and drive through my yard and park in my yard and just like the other people said there's beer cans all over that street right now. My husband can take pictures of them right now. The little liquor bottles and things. This is a liquor establishment and people pre-drink and then throw the trash out all over the street. I just don't think that the way they portrayed—the arguments I was making in the video are fair. The point I was trying to make were more specific and also like we said before the safety of people spending long, long,

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extended periods of time at a drinking place where food isn't served and all that kind of thing going on in a dark narrow street in a residential area that a lot of people are unhappy with in this neighborhood and they've signed the petition and I've submitted that.

Larry Reynolds, 2910 N. 119th St., said it's interesting that this is like the fourth or fifth time that we've been down here and gone through that. When they say that we have complied 100%, that's not really true, that's the reason why we kept coming down here is because they were not complying. Early on they were trying to browbeat us into saying this is a good thing. If you had this kind of thing in your backyard, right off the bat when the Seebergers moved in we went over and sat down and they didn't move in during the middle of the season so that came after they had already moved in. Mr. Coco said in one of the meetings that we had at the Wine Barn said I live right there and I can't even hear it which another neighbor said that's because you can't hear. The reason why it's at that tree that's close to our property is because there wasn't anybody any closer that was complaining because Mr. Coco lived right there. Now he's not there so if you're at the Seeberger's, you're going to hear the music extremely loud. The decibels that we set up don't work at the Seeberger's because that's going to be much louder. They moved out there, this was a family thing and this is how we're going to make money. I moved out there to be in a quiet neighborhood with acreage, with no intention that someone was going to be playing music throughout the summer time. I don't mind the neighbors I just don't like the music. I just don't think it's fair for the neighbors that are there and it isn't just the Seeberger's and the Reynolds, the other family that they mentioned they actually sold their house because they didn't want to do deal with the music. The loud talking sometimes is worse than music especially when it gets dark. I don't think it's fair just because somebody wants to make money that the rest of us around there have to suffer.

Mayor Holland closed the public hearing.

Mr. Denk said really I think I addressed most of the comments that were raised in my initial comments. A couple of things that came up trash along 119th St. I think one of the stipulations is that we walk 119th St. This has come up in past applications. They find all kinds of trash, Taco Bell wrappers. Stuff that has nothing to do with the Wine Barn, but they clean it up anyway because that's a street that is kind of a through street from Parallel to Leavenworth Rd.

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I'm trying to think what the other comments were. We talked about the sound. I don't really have anything else, but I'd be willing to stand for questions.

Commissioner McKiernan said it seems like last week we were talking about this and the week before that and the week before that. Is this before us again because the previous special use permit expired or is this before us again because of the complaints, allegations of not following the stipulations? **Mr. Richardson** said the last approval was for this summer and so we had the intent of coming back at this time before the next season, before the 2016 season for another renewal. **Commissioner McKiernan** said so the special use permit was for the summer for the purpose of determining whether or not the stipulations could be and would be followed. Is that correct? **Mr. Richardson** said I believe that was your intent. You all made that decision. **Commissioner McKiernan** said I will say now I understand seeing Mr. Coco here, because I remember when this first came up, it struck me that the neighbor who was physically the closest to this had no problem with it and neighbors who were over the hill and far away did have a problem with it so now that does explain that piece of it. Mr. Mayor, thanks to our IT department I can get DOT maps right here on my tablet so I can actually look at the properties here and the access road that comes from 119th Street appears to run right at the property line, is that correct? **Mr. Richardson** said it's actually on the Seeberger's property I believe. **Commissioner McKiernan** said how does an access road for 2850 N. 119th cross 2810, how does that work? **Mr. Richardson** said historic issues. They were neighbors at one time. The way the property got divided there's an easement probably, some type of perpetual easement there from long there. **Mayor Holland** said perpetual easement. **Commissioner Walker** said they have the right to pass over your neighbor's property to reach your property. **Commissioner McKiernan** asked is there a fence of any kind on either side of the access road? **Mr. Richardson** said no. The only fence is constructed right from this area right here. **Commissioner McKiernan** said and that was the one that was constructed basically in response to some of the earlier concerns about this. Is that correct? **Mr. Richardson** said yes. **Commissioner McKiernan** said but in terms of the access road itself because, again, one of the allegations here is somebody couldn't find their way and they drove off and they got in the grass so there's no fence that would prevent someone from making a three point turn in the middle of that drive. **Mr. Richardson** said I believe you are correct. **Commissioner McKiernan** said

we've already had the issue of the trash pick-up commented on. That seems to be a recurring theme tonight. We can't take a trash bag out there and pick up stuff.

One of the questions that I have I thought we had a talk about some sort of closed back on the stage so as to direct the sound toward the lake if I remember correctly. **Mr. Richardson** said that was from the approval before that and they didn't want to do that and so they asked for the decibel reading at the tree instead. **Commissioner McKiernan** said but now we're confounded because the person who is alleging the sound pressure level excess is where the back of the stage is or the side, the back corner of the stage. If we had the wrap around, if we had a back and sides to that stage, that should mediate this problem shouldn't it? **Mr. Richardson** said I don't know that I can answer that. **Commissioner McKiernan** said I'm wondering if we were taking the sound pressure level meter what looks like quite a distance away to the old Oak tree there, why we couldn't set up one somewhere on 2810 and get a similar reading. **Mr. Richardson** said I'll tell you that decibel readings drop six decibels every time it doubles. If she was 30 ft. away which I don't know if she was down here somewhere and the distance from here—**Commissioner McKiernan** said isn't the house where the red numbers are right there in the center of that property. Isn't that the house right there? **Mr. Richardson** said correct. **Commissioner McKiernan** said I invite you to come down to my neighborhood. We've got more noise than that on a quiet night. **Mayor Holland** asked do you have the distance there to that tree. **Mr. Richardson** said it is 473 ft. **Mayor Holland** asked and far to the Seeberger's house? **Mr. Richardson** said about 400 ft. to their house. **Mayor Holland** said so it's 60 ft. further to the tree than from their house. Is that right? **Mr. Richardson** said approximately. **Commissioner McKiernan** said alright, so if the sound pressure level is not exceeding the stipulation at the tree, than with comparable distance I would expect that it shouldn't exceed the stipulation at the house. Would that be unreasonable to conclude? **Mr. Richardson** said I wouldn't think so. The issue is the Wine Barn folks could be here on their property and take that reading. I don't know that they would want to walk over here to their back porch and take a reading. **Commissioner McKiernan** said but, again, it's a matter of distance. It's a similar distance. That's all I have for now.

Commissioner Kane said, Rob, the Planning and Zoning voted it down because of why. **Mr. Richardson** said my final analysis was despite the fact that you could argue over what the decibel reading was at a certain location stipulation No. 9 said no rock bands and I think what

you saw was clearly a rock band and then the other part was when I met with Mr. Denk and the Mikijanis' about the fence it was supposed to come from this corner to here, up here and then down a distance. This portion of the fence between here and here was never constructed. They dispute whether they had a complete understanding of that, but the exhibit had the blue line that goes from this corner of the barn, to this line, to this corner, and down so those were the reasons that I recommended denial, primarily the rock band issue. **Commissioner Kane** said for the people in TV land, we met with the Reynolds family and I can't remember to the north of you that moved because of this. We sat down with the applicant at the grade school and talked about some of the stipulations. I gave Mr. Reynolds my cell phone number in case it ever got too loud or something was wrong and several times he called me and said come on over and listen to this. When we did talk about the board in the back to send the music and the singing outward they did that a couple of times and one time I showed up on my own and they had the speakers on the outside. Rob, how long have we been working on this. **Mr. Richardson** said I believe the first case was in 2008, but I would say 2010 and 2011 earnestly. **Commissioner Kane** said we've worked on this longer than I worked on the 110th St. development. When they say they follow the guidelines they follow the guidelines to what they thought the guidelines were and they were not always the guidelines. It's frustrating because I told you guys the last time you have to follow the guidelines and once again you didn't. The reason the Reynolds haven't complained is because they felt like giving up. I tried to work this out for both sides to make this work and I told both of you that if one of you didn't live up to the agreement that I was done. Since they haven't lived up to the agreement, not just this one but a couple of others, I vote we support the Planning and Zoning decision for denial.

Mayor Holland asked is that a motion.

Action: **Commissioner Kane made a motion, seconded By Commissioner Philbrook, to deny Special Use Permit #SP-2016-6.**

Commissioner Bynum said I have a couple of comments and questions. The Kansas City, Kansas Police Department verified the decibel readings after every live music event. I believe that was what was shared with us tonight. I don't know why I would be asked not to believe the

readings verified by the Kansas City, Kansas Police Department. I'm struggling with that as an issue.

On the video that was made by the neighbor several of those were marked as disruptive gatherings. I was at two of those disruptive gatherings personally attending a Kiwanis Fundraiser and an event for Business West. I do apologize to the neighbor if that was considered disruptive. I certainly wouldn't think I deliberately attend a gathering that someone would call disruptive. In my estimation those were both actually fairly quite gatherings. They were also both rather delightful gatherings. I'm not seeing any requirement in what we've been given for a buffer. I heard the neighbor speak to one of the stipulations being a buffer and maybe it's the fence, I don't know. Mr. Richardson, maybe you could speak to that. I don't see that in the stipulations. **Mr. Richardson** said I believe they would have been talking to the fence. **Commissioner Bynum** said I'm trying to identify what stipulations are we referring to that have not been met and if I have to stipulate that one of those bands was a rock band then so be it. Violating number 9 out of the list of 17 stipulations would not be enough for me to say no to this special use permit.

Commissioner Philbrook said I wish I really weren't part of this at all. At this moment this is when a commissioner says oh pooh, why do I have to part of this but it's our job. I would have to agree with in part both of the other commissioners. I was involved in a long conversation with trying to work out an agreement and did finally give up because in my mind sometimes you cannot make people like each other, you cannot make people get along and no matter how we would like that to happen. I would like to say I thought long and hard on this and so did everybody else trying to set it up so everybody could live well together, but it just doesn't seem to be working to say the least. I also was at two of those gatherings that deemed disruptive and darn I didn't feel very disruptive and we didn't have any music and it wasn't loud. I'm sorry that you felt that way about our gathering, but going back to that I really do feel like the opponents would not be happy really no matter what happened as long as there was nothing going on down the hill from them. Having said that, that's from conversation and I just have to put this forward, but I also feel the proponents aren't as squeaky clean as they would like everybody to think. I don't think anybody is right in this and I don't think everybody is all wrong in this, but I am tired of looking at this. I will be honest with you, I am really tired of looking at this keep coming back to us and coming back to us and coming back to us. That's all I have to say.

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Commissioner Murguia said I say this every time when these kinds of issues come forward. I don't think anybody wins when neighbors fight with one another and I definitely don't think anybody wins when you all put government in charge of resolving those disputes. I recognize sometimes there's no alternative, sometimes people just can't get along and you can't come to an agreement. Obviously, some people believe they've been lied too and may have been and some people believe their just trying to make a living and make a better neighborhood and make some activity and have some fun. I see good arguments on both sides. I know there's a motion on the table but I really think—I would just tell you what I would like to see happen. I don't know if it can happen or not but I would like to see this issue go back to Planning and Zoning, just giving you my opinion, and I'd like to see these parties get together one last time and try to resolve this and come to an agreement. Obviously, if you can't then this governing body will need to make a decision and I need to tell you that my philosophy is that I tend to defer to the commissioner in charge of that district. That doesn't mean that I always agree with that commissioner, but I will defer to the commissioner that represents that area. I hope that someone will hear what I'm saying and give these parties one more chance to at least have a conversation.

Commissioner McKiernan said I totally agree with Commissioner Murguia on this. We don't get a great resolution when we end up making the call on this. I don't know if I'm allowed to ask Ms. Seeberger or was it Mr. Reynolds who's here. Is there anything that could be done that would make you say yeah, that's great, let's keep having that business or is it a foregone conclusion that no matter what is done you're out.

Mayor Holland said, Commissioner, I will permit you to ask the question of the two opponents if they would like to ask, you do not need to answer the question but if you would like to I'd invite you to come to the microphone and you can answer the question. Is there anything that could happen that would make it work?

Ms. Seeberger said I think I said most of it in the minutes is that overtime we have developed a lot of resentment and I have to own up to that, but when I've been called a liar, just at the last time I was told I was lying because there was not disco lights. There were obviously flashing lights in that tent. I don't how to work with that. The last neighborhood meeting he was still telling Larry that this was completely futile to fight against whatever they wanted to do because

we're going to have high-rise apartments next door soon. **Commissioner McKiernan** asked who said that. **Ms. Seeberger** said Mr. Hiatt said that to Mr. Reynolds and that was the last part. **Commissioner McKiernan** asked is there any way in your mind to resolve this issue. **Ms. Seeberger** said I don't have any trust with them anymore. They've lied and they've done things in the past. **Commissioner McKiernan** said that answers my question.

Mayor Holland asked, sir, is there anything in your mind that could be done to resolve this. **Mr. Reynolds** said if all the neighbors that have signed the petition could come to an agreements that we can deal with this kind of music and noise and stuff like that throughout the whole summer and into the fall and stuff, it could be a possibility but based on the fact that we've been back here so many times and they think that they've been really upfront and everything, but all of us have had issue.

Commissioner McKiernan said I would say it is frustrating to have something appear so close to a potential resolution and yet to be so far away and here again on this issue.

Commissioner Kane said we've tried that. We tried to sit down and talk to everybody and it didn't work. There's a non-trust factor on both sides. They did not follow all the stipulations. They can tell you they did but they didn't. That's the problem. If number 9 was the first time this ever happened, you're right there's no way I could go the other way, but this isn't the first time and when you sit down and you talk to people and you said hey, let's do this, and then there's an interpretation of what we said and in my mind there was no interpretation. When Rob wrote them down the way we told him to write them down, they didn't follow them.

Commissioner Bynum said the question I have is we've made reference to the fact that we've dealing with this since 2008 so being fairly new here still dealing with what specifically because is that the special use permit to have the winery, is it the live music permit. What have we been dealing with? **Commissioner Kane** said from the time they went and talked to Rob and those guys where they had a little meeting between the rest of them, I got ahold of all of them, we went to the little grade school and we sat down and we tried to work something out and this thing got emotional. **Commissioner Bynum** said for what is the question I'm asking. **Commissioner Kane** said to try to work this out for the live entertainment. **Commissioner Bynum** said we've

been dealing with live entertainment since 2008. **Mr. Richardson** said the first live entertainment permit was in 2011, but that came about because they were having music and didn't know they were supposed to have a live entertainment permit. I don't know at what point before 2011 it started. **Commissioner Bynum** said we've been granting live music permits since 2011. **Mr. Richardson** said correct.

Commissioner Walker said I've heard this one time before I think that I can recall maybe a little bit more. I've sat and listened to this, I, like Commissioner Bynum, also represent those people within that area elected or not elected by those people. I was convinced that there was going to be evidence put before me tonight that was the same old business as usual out at the Wine Barn. What I saw was a video that would drive me insane if it was my neighbor every time I had company come over filming and keeping a record of every coming and going on my piece of property. I have not seen or heard one scintilla, which is lawyer's word for one itty bitsy piece of evidence that justifies not granting this special use permit. The way to end this dialogue is to grant a special use permit for a long enough period of time for them to get the financing to build the barn that will hold music in the barn. That's the way I feel about it. I haven't heard a piece of evidence that justifies doing it so I'm in favor of extending the special use permit for five or ten years.

Mayor Holland said I don't see any other commissioners chiming in. I do want to ask a couple of questions. Mr. Richardson, did you receive the logs of the readings verified by the Police Department. **Mr. Richardson** said yes. **Mayor Holland** asked do we have any reason to dispute that those logs are wrong. **Mr. Richardson** said no. **Mayor Holland** said another question is the special use permit is specifically for live music, is that right? **Mr. Richardson** said correct. **Mayor Holland** said was it that they could not have any more than 14 events total or no more than 14 live music events. **Mr. Richardson** said no more than 14 live music events. **Mayor Holland** said so even without the special use permit they could have as many events as they want on their property as long as it didn't have live music. **Mr. Richardson** said correct. **Mayor Holland** said I will say it's a bummer, I don't know how to say that in a thoughtful way, that the person right next to them sold their house in the middle of the special use permit dialogue because that's a significant change. I am encouraged though that the house is about the same distance from the magic tree. My guess is that if the decibel reading is correct at the tree,

it's going to be similar at the house though the Reynolds have the additional benefit of there are trees between and some more distance to their house that the Seebergers do not. It is frustrating that a new property owner, not that we don't love new property owners, but a new property has changed the game significantly from the previous discussion. There's no question this process has been, this horse left the barn several years ago and this new player right next door changes things. I do agree that, I'm no expert on music, there did seem to be some rock and roll music. I also agree with Commissioner Bynum I'm not sure that one or two events, though I disagree with it and we've been very clear to follow the letter of the law of the seventeen stipulations. Even if the rock and roll event met the sound requirements, than I think maybe they met the sound requirement.

The other piece I am conscious of it is impossible to get financing without a long-term special use permit. One of the things regardless of how this vote comes out tonight one of the things that could happen is they could come back with a special use permit for ten years specifically with it stipulated that it's inside an enclosed barn of that size that would allow them to go out and seek financing from a bank because we could grant a special use permit with a barn enclosure committed upfront before they can get the music. That is a possibility moving forward. It is a puzzle.

Here we are and there is a motion and a second on the table for denial which we have to state that it would take six votes to uphold the Planning Commission's vote and if that were defeated, it would take nine votes to approve it. Is that correct? **Mr. Moore** said that's correct. Since there is a protest petition it takes nine votes to override the Planning Commission.

Commissioner Murguia said one last question. Rob, can you answer this for me? If the denial goes through and this family business goes under but they still like to have people over and they still have people over and they still have parties in their yard and play music what's the rules on that? I live in the city so this is a hard case for me to judge. This is a normal day for me. Start talking 14 events. I'm trying to be very sensitive to the other side because that's why you moved out there. I'm really legitimately trying to be sensitive. You wanted it quite. It's hard for me because that's not my lifestyle. I'm just curious if they just decide to have 14 parties a year with their family and friends, is there a logic there? **Mr. Richardson** said they would be subject to whatever laws we have on the books related to noise and I don't know if it's called disturbing the peace. **Commissioner Walker** said can they sell liquor? **Mr. Richardson** said they couldn't

sell liquor. They'd have to give it away. **Commissioner Murguia** said it doesn't matter to me. What the people are upset about is the environment. I didn't hear them say we're mad because they are selling liquor. What they seem to be upset about is the noise and the activity. I could be wrong but that's what I heard them say. My question is, just to be clear, if it's the noise and the activity what would prevent this family from just having really big family gatherings. I've seen some big ones. I live in a Hispanic neighborhood and there are very large family gatherings. What would prevent them from having those gatherings where they're just not selling liquor but the same kind of video could be taken? **Mr. Richardson** said I don't know that there would unless there is something relating to the noise volume and how you treat your neighbors. That's more of a police enforcement issue. I don't know what the particulars on that part of the law are. **Mayor Holland** said the question is there is no restriction. We don't need a special use permit for them to own a winery. **Mr. Richardson** said no. **Mayor Holland** said can they not sell wine out of their winery. Is that right? They can sell wine on their winery. **Mr. Richardson** said the sale of alcohol is regulated by the state. They can have a winery. They can have people there. They can have events. If they're going to have live entertainment, for some of these events they were charging people at the gate as they came through so that's a different kind of operation than you and I are having a big family party. **Mayor Holland** said the question is they want to operate a business. The only issue on this special use permit is the ability to have live music. They can still have weddings. They can still have events. This doesn't revoke their business license to say they can no longer operate the winery. **Mr. Richardson** said correct. **Mayor Holland** said they can set up their tents. They can charge admission. They can invite people in, is that right? **Mr. Richardson** said that is correct. **Commissioner Murguia** said so the whole disagreement then is, just to stay on the same subject, all this time that has been spent on this is really about live music. **Mr. Richardson** said for this body it is. If this continues I think you will see Mrs. Seeberger request to go before standing committee to request other changes that would limit those other activities as well. **Commissioner Murguia** asked do we have control in our current policies and ordinances to control those activities without changing our current city law. **Mr. Richardson** said only to the extent the police could enforce something related to noise.

Commissioner Walker asked me singing at a wedding at the Wine Barn, is that live music? **Mayor Holland** said that would be horrifying. **Mr. Richardson** said yes. **Commissioner**

Walker said it'd be alright if you played it on a stereo. **Mr. Richardson** said no. **Commissioner Walker** said is that live music. **Mr. Richardson** said if somebody is operating—if it's more than music when somebody is actually controlling what's being done we've determined, and the Board of Commissioners have agreed, that it is live music. **Mayor Holland** said so a DJ is live music. **Mr. Richardson** said DJ is live music. **Commissioner Walker** said really this idea that they can go ahead and have weddings is not really true. **Mr. Richardson** said they've had weddings without music. They amplify the preacher. **Commissioner Walker** said that's true, if you didn't want to have music at your wedding, I am sure there are people who do, but most people have at least some kind of music. **Mayor Holland** asked this is an important question though, does it have to be amplified music to count as a special use permit or can it be just a stringed instrument. **Mr. Richardson** said we kind of started out with stringed instruments in this by the way a long time ago. I think if we were at stringed instruments it would not be an issue and that you might not even be able to hear them. If you position it on the property correctly and things like that you would probably get away with it. **Commissioner Walker** asked what's a rock band? Can you define a rock band for me? Anybody up here, anybody listening. Can anybody define what a rock band is? Tell me what it is? Tell me how you differentiate ZZ Top from Led Zepplin. That kind of shows my age I know. **Mayor Holland** said yes it did. **Commissioner Walker** said I mean there's fundamental problems here that I'm not seeing a preponderance of evidence here of an abusive situation. I'm just not seeing it. I'm sorry. I wish I did. This is the Hatfield and McCoy and I don't care what you do you are never going to make anybody happy. Get them inside a barn. Get them a long enough special use permit to finance the construction. If you were only going to live in your house for a year, you couldn't get a 30-year mortgage.

Mayor Holland said the motion and the second that we have before us that is now for a vote is to vote with the Planning and Zoning Commission for denial. Just to be clear, a yes vote is to deny the permit. Is that correct? This gets confusing because we're voting yes for a negative. If you vote yes, you're denying the permit. If you vote no, you are not denying the permit. Is that clear to everyone.

Roll call was taken and there were seven "Ayes," Kane, Markley, Philbrook, Townsend, McKiernan, Murguia, Johnson. Commissioners Bynum and Walker voted "No."

Mayor Holland said that brings us to our last item Planning and Zoning. I will let the Commission know we have about 30 minutes of activity left for this next piece. I realize its 9:30 at night. We've already pushed two items off the agenda. Looking ahead at our calendar, I don't know. Next week we've already pushed an item too. Mr. Bach, what do you think? I want to make sure we give ample time to this. I didn't think we'd be quite at 9:30 when we got to this, but I don't want to shortchange Mr. Richardson because there is a part of this in terms of the sign that we need to get feedback from the Commission and the question is it's going to take about 30 minutes to walk through it. Mr. Bach, what is your thought just in terms of the calendar. Our 5:00 next week is stacked. Our 7:00 we just added something. What's in your crystal ball? **Mr. Bach** said well we have far less on the 7:00 next week. We have several items that are carrying forward. As you noted the 5:00 is probably a full session between 5:00 and 7:00 anticipating we get through it. I would probably guess we only have an hour meeting next week. **Mayor Holland** said my recommendation, Mr. Richardson, is that we come back. I'd like you to do your initial part for the first two and maybe que up the sign piece so we can be geared up and excited about it next week. I think that 30 minute walk through we're going to be at our best next week or better than we are now maybe. I don't know what our best looks like but it might not be tonight.

MISCELLANEOUS – PLANNING AND ZONING

ITEM NO. 1 – 15290...UPDATE: K-32 CORRIDOR PLAN, ROSEDALE MASTER PLAN AND REWRITE OF SIGN CODE

SYNOPSIS: Update on K-32 Corridor Plan, Rosedale Master Plan and Rewrite of Sign Code by Robin H. Richardson, AICP, Director of Planning.

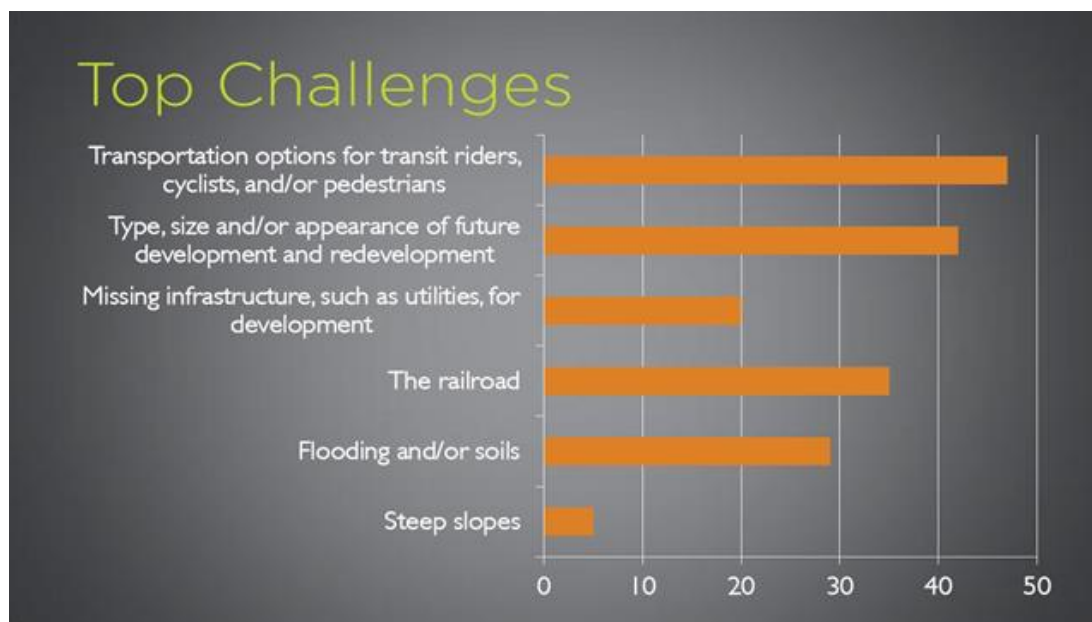
Commissioner's Update

- K-32 Tri-City Transportation and Redevelopment Plan
- K-32 Quiet Zone Schedule
- Rosedale Master Plan
- Sign Code Visual Survey

Mr. Richardson said contrary to what the slide says I'm going to update you on three things tonight. The K-32 Tri-City Transportation and Redevelopment Plan, the schedule for the Quiet Zone to be heard by the Board of Commissioners and the Rosedale Master Plan. The basic things I'm going to go over on both plans for you is I've kind of done what you would call a SWOT Analysis. Strength, Weakness, Opportunity and Threats.

K-32 Update

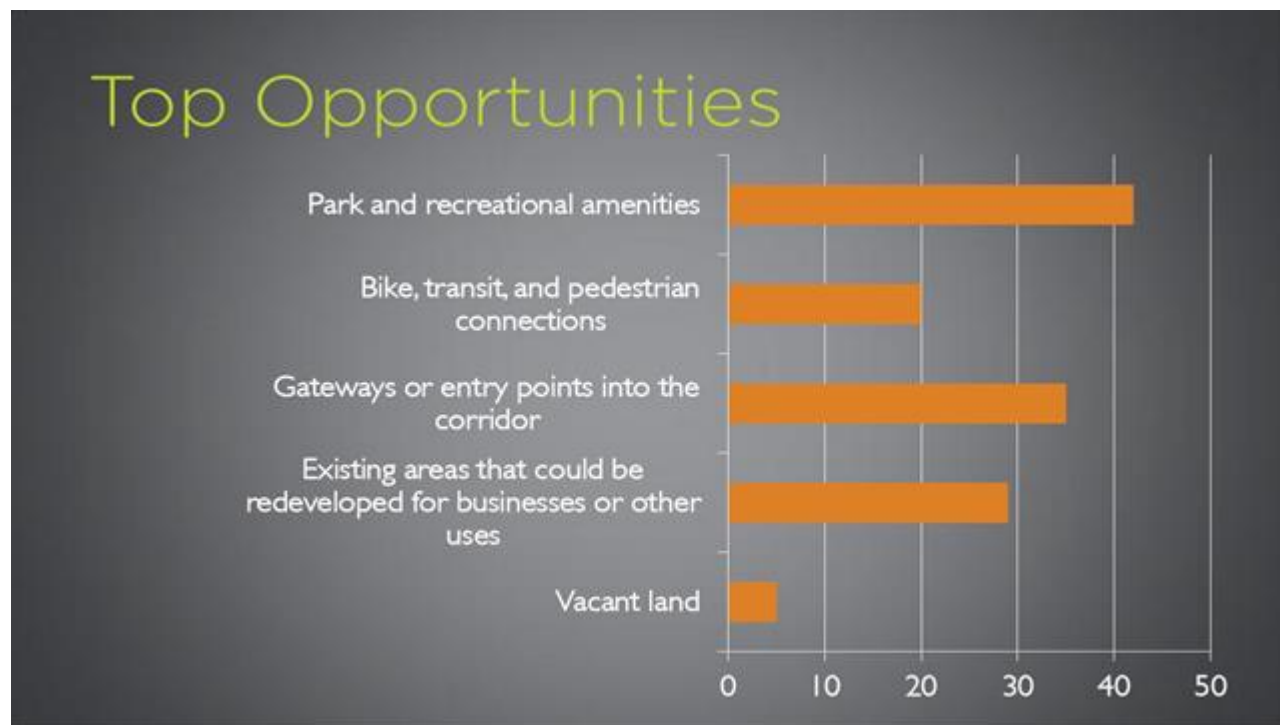
- Top Challenges
- Top Opportunities



\K-32 the just call it challenges and opportunities. The top challenges based on the survey that they did using their Digit Cape Website, their electronic survey, the advisory committee, and the public meetings that we had and came up with transportation options for transit riders, cyclists, and pedestrians was the top challenge. The type, size, and appearance for future development was the next most significant challenge. The railroad in itself and flooding were the next most

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significant challenges. I will say even though those slopes ranked low on that. If you've driven K-32 some sites, the north side of K-32 is basically a mountain to overcome for development. Some folks are minding the dirt there and flattening the mountain, but that takes time for that to happen.



We think there's a lot of opportunities for park and recreational amenities for bike, transit, pedestrian connections, especially in Edwardsville and Bonner where people live on both sides, especially Edwardsville where there's folks on both sides of the highway. There's a Dollar General on one side and people cross, jaywalk K-32 to get to that. That's not a very safe environment. There are lots of opportunities there for gateways. There's a lot of existing areas and businesses that can be redeveloped or new businesses added and the vacant land kind of goes to that development opportunity. From this point they're going to start developing plan alternatives and in March and April we'll have another set of advisory committee meetings and public meetings where we'll start looking at those on the K-32 side.

Quiet Zone Update

- 2/22/2016 Public Works Standing Committee
- 3/10/2016 Board of Commissioners


For the Quiet Zone Update you will see the Quiet Zone analysis at the Public Works Standing Committee on the 22nd of this month and then it will be before this body for consideration on March 10.

The Quiet Zone is a designation for the railroad where they don't blow their whistles or you use an alternative whistle that's more directed at the traffic and not in general from the train. It might be on a curb pointed at houses and things like that. It's working with the railroad to make physical improvements to the environment of the railway so they don't have to use their whistles or use them in the same manner they do now.

Rosedale Master Plan Update

- Strengths
- Weaknesses
- Opportunities
- Threats

For the Rosedale Master Plan this is the SWOT analysis.



Strengths

- Diversity
- Location and Access to Amenities
- Urban Neighborhood Fabric
- Parks and Natural Amenities
- Employment Centers
- Community

For strengths they like their diversity, the location and access to amenities. The urban neighborhood fabric, parks and natural amenities, people really, really love Rosedale Park. I

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cannot tell you how much. When we have the public meetings we have to have a table just for people who want to talk about the park. It's a great asset to the neighborhood. The employment center is primarily KU. They have a strong community. I think it's fair to say Rosedale has three or four very, very strong neighborhood groups. They appear regularly before you all for different issues and the community is very strong as well.

Weaknesses

- Parking and Traffic Issues
- Blighted Properties and Code Issues
- Pedestrian and Bicycle Barriers
- Lack of Community Center or Library
- Underutilized Commercial Corridors and Lack of Amenities



For weaknesses, parking and traffic. You might have guessed those. Some of the blighted properties and code issues. Barriers to pedestrians and bicycles. The lack of a community center and library. Then underutilized commercial corridors and lack of some amenities in the corridor. When we started this process I went and drove every street in the plan area during the school day. As soon as you get off a street that isn't parking limited by code the next street the people park even in front of the driveways. You can't get into your driveway during the day in some

cases so parking is a huge issue so we're going to work on all of these weakness through the plan process.

Opportunities

- Continued Revitalization and Redevelopment
- Enhancing Parks
- Active Transportation Infrastructure
- Traffic Improvement
- Improving Schools
- Improving Perception

Threats

- Decreasing Affordability of Area
- Encroachment of Parking into Neighborhood Areas
- Fast Food and Drive Through Restaurants
- Poorly Maintained Houses and Apartments
- Crime

They identified lots of opportunities. Continued revitalization and redevelopment. They like what we've done. They want to improve on the great parks that they have. They want an active transportation infrastructure. More bike facilities, more pedestrian facilities, and looking ways to improve the traffic. The big traffic issue through this corridor is left turns going southbound on Rainbow. 8,000 people a day come into Rosedale from the southwest up the I-35 corridor. A huge portion of them have to make a left turn into the KU Campus at some point. They want to improve their schools and part of that is underway. As you know Frank Rushton Elementary School is being reconstructed right now. They want to improve the perception of Rosedale.

Under threats they think the decreasing of affordability in the area is a problem. Encroachment of parking that I mentioned. Fast food and drive throughs for various reasons and poorly maintained houses and apartments that have led to some crime. Those areas are really what I would say west of Rainbow and north of 43rd Street.

Sign Code Update

- Visual Survey

Visual Survey-Signs

Unified Government of Wyandotte County-Kansas City
Advisory Committee

January 20-21, 2-16



What we've done with the public and advisory committee and what we will do next Saturday not this Saturday but next Saturday with the Planning Commission is our consultants put together a series of slides A – M or N with a series of slides on each one. We have a rating preference. As we write the code we want to know what people like and don't like as we move forward in general. There might be something in that that comes out a better way to write our code so that

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the community will like the outcomes of the sign ordinance better as we move forward. What we've like to do is walk through that with you. I was going to pass the surveys out to you all and those left in the audience tonight to participate, since they're here that might as well participate anyway. Those of you in TV land if you want to watch next week, I will make the survey form available on our website if you want to take that survey and email it back into us, we'll be happy to do that. I'll put that survey on the wycokck.org/planning website this week.

The last thing that I had on my agenda this evening. I want to talk about upcoming meetings.

Future Meeting Dates

- See hand out for full list
- Planning Commission update next Saturday 8AM at the NRC
- February and March meetings

Feb-16	Rosedale Advisory Committee #3	KCK City Hall	8:00 a.m.
Feb-16	K-52 Quiet Zone Presentation	KCK City Hall - BOC BC	5:00 p.m.
Feb-16	Sign Code Advisory Committee #4	NRC	4:00 p.m.
Feb-16	Sign Code Public Meeting 3a	NRC	6:00 p.m.
Feb-16	Sign Code Public Meeting 3b	KDA Offices	4:00 p.m.
Mar-16	K-52 Advisory Committee #5	Banner Community Center	6:00 p.m.
Mar-16	K-52 Quiet Zone Adoption by BOC	KCK City Hall	7:00 p.m.
Mar-16	Rosedale Public Meeting 3a	Rosedale Middle School	6:30 p.m.
Mar-16	Rosedale Public Meeting 3b	Our Senior Lutheran Church	12:00 p.m.
Mar-16	Sign Code Advisory Committee #5	NRC	4:00 p.m.
Mar-16	Sign Code Public Meeting 4a	KDA Offices	6:00 p.m.
Mar-16	Sign Code Public Meeting 4b	NRC	4:00 p.m.
Mar-16	K-52 Public Meeting 3a	NRC	6:00 p.m.

We just concluded a series of advisory committee and public meetings for all three planning processes. Those will continue in February and March. On the screen we have the February and March dates, times, and locations. I will leave this up until the next person needs to take it down so those of you that want can write those down. I've also distributed to the Board of Commissioners the complete list which includes all the way through August of next year for all of our future meetings so you can have that. I also talked about this this morning at the Liveable Neighborhood Meetings. They all got the schedule as well for the neighborhood meeting groups.

Commissioner Markley said my Grinter Group which part of their neighborhood area encompasses the K-32 Corridor has asked me to attend their March 3 meeting which is a non-commission Thursday night. I never get to see them because they meet on a Commission night. They specifically want to talk about K-32. Commissioner Walters is going to come with me to that meeting, but if someone from your staff would like to come as well, I think they would love to have you. **Mr. Richardson** said I think we can probably have the last public presentation we did with the public and go through that with them. Why don't we talk after the meeting and we can probably make that happen.

Commissioner Murguia said I know it's late. We've been here for a long time but I figure if we can talk about western Wyandotte County for as long as we have we can talk about the inner city for a little while. I have a couple comments to make in regard that you made in regard to the Rosedale Master Plan. Rob, you have a difficult job and I would never want to do it. It's like hurding cats to get people on the same page about what they want their neighborhood to look like. I mean you can't get people to agree about small business. I appreciate all of your effort. You made a comment that there are a couple of very strong neighborhood groups in the Rosedale neighborhood. I would agree with you and I think that's fantastic. I'm going to be looking for the groups effort in reaching out to and engaging those less connected and less vocal people to make sure that this plan truly reflects all of Rosedale and not just the voice of a few politically connected people and how the plan proceeds.

This is really more a statement just for my fellow commissioners. I recognize I'm just talking about one particular neighborhood, but I've been waiting for an opportunity to say this, to make these comments. Ten, Fifteen years ago I don't even remember I wasn't even on the Commission, this Commission was very progressive, the Commission that was here at the time was very progressive and there was a big business called NASCAR that came to Wyandotte County and said we're going to invest \$200M in your county. Nobody came with them. They came alone. This Commission was excited and they embraced that development. Not only did they embrace it but they were progressive enough to go out and purchase 400 additional acres in that neighborhood for potential development because they saw the potential with four NASCAR races, we'll just say four, we'll give them two extra. Four NASCAR races a year, they saw the potential in that. Just as you said, Rob, we are now we have an amazing hospital in KU Hospital. We currently have a brand new \$250M hospital tower that's going up in addition to a \$75M

medical education building being built by the university and yet this government has not bought one home, not bought one piece of vacant ground or taken the initiative or had any sort of progressive action in regard to helping redevelop all of Rosedale. Let's be very clear, when you drive through Rosedale you see some nice new commercial development but you see a great discrepancy between the quality of the commercial development and the quality of all of the housing stock. I recognize this isn't District 1, 2, 4, 5, 6, 7, 8 but where NASCAR is wasn't any of those districts either and yet the Commission had the vision to see that there was great potential in that area of our county that would benefit all of us. I think what went on in Village West is fantastic and I hope that development out there continues to grow and flourish. I also think other areas of our city should grow and flourish. I think we have an amazing opportunity to do that in Rosedale. I know other people say that, but I'm not seeing any action. I really appreciate the first step in making a plan but I want to see is action. For as long as I'm going to be here whenever my term ends I am going to bring that up consistently. That neighborhood is right for development. You said it yourself we're not talking four NASCAR races a year, we're talking 8,000 people, everyday Monday through Friday coming into Wyandotte County to typically high-paying jobs. Not low-income retail jobs, high-paying jobs in the healthcare profession that have money to spend in our county. We need to grasp that opportunity, get ahold of it, it's going to broaden our tax base, it's going to make it better for everyone and I hope I see better initiative in that direction.

Mr. Richardson said I would just say that I've seen people that I've never seen before at our meetings. We have more people at this set of meetings for Rosedale than we did the last time around and they're new residents, new people coming in which I think is great. I think you're going to be surprised. We kind of did a test with how much based on what our economic consultant said how dense could we make Rosedale. How many 39Rainbow can we build. The public didn't really object to that. I mean even going back towards Adams and down 43rd Street, I think that the plan is going to be much different than the last plan that we had in that we're going to identify areas that should be redeveloped and the density at which they should be redeveloped.

Mayor Holland said I say one of the game changers of this plan and this is really the Hallmark of the plan and why I'm really excited about it, it is our largest employer in the city. It does have

I think it's actually over 10,000 employees before any patients show up. It's a very large employer. It's an engine that's unlike any other in the metropolitan area and I think our vision is to have the kind of college environment around the medical center that you see at Mayo Clinic, that you see at MD Anderson in Houston and the experts that we've bought in for this plan we're looking at about a \$250,000 plan. The key to this is we've had a master plan in this area before. KU has had a master plan before. We've never done one together. KU is helping to fund this plan and I think that's a game changer to have both the community and this employer working hand-in-hand side-by-side with the neighborhood to really bring together—we have not only the med school, but the hospital and we also have the Endowment Association. We have a lot more people at the table than we've ever had. I think we are going to need to make some significant investments in this area for property acquisition. I will say though they didn't buy an acre out west until they had a plan. We have to develop a plan. Certainly what property we buy is going to be driven by this plan. I want to make sure we have a good plan in place so we're spending that taxpayer's money wisely. We need to be aggressive in this area. This is an opportunity unlike any other that we have in our community. Even with the Legends as big as it is only has 9,000 employees. I'm going to say only with a tongue in cheek because that's a huge number based on what was there before which was almost zero. Now we have another place with 10,000 employees, more employees than we have at the Legends, no doubt a higher income for those jobs. We've got to have the caliber of plan that's going to drive economic development in that area for the next 30 years. I think that's what you're putting together and I do agree, Commissioner, we have to be aggressive as a Commission. Once we have the plan to target our investment to make sure that we can turn that over. **Mr. Richardson** said I'm very encouraged with the two working together because they're actually looking at a couple of taboo issues. They're looking at creating enough on campus parking so that people don't have to park on the street. They're talking about making lots potentially available in Hanover Heights owned by the University to make the neighborhoods complete and any speculation about university coming into the six or seven lots in the neighborhood. Those are the two most contingent issues I've seen since I've been here related to the neighborhoods and the university. I think they're going to work together on these things and I think that's a great step forward.

Mayor Holland said thank you very much for the update. We will do the sign piece. The sign piece alone is about half an hour. I know if you were here to look forward to that we apologize. We'll do it next week. That's just our Planning and Zoning agenda. We now have the Non-Planning and Zoning Consent Agenda.

Action: No action taken.

REGULAR SESSION

MAYOR'S AGENDA

No item of business.

NON-PLANNING CONSENT AGENDA

Mayor Holland asked would anyone like to remove an item. No one came forward.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all items on the Non-Planning Consent Agenda.** Roll call was taken and there were nine "Ayes," Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 1 – 15325...BUDGET REVISION: EMPLOYEE HEALTH FUND

SYNOPSIS: Request to approve a budget revision in the amount of \$750,000 that authorizes a supplemental payment to the Employee Health Fund from the County General Fund, submitted by Lew Levin, Chief Financial Officer. On January 4, 2016 the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the 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, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 2 – 15336...GRANT: 2018 CHOICE NEIGHBORHOOD GRANT

SYNOPSIS: Request authorization for staff to apply for the 2016 Choice Neighborhoods Grant through HUD, submitted by Melissa Mundt, Assistant County Administrator. The grant provides up to \$2M for planning and construction activities over a three-year period. On January 19, 2016, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the 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, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 3 – 151...ORDINANCE: JUDGES PRO TEMPORE

SYNOPSIS: An ordinance amending Section 23-11 of the Code of Ordinances relating to judges pro tempore, submitted by Ken Moore, Chief Counsel. On January 19, 2016, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **ORDINANCE NO. O-7-16,** “An ordinance relating to Judges pro tempore, amending original Section 23-11 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas and repealing said original Section 23-11.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 4 – 15342...PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN

SYNOPSIS: Request approval of proposed revisions to Section ESF 8 – Public Health and Medical Services of the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director. On January 19, 2016, the Public Works and Safety Standing

Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the 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, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 5 – MINUTES

Synopsis: Minutes from regular session of November 19, and December 17, 2015; and special session of January 7, 2016.

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 31, 2015; and January 7, and 14, 2016.

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, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 7 – 16372...PLAT: REPLATE OF PARCEL 3, CENTER CITY

SYNOPSIS: Plat of Parcel 3, Center City, located at 5th and Minnesota Avenue, owned by the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 16364...PUBLIC HEARING/RESOLUTION: IRBS/PILOT FOR THE LEGENDS APARTMENTS

SYNOPSIS: Conduct a public hearing to consider a Resolution of Intent to issue \$50M in IRBs and a PILOT structure for a multifamily project known as The Legends Apartments, located at 1879 Village West Pkwy., proposed by EPC Real Estate, Legacy Development and KKR, submitted by George Brajkovic, Economic Development Director. The project includes a 3-story parking garage with 240+ units of market-rate, luxury 1 & 2 bedroom units above. On November 19, 2015, the Commission unanimously adopted Resolution No. R-101-15, setting the public hearing date to December 17, 2015. Subsequently, a new notice was published on January 21, 2016, setting the public hearing date for January 28, 2016.

Mayor Holland said we do need to open this public hearing. We have had presentation on this before and because of technical issues this item was separated for reporting purposes from the previous. We had previously approved this project, but this particular piece we need to come back and open a public hearing. Mr. Brajkovic is here to give us the presentation again if any one would like. One key thing I would report, when we have done these IRB’s in the past we do 100% abatement which sounds like we’re giving them a tax abatement. In fact, what it’s doing is structuring a payment in lieu of taxes equivalent to 100% of the taxes that guarantees the revenue stream that the developer can plan on for their tax rate for the next ten years. It keeps us out of court and it allows us to agree ahead of time on valuation. It’s a really good deal for the city and it’s a really good deal for the developer. We’ve done it specifically for the apartments and issuing the IRBs also allows them some sales tax benefits as they’re building their property. It’s a win win for the community and it’s a tool that our economic development group came up with specifically for these issues because there’s nothing more frustrating than supporting a developer and then two years later to be sued in court for the valuation far below what they spent

to build the property. I think is a great opportunity and we appreciate the developers willing to work with us on this.

Mayor Holland opened the public hearing.

No one appeared in support of.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Action: **RESOLUTION NO. R-1-16**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its Industrial Revenue Bonds in the amount of approximately \$50,000,000 to finance the costs of acquiring, construction, improving and equipping commercial facilities for the benefit of Legends Apartments Legacy, LLC.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

ITEM NO. 2 – 15321...PUBLIC HEARING/ORDINANCE: SSMID IMPROVEMENTS

SYNOPSIS: Conduct a public hearing and consider an ordinance authorizing the purchase of new banners and trash receptacles for the Downtown Self-Supported Municipal Improvement District (SSMID), submitted by Patrick Waters, Senior Attorney. On January 4, 2016, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission for a public hearing.

Patrick Waters, Legal, said in November of last year the SSMID Advisory Board met and recommended using additional funding in their budget for two purposes. Number one, to purchase 150 new banners that would promote the downtown KCK area, number two, to purchase 20 new high-quality trash receptacles for the downtown area. The total cost of these improvements will not exceed \$40,000. All funding will come from existing SSMID funds.

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None of the funding will come from the Unified Governments General Fund. However, because this body is the governing body of the SSMID your approval is required before they can spend these funds for the improvements. Lynn Kuluva, Chairman of the SSMID Advisory Board, is here if you have any questions about the project.

Mayor Holland asked am I correct that you're working to address the ordinance so that these kind of inter-budget terry decisions can be made by the SSMID Board without coming back to us. **Mr. Waters** said that is correct Mayor. Our hope is when we renew the SSMID this year that we won't have to come back quite so often. **Mayor Holland** said I think that is good. If it is existing funding, there is no reason to come back to the governing body. If it's just rearranging funding that we've already approved for them, and though I'm a big fan of trash cans and banners, I don't think it's something in the future we would need to approve hopefully. We will need to have a public hearing.

Mayor Holland opened the public hearing.

No one appeared in support of.

No one appeared in opposition.

Action: **ORDINANCE NO. O-8-16**, "An ordinance authorizing the purchase of new banners and trash receptacles for the Downtown Kansas City, Kansas Self-Supported Municipal Improvement District." **Commissioner Walker made a motion, seconded by Commissioner Kane, to approve the ordinance.**

Commissioner Bynum said I just want to say I see many members of the SSMID Advisory Board and several members of the Downtown Shareholders Board who have been sitting here in the chambers since 7:00 and probably before and I really appreciate that they waited three plus hours in order to have this approval . **Mayor Holland** asked you're not going to make a motion to bump it to next week are you. **Commissioner Bynum** said no, but I just want to say thank you because I think that's a pretty good commitment to downtown. Thank all of you. I can see you and I appreciate that you were here.

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Commissioner McKiernan said a twist on the same sentiment. I want to thank you for all that you all do everyday every week in support of the downtown, in support of the SSMID. It's not just tonight when you come out and show your support, it's everyday, it's every week when your businesses are actively building up our downtown. When your investments in the district are actively building up the downtown and with your help and your support we are going to do great things here in the future. Thank you.

Commissioner Philbrook said it's hard not to jump on this bandwagon. I really admire the Downtown group because they don't give up, they just hang in there and they just keep plugging away. If one thing doesn't work, they come up with something else. I think they are to be applauded.

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

STANDING COMMITTEES' AGENDA

No items of business.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 16345...RESOLUTION: MEMORANDUM OF UNDERSTANDING WITH PLUMBERS LOCAL UNION NO. 8

SYNOPSIS: A resolution authorizing the County Administrator to execute in the Memorandum of Understanding between the UG and the Plumbers Local Union No. 8, effective date from January 1, 2013, to December 31, 2014, submitted by Ken Moore, Chief Counsel. This is the 6th of 13 labor contracts to be ratified which represents 51% of the union workforce under contract

Action: **RESOLUTION NO. R-2-16**, "A resolution that the County Administrator is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to a Memorandum of Understanding

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between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Plumbers Local Union No. 8, effective date from January 1, 2013, to December 31, 2014.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

COMMISSIONERS’ AGENDA

No items of business.

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

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

ITEM NO. 1 – 15324...COMMUNICATION: LAND BANK APPLICATIONS

SYNOPSIS: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On January 4, 2016 the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Transfers to Land Bank

6214 Troup Ave. – Unified Government WyCo/KCK
 7648 Roswell Ave. – Unified Government WyCo/KCK
 7651 Webster Ave. – Unified Government WyCo/KCK
 4112 Oakland Ave. – Unified Government WyCo/KCK
 4117 Oakland Ave. – Unified Government WyCo/KCK
 1731 N. 42nd St. – Unified Government WyCo/KCK
 1721 N. 42nd St. – Unified Government WyCo/KCK
 1713 N. 42nd St. – Unified Government WyCo/KCK
 1707 N. 42nd St. – Unified Government WyCo/KCK
 1701 N. 42nd St. – Unified Government WyCo/KCK
 4110 Victory Dr. – Unified Government WyCo/KCK
 1770 N. 41st Ter. – Unified Government WyCo/KCK
 1746 N. 41st Ter. – Unified Government WyCo/KCK
 1606 N. 41st St. – Unified Government WyCo/KCK
 4016 Coleman Ct. – Unified Government WyCo/KCK
 4020 Coleman Ct. – Unified Government WyCo/KCK

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4024 Coleman Ct. – Unified Government WyCo/KCK
 4028 Coleman Ct. – Unified Government WyCo/KCK
 4038 Coleman Ct. – Unified Government WyCo/KCK
 6236 Freeman Ave. – city of Kansas City, KS
 820 N. 78th St. – city of Kansas City, KS
 900 N. 78th St. – city of Kansas City, KS
 2510 N. 55th St. – city of Kansas City, KS
 1312 N. 47th St. – city of Kansas City, KS
 1925 N. 47th St. – city of Kansas City, KS

Per the December 2014 Neighborhood & Community Development Standing Committee presentation, property controlled by the Unified Government (UG, city of KCK and Board of County Commissioners) that are delinquent will be transferred to the Land Bank to have delinquent property taxes abated.

Transfers from Land Bank

1100 Grandview Blvd. – CHWC, construction of a single-family home
 3023 S. 23rd Cir. – KCKCC, property to help their Tech Center program/students

Donations to the Land Bank

1301 N. 55th St. – Vaughn Stoner
 5320 State Ave. – iDonate Real Property, LLC
 226 N. Early St. – Robert Barnes

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

PUBLIC ANNOUNCEMENTS

No items of business.

MAYOR HOLLAND ADJOURNED

THE MEETING AT 9:55 P.M.

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Bridgette Cobbins
Unified Government Clerk

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