

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

**PLANNING & ZONING AND  
REGULAR SESSION  
THURSDAY, AUGUST 25, 2016**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 25, 2016, with seven members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District (via phone); Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. Commissioners Walker, McKiernan, Murguia and Kane were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Emerick Cross, Commission Liaison; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Wilba Miller, Community Development Director; Rob Richardson, Director of Planning; Byron Toy, Planner; Jamie Ferris, Planner; Janet Parker, Administrative Assistant; Mike Tobin; Interim Public Works Director; Trent Foglesong, Water Pollution Control Director; and Captain Steven Haulmark, Sergeant-at-Arms.

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

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

**INVOCATION** was given by Reverend Mike May (Ret), St. Luke's Lutheran Church.

**Mayor Holland** asked if there were any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk**, stated yes, Mayor. A blue sheet has been distributed adding the nomination of Karen French to the Landmarks Commission which is under Item No. 3 of the Non-Planning Consent Agenda. **Mayor Holland** said it will be considered at the end of our meeting.

**PLANNING AND ZONING CONSENT AGENDA**

**Mayor Holland** asked the Clerk to read the Planning and Zoning statement that is required by law followed by the items on the Planning and Zoning Consent Agenda. **Ms. Godsil** read the statement.

**Ms. Godsil** asked if any member of the Commission wished to disclose contact with any proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Philbrook** said #SP-2016-65 and #PR-2016-18. I've been in conversation with part of the group. **Commissioner Johnson** said #SP-2016-58; I've been in contact with proponents. **Mayor Holland** said I've had contact with proponents for B.1 which is #SP-2016-54 and B.5, #SP-2016-65 and C.1, #PR-2016-18, proponents for those three. I see no further disclosures.

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

**Mayor Holland** asked if anyone on the Commission or in attendance would like to have any item from the Consent Agenda removed. If any item is not removed, it will be voted on by a single vote.

**Commissioner Johnson** said I'd like to set-aside Item #SP-2016-58. **Mayor Holland** said alright, that's B.3. That will be set-aside. **Commissioner Walters** said I'd like to recuse myself from voting on the Consent Agenda. **Mayor Holland** said okay. Commissioner Walters has recused himself from voting on the Consent Agenda.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve the Consent Agenda, excluding Special Use Permit #SP-2016-58.** Roll call was taken on the motion and there were six "Ayes," Johnson Markley, Philbrook, Bynum, Townsend, Holland.

**August 25, 2016**

## **PLANNING AND ZONING CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATION**

#### **ITEM NO. 1 – 16755...CHANGE OF ZONE APPLICATION #3117– FARRUKH AND MOONA JAMAL**

**Synopsis:** Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District for a new store building with three fueling islands and canopy at 1800 Steele Road, submitted by Robin Richardson, Director of Planning. The applicant wants to build a convenience store with three gas pumps with 24-hour operations on .53 acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3117, subject to:

#### Urban Planning and Land Use Comments:

##### General Planning:

1. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.
2. A setback variance from the Board of Zoning Appeals is required as the canopy is within the 25 foot front yard setback. Please file a variance application with the Urban Planning and Land Use Department.  
Applicant Response: The variance application was filed.
3. Implement the recommendations on page 13, Number 5. They address in the staff report that the tanks will be replaced.
4. Any required remediation by the State will be done.

##### Building Architecture:

1. Sec. 27-576(c)(2) 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
  - e. Variation in rooflines

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the facade to promote products for sale without being considered signage on the side and rear facades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18th Street and Interstate 70), Phillips 66 at 103rd Street and Leavenworth Road, and QuikTrip at 78th Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans.

Applicant Response: See revised elevations, sheets A102.0 and A102.1.

2. Sec. 27-576(e)(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.
  - a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
  - b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

Applicant Response: See revised elevations, sheets A102.0 and A102.1.
3. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
  - a. Split shakes, rough sawn, or board and batten wood
  - b. Vinyl siding
  - c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels
  - d. Field painted or prefinished corrugated metal siding
  - e. Standard single-tee or double-tee concrete systems or
  - f. EIFS at the ground level or comprising more than 15 percent of any facade

Please review the materials in the guidelines and include them into the building elevations.

Applicant Response: See revised elevations, sheets A102.0 and A102.1.
4. Masonry columns shall wrap the entire metal column underneath the gas canopy. Please provide gas canopy elevations.
 

Applicant Response: See Canopy Details, sheet A102.2.
5. Downspouts shall be internalized.
 

Applicant Response: This change has been made on the elevations and in the civil drawings.

Landscaping and Screening:

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
  - a. The district requirement is one tree per 7,000 square feet of site area. The property is .53 acre, so 6 trees are required per code.
  - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
  - c. Landscaping shall be irrigated.
  
2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.
  
3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

Five trees are required to be planted along the perimeter of the property (Steele Road) to meet the street tree requirement. Please revise the landscape plan to space out the trees.

Applicant Response: Site plan has been revised. It should be noted that with the space issue in the north and south direction, it is not possible to add trees to the south area. We are agreeable to adding trees in the right-of-way area.

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Please revise the landscape plan.

Applicant Response: Site plan has been revised. It should be noted that with the space issue in the north and south direction, it is not possible to add trees to the south area. We are agreeable to adding trees in the right-of-way area.

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

Please revise the screening details to revise the building elevation to show that a parapet will screen the mechanical units from public view. It is poor practice to show a false

representation of the building elevations, when it is clear that the proposed HVAC unit screening will be taller than the parapet.

Applicant Response: There will be adequate space behind the building and in front of the existing retaining wall for the electrical service connection. There is a six-foot plus tall parapet wall. RTU is shown on the elevations.

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

Applicant Response: See gate detail on sheet A102.2.

7. All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one foot candle as measured from said property line. Wall pack lighting is not permitted.

Applicant Response: A photometric plan has been provided.

#### Signage:

1. Shall comply with the sign code.

Applicant Response: Noted.

#### Public Works Comments:

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

#### Staff Conclusion

The applicant has revised the site and landscape plans and building elevations. Although there is a retaining wall proposed on the north side of the property, a privacy fence with masonry columns every 32' on center shall be constructed along the north property line to effectively screen the building from residential property.

A final development plan is required to be submitted and approved prior to obtaining a building permit through the Development Review Committee (DRC). During the final development plan, staff will continue to work with the applicant's representative to enhance the appearance of the north façade.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve Change of Zone Application #3117, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Philbrook, Bynum, Townsend, Holland.

### **SPECIAL USE PERMIT APPLICATIONS**

#### **ITEM NO. 1 – 16759...SPECIAL USE PERMIT APPLICATION #SP-2016-54 – ERIC GENTRY WITH PREMIER AUTOMOTIVE AT THE LEGENDS, LLC**

**Synopsis:** Special Use Permit for a used car dealership at 1801 North 100th Terrace, submitted by Robin Richardson, Director of Planning. The applicant wants to build a 4,500 sq. ft. building on 6.27 acres. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2016-54 for two years unless the applicant provides the value of the project within a quarter million dollars by the Board of Commissioners meeting and then the recommendation will be for ten years, subject to:

#### Urban Planning and Land Use Comments:

##### General Planning

A final plan review will be required for the future expansion on the east side of the building.

##### **Building Design**

1. Sec. 27-576(c)(2) 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 of rooflines

The only articulation along the west façade is the front entry. The columns shall project more than 4” around the building.

Applicant Response: See attached revised plans with the following changes; letters refer to a-e above:

- West façade – a. Materials are broken at pilasters, stucco, canopy and glazing. b. Pilaster changed to 8” deep units to create greater reveal. c. Window bays present and divided by multiple pilasters. d. Entry is recessed with protruding vestibule and a curved canopy that extends the length of the façade. e. Roof between pilasters is 8” lower than top of pilasters.
  - East façade – Materials are broken at pilasters, stucco and glazing. Wainscot height changed to 5’-4”. b. Pilasters changed to 8” deep units to create greater reveal. c. Window bays present. d. Protruding bathroom and mechanical rooms break up façade. e. Roof between pilasters is 8” lower than top of pilasters.
  - North façade – a. Materials are broken at pilasters, stucco, canopy and glazing. b. Pilaster changed to 8” deep units to create greater reveal. c. Window bays present. d. Entry is under delivery canopy that extends the length of the façade. e. Roof between pilasters is 8” lower than top of pilasters.
  - South façade – a. Materials are broken at pilasters, stucco, canopy and glazing. b. Pilaster changed to 8” deep units to create greater reveal. c. Window bays present. d. Entry canopy added to create shadow and break up wall. e. Roof between pilasters is 8” lower than top of pilasters.
2. The 2’ CMU - Trenwyth band around the north, south, and east facades shall be raised to 4’ to offset the amount of stucco used on the building.

Applicant Response: See attached revised plans with the following changes: Wainscot is raised from 32” to 64”.

3. All downspouts shall be internalized.

Applicant Response: Agreed, all downspouts are internalized.

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

Applicant Response: See attached revised plans with the following changes: percentage of linear frontage shown on plans North, South and West facades that face the streets and parking lots exceed the 60% linear frontage requirement. The north façade per the ordinance should be 25% of the linear frontage and this façade also exceeds this requirement.

#### Landscaping and Screening:

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.

- a. The district requirement is one tree per 7,000 square feet of site area. The property is 6.27 acres, so 68 trees are required per code.
- b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
- c. Landscaping shall be irrigated.

Please revise the landscape plan.

Applicant Response: 68 trees are provided. All trees and shrubs have been updated to meet requirements. Under Planting Notes, irrigation is to be design build by contractor. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement.

Please submit a landscape plan and revise the site plan to show this buffer. The site plan depicts a 10’ setback along the north property line and 18’ setback along the west property line.

Applicant Response: All streets are private. From curb line, 25’ is accommodated. No action is required.

Staff Response: While all streets are dedicated as on the plat as tracts, developments within Legends Auto Mall have complied with this landscape buffer and this project is no different.

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

Applicant Response: Shrubs have been updated to meet requirements.

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

As stated above the street tree ratio is one tree per 30 feet of frontage. Proposed street "A" has 590 linear feet of frontage, which requires 20 trees. Proposed street "B" has 480 linear feet of frontage, which requires 16 trees. Please revise the landscape plan accordingly.

Applicant Response: All tree requirements have been updated to meet requirements.

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: All streets are private. No action is required.

5. The master plant palette for this development is as follows:

- a. Autumn Blaze Maple
- b. Armstrong Columnar Maple
- c. Imperial Honey Locust
- d. Autumn Brilliance Serviceberry
- e. Eastern Redbud
- f. Summer Snow Japanese Tree Lilac
- g. Eastern White Pine

Applicant Response: Trees have been modified to match plant palette.

6. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

Applicant Response: Under sodding notes, all disturbed areas to be sodded.

7. Similar to the Toyota and Honda dealerships, staff has a lot of concern about some of the ornamental grasses throughout the development. These types of grasses can take up to five years to get established. During that time period, the area must be meticulously weeded so that the grass does not get choked out. Staff is recommending replacing the ornamental grass with turf grass or other type of landscaping.

UPDATE: The applicant has indicated the investment will be well over \$2M which is sufficient to be a major investment and qualifies for the longer initial Special Use Permit.

Applicant Response: Native grasses are used in the BMP areas for water quality purposes. Turf would not be recommended in these areas.

8. All lighting shall have 90 degree cutoff fixtures.
9. Wall pack lighting is not permitted. All lights mounted on the building shall be decorative.
10. All roof mounted units must be screened by the parapet of the building. Please revise the building elevations to show the parapet covering the roof mounted HVAC units.

Applicant Response: The units moved to lower roof over restrooms and the parapet has been raised to cover equipment.

11. All utility connections shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: See attached east elevation and the floor plan for wall location.

**Signage:**

1. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
  - a. All wall mounted signage shall be individual letters.
2. All signage shall comply with the sign code.

**Public Works Comments:**

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

B) Items that are conditions of approval (stipulations):

- 1) Submit a filed parking easement for the proposed parking area for the hotel on the east side of the lot.

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

**Staff Conclusion:**

The applicant has worked with staff to resolve the majority of planning and engineering comments. The initial term for used car lots/dealerships under the new ordinance has been for two years. The term length ensures that the operator is being a good and responsible neighbor.

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Whether the length of a permit is two years or indefinite, a special use permit may be revoked by the Unified Government Board of Commissioners at any time.

UPDATE: The applicant has indicated the investment will be well over \$2 Million which is sufficient to be a major investment and qualify for the longer initial Special Use Permit.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2016-54 for ten years, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Philbrook, Bynum, Townsend, Holland.

**ITEM NO. 2 – 16760...SPECIAL USE PERMIT APPLICATION #SP-2016-56 – WILLIAM AND JOYCE CALLOWAY**

**Synopsis:** Expansion of existing Special Use Permit (#SP-2014-34 - expires March 31, 2026) for existing early childhood education center at 3440 North 99th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2016-56, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, the petition will be valid for ten years.

Applicant Response: Understood

2. Approved hours of operation have been Monday through Friday, 6:00 am to 7:00 pm with occasional evening care on Friday and Saturday 7:00 p.m. to 11:00 p.m. Will this remain the same after the expansion takes place?

Applicant Response: Hours of operation would be M-F, 6:00 am – 5:30 pm, with occasional evening care on Friday and Saturday 7:00 – 11:00 pm. They would also utilize the space for children’s birthday parties on Saturdays and Sundays and family workshops.

3. The applicant has a state license allowing 40 children. The staff will consist of 8 people, 5 full-time and 3 part-time and volunteer.

Applicant Response: The owners are currently licensed for 32 students and currently have a staff of 8. This expansion would allow the owners to hire an additional 4-6 staff members. They have successfully partnered with counselors from the surrounding high schools and community colleges to recruit students that have an interest to work with young children.

4. What are the expected numbers (children, staff, etc.) you will be operating with once the expansion takes place?

Applicant Response: With the expansion, the owners project to add an additional 30-37 students. The Kansas Department of Health and Education (KDHE) will determine the final number of students upon completion of the project.

5. You are proposing to basically double the size of the building you are operating out of. Have you received dramatically increased interest in your services of late? What is the rationale behind such an aggressive expansion?

Applicant Response: The program started on Sept. 27, 1999, as early childhood education services. In December of 2007, the program relocated to the existing location, after a complete renovation of the existing building. (It had been vacant for several years.) The program currently has a waiting list of 81 students. Four out of five other child care centers that were surveyed also had waiting lists, so there is an obvious need for more capacity. The expansion will allow the program to serve additional families in the growing community.

6. All proper permits and review will be taken with the Building Permits Department and any other relevant department within the Unified Government.

Applicant Response: Understood

7. Parking standards are set as 4 spaces for every 1,000 square feet of floor area. Based on information available at this time it would appear that no fewer than 20 parking spaces should be available on this property. The application states that the facility is to be 5,134 square feet.

Applicant Response: Submitted with the response letter, is a set of PDF copies of a revised site plan showing the additional required parking spaces.

8. Per commercial design guidelines, at least 4 street trees (no less than 6 feet tall at time of planning) must be planted along the frontage with North 99th Street. Groupings of shrubs and/or ornamental trees and/or bushes are to be placed in between the street trees.

Applicant Response: The revised site plan shows the required street trees and shrub grouping along the frontage of N. 99th Street.

#### Public Works Comments:

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

#### Staff Conclusion:

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Applicant has complied with all requests and made all changes that have been requested. Based on the plans and responses provided, staff recommends approval for ten years.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2016-56, for ten years, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Philbrook, Bynum, Townsend, Holland.

**ITEM NO. 3 – 16761...SPECIAL USE APPLICATION #SP-2016-58 – ANDRE D. HAMPTON**

Synopsis: Special Use Permit for the temporary use of land for commercial purposes for the repair of guns and a home occupation for firearm sales (maximum of 2 per month) at 1728 North 32nd Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Application #SP-2016-58, subject to:

Urban Planning and Land Use Comments:

Stipulations:

The applicant shall have:

1. No signs
2. No employees other than members of the immediate family residing on the premises
3. No clients coming to the home
4. Ammunition on the premises shall be limited to the amount that is for the applicant’s personal use and testing only
5. Approval will be for two years
6. No more than two gun sales per month
7. Maximum of no more than ten guns on the property at any one time

Public Works Comments:

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

**Mayor Holland** said I'll ask Commissioner Johnson if you would like to make a statement about what you'd like to know about this petition. **Commissioner Johnson** said yes, this item has been presented to us and has been approved by the Planning & Zoning Commission. I would; however, like to yield the floor to my fellow commissioner, Townsend. I know that she had some concerns and just in interest of logistics thought that I would bring it to the floor and I would yield the floor to her at this particular time. **Mayor Holland** said Commissioner Townsend, the floor is yours. We're on Item B, 3.

**Commissioner Townsend** said I apologize. I'm trying to keep the chamber and for all there germ-free as possible as I'm recovering. I certainly wanted to represent my constituents as best I can by participating tonight. I thank Commissioner Johnson for as he said, setting this aside for logistics. There is a delay between what I can see and what I can hear and I didn't want to step over speaking for the other commissioners and petitioners tonight. I would like to have some more information about this. I've read the packet, but there were several issues that were not clear to me from the discussion that had taken place. What I'd like to do is ask Mr. Hampton some questions or staff some questions and we'll take it in two parts because the request asked about repair of weapons, that's one issue; and the sale of weapons, that's another issue.

**Mayor Holland** asked is the applicant here tonight. The applicant is here. Sir, if you would just have a seat on the front row and as needed we will invite you forward. I would ask Mr. Richardson do you have any comments you'd like to make, preliminary comments, before we hear the questions.

**Robin H. Richardson, Director of Planning**, said no. I believe Commissioner Townsend has identified the two parts of the petition correctly. One part is to do firearms repair, primarily via mail service or the petitioner going somewhere offsite picking up the firearm and bringing it up himself and then a limited number, two per month gun sales that would also be conducted offsite.

**Mayor Holland** said Commissioner Townsend I would ask you to go ahead and ask your first question and we will direct it to staff or to Mr. Hampton. **Commissioner Townsend** said my first question is with regard to repair of weapons on the premises. As I read the material, my

understanding is that any type of firearm could be repaired on the premises by Mr. Hampton. Is that correct? **Mr. Richardson** said any type of firearm within what you're able to legally possess within the United States. There wouldn't be automatic weapons there to be repaired. **Commissioner Townsend** said if there was calls to Mr. Hampton for say an AK 47 or an assault rifle, which I guess people can legally own in the United States, would this permit as written, allow him to make or repair that type of weapon on his premises? **Mr. Richardson** said I don't think an AK 47 is legally able to be possessed in the United States because it's an automatic firearm. They can be made the other way, but more commonly people would refer to an AR 15 which is a different type of rifle that some people call an assault rifle but that would be able to be repaired onsite. **Commissioner Townsend** said so there is no limitation. An assault rifle could be repaired on the premises currently. My recommendation based on that, everything else seemed to be pretty clear but that gives me pause that in a residential neighborhood, that type of a weapon despite the safeguards that I have read in the report of being put in place could be done. I do not see the value of that to the community and I see a higher risks if there's a cost benefit analysis of how the community benefits in this residential setting. I would not necessarily object otherwise if there was a limitation on the type of weapons.

With respect to the second issue then, the permit requests that Mr. Hampton be allowed to sell those on the premises. My question has to do with how these sales would take place. If Mr. Hampton, as I understand from the reading, may be the person that say a commercial vendor calls to repair a gun and it's mailed to him and he retrieves it and then takes it back to a commercial vendor. How could those situations materialize into a sale of a weapon? So just factually, how would that happen? I understand that there's no advertising even though we're talking about it publically. I'd like to know more about those types of possible occurrences.

**Mr. Richardson** said I think the applicant should answer how he's going to go about obtaining clients for sells. I would note on the assault rifle issue that typically when those guns are shipped and received, they don't include magazine or clip, and so that is what will allow them to fire multiple rounds in quick succession and without that they are really just a single shot rifle like any other rifle would be if the clip and magazine aren't with them.

**Commissioner Townsend** said so you're going back to the repair issue. I'm asking about the sale issue right now. **Mayor Holland** said alright, Commissioner, this is Mayor Holland again. I'm going to ask the applicant to make a statement and then I'm going to open it up for a public hearing, then I'll close the public hearing and if he has not adequately addressed your questions, we will ask you to ask them again and let him respond. Sir, you're welcome to step up and make a statement for your application.

**Andre Hampton, 1728 North 32<sup>nd</sup> St.**, said what I'm applying for is for gunsmithing; which is repair of weapons, not necessarily sales. Because I will be applying for FFL licensing I could sell but I can't compete with Cabela's and all these big companies with their pricing. It's just not feasible for me to be a dealer.

My talent is in working on weapons and if I had a sell it would have to go through—if I get weapons through pawn shops to repair or even a gun dealer, they have to transfer it to me, I have to transfer them. Everything I do would be on their property, not mine. I'm not trying to have traffic in my home when it comes to sales or anything else. Actually, the transfers will be done there too because in order for me to work on somebody's weapon, it has to be transferred to me. I repair it; I have to transfer it back to the pawn shop, the gun dealer and that's how it's worked out. Very rarely do you get something unless they don't pay for it, I end up with something I have to sell.

The sales aren't really what I'm after. The other thing about the AR 15s and those type of weapons, the only way I can explain it to you is they're like computers. If you work on one, you can work on them all. I worked on computers for the school district for 18 years and in order to be able to be successful I had to learn all platforms which means like a rifle, you got an Apple computer then you have PCs and Dells, but the foundation and the way they are manufactured all the same. It's the same thing with the guns. They have the same foundation. You just have to know what you're doing. My biggest thing is gunsmithing, not necessarily gun dealer. I'm not interested in that.

**Mayor Holland** said thank you sir. We'll ask you to just again have a seat. We'll open up the public hearing. At the close of the public hearing, you would have an opportunity to make a summative statement if you would like.

**Mayor Holland** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

**Mayor Holland** said, sir, since no one spoke; I don't know if the summative remarks are necessary, but you are welcomed to make a summative remark if you would like. He's declined; we're now back to the commission.

**Commissioner Johnson** said Commissioner Townsend and I have had a good deal of conversation about this particular item. I'm not necessarily a proponent or an opponent of guns themselves, but I did have a chance to read through this and look at the comments critically as it relates to the questions that had been asked by some persons of the community. The items to me seem to have been vetted properly by the Planning & Zoning Commission. With those questions being answered and furthermore just knowing the content of Mr. Hampton's character, I would certainly move that we would this forward for approval.

**Action:** **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve Special Use Application #SP-2016-58, subject to the stipulations.**

**Mayor Holland** said, Commissioner Townsend, since you don't have a light to push, do you have any other comments that you'd like to make. **Commissioner Townsend** said well, I do Mayor. I'll start again with where I ended up on the issue of the sale aspect of the application. I thought I understood from what I had read that Mr. Hampton does not currently have a license to sell. **Mayor Holland** said that is correct. **Commissioner Townsend** said I am thinking that it appears this permit request puts the cart before the horse. I would think if he wants to sell the

guns and if I understood what he said at the podium tonight, I know he's not trying to compete with larger dealers, but this request as written asked for sale authority. So, I think we're putting the cart before the horse to grant a special use permit that would allow him to sell guns and he doesn't have a license to do so yet. Secondly, I am not in any way bringing these questions up as an issue about Mr. Hampton's character. I think that's an amazing talent. You hear about these in the westerns, the gunsmithing, but what this is about for me is the lethality of a weapon and a request that asked for this to be done in a residential neighborhood despite the precautions being taken.

I would recommend that if Mr. Hampton is not really interested in having people come to his house for sales and he has not obtained a license to sell yet, that at least that part of it be removed from the special permit request. Furthermore, as I said earlier, I have concerns that the smithing be unlimited. I would not like to see the type of assault weapons, more aggressive weapons or heavy weapons integrated into a residential neighborhood. I would not have that concern if we were talking about this being done in a commercial environment and I understand, as Mr. Hampton said, you learn one platform, and you learn them all. That's great, but we're not talking about construction of an Apple computer repair done here. We're talking about something that introduces the potential for lethality in a residential community. With those two limitations I could support the request for the special use permit but not as it is currently. **Mr. Richardson** said before the applicant could receive a Federal Firearms License to sell guns, this is a prerequisite. The federal government makes this action a prerequisite to them issuing the license. They have made us the first step in the process inherently. If we say that we want him to have a license first, then he would be in a position where he could never obtain one. He will have to take this special use permit, take it to the Bureau of Alcohol, Tobacco and Firearms and use this as part of his application to obtain that license. He cannot obtain a federal license without this action.

**Commissioner Townsend** asked is that because he has to show some particular location on the license where the gun sells will be affected? **Mr. Richardson** said he has to show that he has zoning approval, I believe. **Commissioner Townsend** said alright, I still could not support the sale of the weapons in this community. If he had another address he could use in a commercial

environment, I could support that but it's all about for me where this is going to take place, but I wish him the best in all other regards.

**Ken Moore, Chief Legal Counsel**, said Mayor and Commission; I need to point out that with the limited number of commissioners here today, there are not enough votes to change any of the stipulations as approved by the Planning Commission. That would take eight votes and there are only seven potential votes present tonight. You can approve this item as it's presented, but not change any of the stipulations. **Mayor Holland** said that is noted. I also believe we can send it back. Is that correct? So we can either approve it or send it back to Planning & Zoning.

**Commissioner Bynum** said parting what I have read in the packet—I have questions that perhaps maybe a law enforcement person might need to help us understand. Within the packet we discussed the way the weapon would be stored and secured. Anyone in the community, whether it's in this neighborhood or any other neighborhood, could also own weapons and hopefully store them and secure them. I think I'm seeing in this packet that there won't be any ammunition associated with the weapons. If we take away the—is there even the opportunity to approve, we can't change anything about what was approved. So that means this is repair and sale. Given the way it's been described in the packet as far as the way these weapons will be kept and stored, it doesn't strike me as much different than what other homeowners anywhere in this community might be doing right now; well we hope they are doing right now; which is under lock and key with security. Am I missing something? **Mayor Holland** said no, I think any citizen can have any of these weapons and probably know less about them than Mr. Hampton. I would also ask if—Mr. Richardson, we have other special use permits for people selling weapons in residential neighborhoods. Is that right? **Mr. Richardson** said correct. **Mayor Holland** said yes, I'm not a big fan of it either, but it's not particularly uncommon in our city to have people with residential businesses selling weapons in Kansas City, KS. I don't know the number; it's less than fifty but more than five. **Mr. Richardson** said probably less than ten. **Mayor Holland** said probably less than ten.

**Roll call** was taken on the motion and there were six "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Holland and one "no," Townsend.

**ITEM NO. 4 – 16754...SPECIAL USE PERMIT #SP-2016-62 – TERRY MASON WITH POSITIVE ROLE MODELS INTO DEMANDING EXCELLENCE**

**Synopsis:** Renewal of a Special Use Permit (#SP-2014-34) for a group boarding home for youth 12 to 17 years old at 1634 South 29th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to continue operating a group home at said location. The Planning Commission voted 8 to 0 to recommend approval of Special Use Application #SP-2016-58, subject to:

**Urban Planning and Land Use Comments:**

1. Per Sec. 27-340 family means one or more persons who are related by blood or marriage, and including any foster children, or a group of not more than five persons living together by joint agreement on a non-profit cost sharing basis or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of persons living together and occupying a single housekeeping unit with single kitchen facilities. In addition, up to ten persons, including eight or fewer persons with a disability or handicap and not to exceed two staff residents residing in a dwelling shall be considered to be a family. Handicapped persons are defined in Title VIII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988. Applicant Response: There will be five children sharing this residence with staff supervision.

2. Are the youths from Wyandotte County or are they from the Kansas City metropolitan area? Applicant Response: The children will come from Wyandotte County and neighboring counties from the state of Kansas.

3. How are the youths chosen for this particular group home? Applicant Response: The children are referred to us from placement agencies as they do in foster care. We then review their diagnosis, history of violence and sexual acting out so that these can be screened out.

4. Based on the four bedrooms, how many youths will be in the group home? Applicant Response: five.

**August 25, 2016**

5. How many vehicles will be making trips to this location? Applicant Response: four or five

6. How many staff members will reside at the home? Applicant Response: No staff will reside in the home.

7. What are the proposed hours of operation? Applicant Response: The home is 24 hours a day 7 days a week.

8. What is the typical, day-to-day operation of the group home?

Applicant Response: It's much like a foster home. The children will have breakfast in the morning, go to school, come home from school and do homework and chores. They then will have the option of watching television, group activities, video games, etc. Some evenings they will meet w/Clinical Director for individual therapy. They will have dinner, shower and go to bed. If there is no school, we will have scheduled activities in and out of the home.

9. Are there plans for visitors? a. If so, where will they park? Applicant Response: The only visitors are caseworkers who typically come once or twice monthly and their parent/parents for family therapy. They will park in front of the home.

10. No signs shall be posted on the property. Applicant Response: There will be no signs posted on the property.

11. Building Inspection Department and/or Fire Department might require upgrades to the house; applicant will ensure there are no updates required from either of these departments. If updates are required they must be addressed prior to approval. Applicant Response: The home has already been inspected and approved by the Fire Department.

12. Have there been any issues with the neighbors in the past two years since the group home has started? Applicant Response: No.

Public Works Comments: None

Staff Conclusion:

**August 25, 2016**

At the time of this report, Code Enforcement has not yet re-inspected the property. Staff recommends approval for two years.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve Special Use Application #SP-2016-62, for two years, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Philbrook, Bynum, Townsend, Holland.

**ITEM NO. 5 – 16762...SPECIAL USE PERMIT #SP-2016-65 – DAVID FICKLIN WITH KANSAS CITY, KANSAS PROPERTIES LLC**

**Synopsis:** Special Use Permit for the national training and coaches' development center at 1111 North 98th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking to build a 76,000 sq. ft. training center for Sporting KC and US Men’s Soccer and Children’s Mercy Sports Medicine Center.

And

**PLAN REVIEW APPLICATION ITEM NO. 1 – 16763...PLAN REVIEW PETITION #PR-2016-5 BAYWOOD HOTELS, INC.**

**Synopsis:** Preliminary Plan Review for a national training and coaches’ development center at 1111 North 98<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2016-18, subject to:

Urban Planning and Land Use Comments:

Special Use Permit for training facility and medical center:

1. Will training sessions be open to the public to view? How will crowd management and security be handled if so? Most Sporting KC practices are currently open to the public and it is anticipated this policy to continue at the NTCDC. Just as the public is required to do so at SKC’s current training building, all public visitors to the NTCDC will be required to check in at the building’s reception desk. They will then be escorted out to the field entry gate at the north side of the building. Visitors will proceed down the stairs where they will be met by staff to guide

them to the appropriate viewing location. Visitors requiring assistance will be escorted inside the building to use the elevator down to the field level and out to the practice fields. It is anticipated US National Team practices would operate the same way. When the Men's and Women's National Teams are in town to play a game they typically hold an open practice session the day before the game. This event is held in Children's Mercy Park. It is anticipated that this procedure continue upon the opening of the NTCDC.

2. How many doctors and patients are expected on a daily average? It is anticipated that there will be one to two doctors in the Children's Mercy Sports Medicine and Rehabilitation Center per day. One non-operative sports medicine physician typically sees approximately 20 patients in a full day clinic. At this point in time, it is anticipated that the clinic will primarily be staffed by non-operative sports medicine physicians.

3. Please provide greater detail on the types of medical services provided. Is this exclusively outpatient, etc. From a physical therapy standpoint, it is anticipated that the clinic will be staffed with 5.8 FTE physical therapists and PTA(s) seeing approximately 725-800 patients per month. Door opening numbers will likely be approximately half those numbers listed with an approximately 20% increase per quarter. All services will be provided on an outpatient basis. There will be a radiology suite and at some point limited laboratory services may be provided as well. In addition, it is anticipated that on the days it is scheduled for use the gait lab will require two technicians (physical therapist/ATC), a physician and involve 1-2 patients over a 4-6 hour period. The eventual goal is daily use during the more quiet gym times i.e. during school.

4. This would be an indefinite special use permit.

Plan Review:

#### A) Signage

1. All signage requires sign permitting and standard sign permit review processing. Understood, we will comply. The signing for this project will be made with a future application.

#### B) Landscape plan

1. Provide landscape plan. A landscape plan was provided as sheets L1-01 through L1-04.
2. At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. (Sec. 27-577 d.1) This entire project is, at its heart, a landscape development with supporting buildings. It is the complete inverse of standard development of a proportionally large building, parking lots and relatively small necklace of peripheral landscape. Site visitors will experience a park-like setting which is, by design, screened from surrounding streets and land uses. There will be no objectionable views into the development and the large proportion of landscape within this project, we believe, renders this specific guideline not applicable.
3. Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. By design, the entire development, including the parking, is screened from adjacent streets and land uses by a combination of extensive berms, evergreen trees, ornamental grasses and continuous hedgerows.
4. In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees. In general the project is accessed by one two-lane drive easement off of 98th Street and therefore has no practical public street frontage. The Parallel Parkway frontage is landscaped with a large continuous berm with native grasses and flowers as well as a continuous hedgerow. Trees have not been included because of concerns with both overhead and underground utilities.

5. New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. (Sec. 27-577 b.1) The parking lot buildings are setback over 400 feet from adjacent street rights of way with both formal and informal greenspace between.

### C) Parking and Site Design

1. (Sec. 27-576 d) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems. Sidewalk is being provided from the perimeter of the parking areas to the front doors of both the north and south building entrances.

2. Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses. The sidewalks in drop off areas in front of buildings are wide enough for standing and pedestrian movements. The sidewalks are generally 20' and greater in width in front of both building entrances.

3. Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces. Parking lot sidewalks are constructed of concrete behind curbs in islands.

4. Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

- a. Six-inch vertical curb. 6" vertical curb is used at all sidewalks.
- b. Trellis.
- c. Special railing.
- d. Bollards. Bollards will be used at the entry to the US Soccer/Sporting KC building.

- e. Special paving. The sidewalk at the building entries have mica flakes and colored bands.
- f. Low seat wall or other architectural features. Overhang with lighting is provided at the Children's Mercy Hospital entry.
- g. Pedestrian scale lighting.
- h. Traffic calming devices.

#### D) Architecture

1. (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)

The building facades vary greatly to avoid the monotonous long facades described in the review comment.

2. All downspouts must be internalized. There are no exposed downspouts on the Training Center building. The small maintenance shed will have exposed downspouts but this is an accessory building screened from the public way.

3. All roof mounted units must be screened by the parapet. Roof mounted units are screened from view from the public way by either the building parapet or other screening system.

4. All signs must be approved and permitted separately by the Planning Staff. Will comply.

#### E) Lighting

1. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed. Understood, lighting around the building consists of 25' tall, full cut off fixtures and bollards.
2. Exterior parking lot lighting shall have 90 degree cutoff fixtures. The lighting submitted has full cut off fixtures.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve Special Use Application #SP-2016-65, as an indefinite special use permit and Plan Review Petition #PR-2016-18 subject to the stipulations. Roll call was taken on the motion and there were six "Ayes," Johnson, Markley, Philbrook, Bynum, Townsend, Holland.

## **PLANNING AND ZONING NON-CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATIONS**

#### **ITEM NO. 1 – 16757...CHANGE OF ZONE APPLICATION #3118 – TED EHNEY WITH KANSAS CITY, KANSAS PROPERTIES LLC**

**Synopsis:** Change of Zone from C-O Non-Retail Business District to C-D Central Business District for a restaurant, office space and future commercial at 607 Minnesota Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval in order to rehabilitate said property. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3118, subject to:

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

1. This project is located in the Huron Place Historic District and within 500' of Huron Indian Cemetery, Old Kansas City, Kansas City Hall, and Kansas City, Kansas Fire Headquarters. This rehabilitation project was approved unanimously by the Landmarks Commission July 5, 2016.
2. To obtain building permits, an application to DRC must be submitted.
3. Upon approval a \$50.00 ordinance publication fee must be submitted.

4. Before a permit is issued for the two-story structure some temporary repairs are made for the structure on the east so it does not like there are big holes cut in it.

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

**Ted Ehney, 601 Minnesota Ave.,** said what we are seeking is a rezoning of commercial office space to retail café areas. We've submitted the proper paperwork and it was approved at the Planning Commission so we seek your approval so that we can commence.

**Mayor Holland** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

**Mayor Holland** said I will start off by asking Mr. Richardson if there are any particular considerations that you would like to bring to our attention at this time.

**Robin H. Richardson, Director of Planning,** said no, Mayor. Mr. Ehney is going to repair the UMB Bank building and then commence work on the two-story building just east of the UMB Bank tower and then they informed me tonight that they're going to move forward with working on the lower portion of the UMB building to take off the old skin and restore the other building. We're excited about that.

**Mayor Holland** said, Mr. Ehney, do you have a timeline for completion that you're looking for because I've been concerned about driving by and it looks like things have been peeled off on the outside and no work going on. I don't see a lot of trucks, activity or workers there. It seems like it's been at a standstill for a number of months and I'm just wondering if you have a timeline that you could give us in terms of when we can anticipate this being cleaned up. **Mr. Ehney** said two things Mayor. I invite you to enter our alley when you get a chance and you'll see many trucks back there. They try to stay off the public right-a-way in the streets and whatnot. **Mayor Holland** said I'm glad to hear that. **Mr. Ehney** said yes. The reason the two panels are off anyway, at the request of the architect, he wanted to see what was underneath those panels to see whether or not we could adequately and accurately restore the building to its original state. You can't do that without peeking back there to see it. Unfortunately, the damage that was done when the current skin is on the building now; we found that it would be very much impossible and not have enough funds to bring it back to that state. So, we have submitted to the Historical Commission a revised plan, putting back portions of it that can be done that will be attendant to the old look of the property along with some modern characteristics. Our timeline, we feel like that it will be completed within about six months from the time we secure the permit. We're processing that type of information right now. **Mayor Holland** said great, okay. Thank you.

**Action:** **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3118 subject to the stipulations.** Roll call was taken on the motion and there were six "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Townsend.

**ITEM NO. 2 – 16756...CHANGE OF ZONE APPLICATION #3119 AND SPECIAL USE APPLICATION #SP-2016-64 – KEVIN QUINN WITH KCK DEVELOPMENT II, INC.**

**Synopsis:** Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District for an auto body shop, car wash (for the body shop), commercial development, Legends Honda and convenience store at 10000 Lafayette Avenue, and Special Use Permit #SP-2016-64, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3119 and Special Use Permit #SP-2016-64, subject to:

**Urban Planning and Land Use Comments:****General Planning:**

1. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.
2. The property lines between Lots 3 and 4 on the Legends Auto Mall final plat do not match the revised site plan included in this submittal. Please revise the preliminary site plan.

Staff Response: The applicant has revised the preliminary site plan.

3. Any wind turbines must comply with the wind turbine ordinance.
4. Because 99th Street is part of the trail network, specifically the On-Street Bike Route Connections (Share the Road), all new trails shall subscribe to the following:
  - Provide at least 10 feet wide and will include enhanced pedestrian amenities including wayfinding and interpretative signage, benches, litter receptacles and generous landscaping.
  - All trails will be illuminated with pedestrian lights with a consistent spacing.
  - All sidewalk and trails should meet the requirements of the American with Disabilities Act Accessibility Guidelines (ADAAG).
5. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting

the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

6. Any making or assembly of products to be sold, including raw materials and any servicing or repair activities shall be totally within an enclosed building.
7. All overhead doors shall be closed when automobiles are being serviced.
8. Sixty-five of the 72 spaces on site are required for customers based on the 16,177 square foot building. The seven remaining spaces can be used for vehicles that are in for disrepair provided they are screened from public view.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-3 Planned Commercial District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees that are required to be planted is 25.

This total does not include the street tree requirement or trees to be planted in parking lot islands.

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be (at least six feet tall when planted) provided for every 30 feet of street easement or frontage.

- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between street trees.
4. All landscaping must be irrigated.
  5. All shade trees shall be at least 2” caliper. All evergreens shall be at least 6’ in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.
  6. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are permitted.
  7. All lighting, whether mounted on the building or in the parking lot shall have 90 cutoff fixtures.
  8. The dumpster will be integrated into the site fence.
  9. All roof mounted units shall be screened by the parapet of the building.
  10. Sec. 27-467(c) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.
  11. The wood privacy fence around the perimeter of the property, abutting residential property shall be 6’ in height and have masonry columns every 32’ on center.

Building and Architectural Design:

1. Submit a material palette for the auto body repair shop.
2. Provide color renderings of the building.
3. Sec. 27-576(e)

- (1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.
- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
  - b. Highly tinted glass or glass tinted in unnatural colors should be avoided.
- (2) Exterior building materials shall not include the following:
- a. Split shakes, rough sawn, or board and batten wood
  - b. Vinyl siding
  - c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels
  - d. Field painted or prefinished corrugated metal siding
  - e. Standard single-tee or double-tee concrete systems; or
  - f. EIFS at the ground level or comprising more than 15 percent of any facade.

On sheet A3.0, one of the proposed exterior materials is smooth masonry. Smooth-faced grey concrete block is not permitted.

- 4. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.
- 5. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened and all downspouts shall be internalized.
- 6. Overhead doors shall be painted to match the building.

Signage:

- 1. Shall comply with the sign ordinance.

Public Works Comments:

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

B) Items that are conditions of approval (stipulations):

1) A replat of the final plat shall be submitted and approved with final development plans to show the relocated property line between Lots 3 and 4, and all applicable changes for drainage, ingress/egress, and utility easements.

2) Approval from Corps of Engineers and copy of 404 permit for the proposed drainage channel, box culvert, and re-alignment improvements will be required prior to UG approval of final development plans.

3) Final development plans will have to be approved before going to Planning Commission with approval to obtain construction permits. This will include complete drawings with construction notes and details.

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

Staff Conclusion:

The applicant has acknowledged and addressed staff's comments and will be required to submit a final development plan for the auto body repair shop. The initial term for mechanic shops under the new ordinance has been for two years. The term length ensures that the operator is being a good and responsible neighbor. Whether the length of a permit is two years or indefinite, a special use permit may be revoked by the Unified Government Board of Commission at any time. Subject to approval, this special use permit shall be valid for two years.

The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application #SP-2016-64, for two years unless the applicant provides the value of the project

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within a quarter million dollars by the Board of Commissioners meeting and then the recommendation will be for ten years and the doors are to remain closed and subject to the above stipulations.

UPDATE: The applicant has indicated the investment will be well over \$2 Million which is sufficient to be a major investment and qualify for the longer initial Special Use Permit.

**Mayor Holland** said we have two items that actually go together. Mr. Richardson, can you set this up for us to understand, this is a unanimous vote. We put it on non-consent because it's tied to B.1. Can you walk us through that please? **Robin H. Richardson, Director of Planning,** said correct. The change of zone petition was voted on unanimously by the Planning Commission, but the report was together and we thought it would be easier for everyone to understand if we heard both of them together and then petition SP-2016-64, the special use permit I believe was nearly a unanimous vote, but had some dissent so it required action by you all this evening. Mr. Peterson is here representing the applicant. I believe he is going to ask you to hold these items over because the applicant and staff have agreed on a couple of modifications to the stipulations that we would like to put before you and as there is not enough members of the Commission here for action this evening, it would have to be held over to take that action. With that brief introduction I'll ask you to turn it over to Curt to make a formal request.

**Curtis Petersen, Polsinelli Shughart 6201 College Boulevard,** said Mr. Richardson said everything I needed to say so I would simply say what he said, please, respectfully, could we be held over to the Planning & Zoning Agenda of this body at the end of next month.

**Commissioner Bynum** said just a question; holding it one month, what does that do to your timeline? **Mr. Petersen** said thank you for asking that, that's considerate. Mr. Richardson and I were kind of going over that. We will move forward with our final—the short answer is, we'll be okay, but a little more detail, our final plan for the collision center will go before the Planning Commission next month and that will be the end of that. We'll then come before this body at the end of next month. Because there's an existing preliminary plan on the overall site right now, if they're able to move fast and they're trying to, they'll actually pull a grading permit so nothing will be held up and we'll be okay.

**Mayor Holland** said before we take action, Item A - 2 is the change of zone. We could go ahead and approve that tonight and be done with that item because it was unanimously approved already. The discussion is about the special use permit. Is that correct? **Mr. Richardson** said correct, Mayor.

**Mayor Holland** asked is there any reason why we wouldn't go ahead and do the change of zone. Do you have a preference? **Mr. Richardson** said I think the stipulations are attached to both the change of zone and the special use permit. I wouldn't want to get that confused and have someone tell us we were wrong later. Let's hold both and do them next month. I believe since you're holding them over, can they do those in one motion? **Mayor Holland** said I'm also going to ask because it's on here, even with a request to hold over, I believe we still need to hold the public hearing. Do we still need to open it for a public hearing even if we're going to hold it over? **Ken Moore, Chief Legal Counsel**, said you can hold the public hearing, but it will be a notice up next time so it can be held then too. I guess if there's someone in the audience that want's to speak on the matter, you could hear them. **Mayor Holland** said I think I will go ahead and do that. I will hold one public hearing for both instead of a single item. Is that acceptable? **Mr. Moore** said yes. **Mayor Holland** said we will open up a public hearing in the event someone came out tonight hoping to speak to this. We'll give you that opportunity and then we'll entertain a motion to hold it over.

**Mayor Holland** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.

**Action:** **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to hold over Change of Zone Application #3119 and Special Use Application #SP-2016-64 for thirty days.** Roll call was taken on the motion and there were six "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Townsend.

**August 25, 2016**

### **NON-PLANNING CONSENT AGENDA**

**Mayor Holland** asked if anyone in attendance tonight or any commissioner or staff member would like to remove an item from the Non-Planning Consent Agenda. Any item not removed will be voted on by a single vote.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve the Non-Planning Consent Agenda.** Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Townsend.

**Mayor Holland** said I do have a question on the blue sheet. It says Non-Planning Consent Agenda. Was that blue sheet item including in Consent or does it need a second vote? **Ken Moore, Chief Legal Counsel,** said I believe it’s included. **Mayor Holland** said it was included and was blue sheeted on the Consent Agenda.

### **ITEM NO. 1 – 16752... RAINBOW VILLAGE IRBS**

**Synopsis:** An ordinance authorizing the issuance of \$12M in industrial revenue bonds for Rainbow Legacy Investors, LLC as part of the Rainbow Village Hotel project at 3440 Rainbow Blvd., Kansas City, KS (sales tax exemption only), submitted by Marlon Goff, Urban Redevelopment Manager. On July 28, 2016, the Commission unanimously adopted Resolution No. R-59-16, indicating the UG's intent to issue said bonds.

**Action:** **ORDINANCE NO. O-56-16,** “Ordinance authorizing the issuance by the Unified Government of Wyandotte County/Kansas City, Kansas of not to exceed \$12,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds (Rainbow Village Project), Series 2016, to provide funds to acquire, construct and equip a project for Rainbow Legacy Investors, LLC, and authorizing and approving certain documents and actions in connection with the issuance of said bonds.” **Commissioner Markley made a motion, seconded by Commissioner Johnson, to**

**approve the ordinance.** Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Townsend.

**ITEM NO. 2 – 16764... PLAT: ETHIOPIAN ORTHODOX TEWAHEDO CHURCH**

**Synopsis:** Plat of Ethiopian Orthodox Tewahedo Church First Plat, located at 31st and Barnett Avenue, and being developed by Ethiopian Orthodox Tewahedo Church, submitted by Brent Thompson, County Surveyor, and Wayne Moody, Interim County Engineer.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Townsend.

**ITEM NO. 3 – 16753...NOMINATIONS BOARDS AND COMMISSIONS**

**SYNOPSIS:** Nominations for Boards and Commissions:

Allison Rank to Planning & Zoning Commission, 8/25/16 - 3/31/18, submitted by Commissioner Philbrook

Karen French to the Landmarks Commission, 8/25/16-3/31/18, submitted by Commissioner Townsend.

**ITEM NO. 4 – MINUTES**

**Synopsis:** Minutes from regular session of July 7, 2016; and special sessions of July 25 and 28, and August 11 and 16, 2016.

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

**ITEM NO. 5 – WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated August 11 and 18, 2016.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Johnson, to receive and file.** Roll call was taken on the motion and there were six “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Townsend.

**PUBLIC HEARING AGENDA****ITEM NO. 1 – 16740...ASSESSMENT OF FAIR HOUSING**

**Synopsis:** Conduct a public hearing to consider and receive comment on an Assessment of Fair Housing (AFH), submitted by Wilba Miller, Community Development Director.

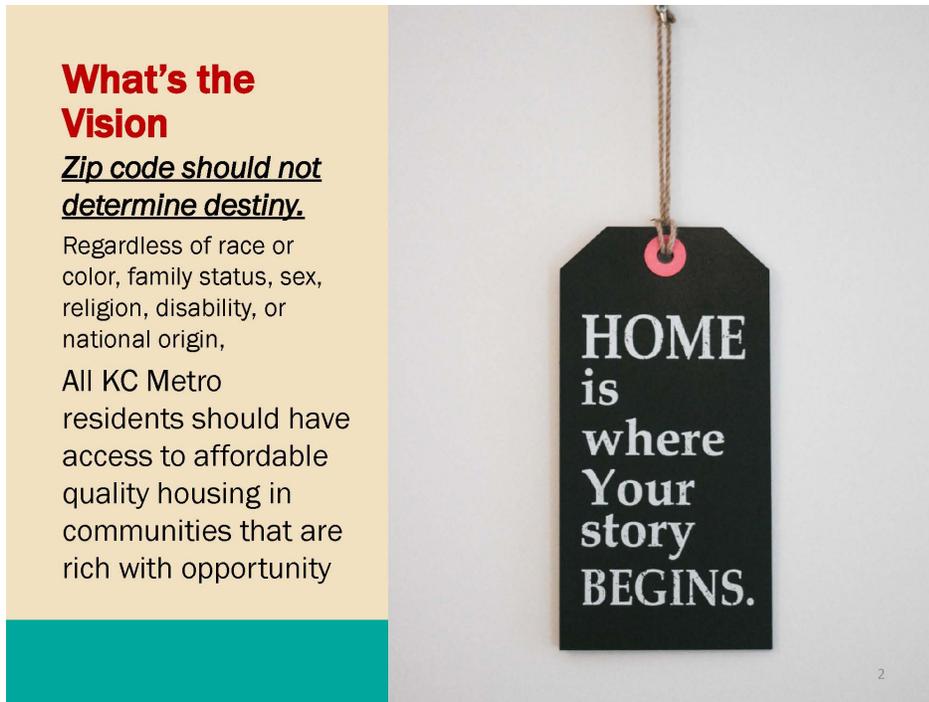
**Doug Bach, County Administrator,** said in coordination with the Metropolitan area, Wyandotte County/Kansas City, Kansas has been participating in the Fair Housing Assessment. Tonight we are putting this item forward where we’ll have presentation by our Community Development Department and the Mid-America Regional Council and then we’ll also request to conduct a public hearing after that. With that, I’d like to turn this over to Wilba Miller, our Director of Community Development, and let her proceed with the presentation.

**Wilba Miller, Community Development Director,** said I would like to introduce Mr. Frank Lenk. He is the Director of Research for Mid-America Regional Council. They are working with us and the Collaboration Cities to prepare this Assessment of Fair Housing.



**Mr. Frank Lenk, Director of Research for Mid-America Regional Council,** said thank you for taking the time to understand this important issue. We've been working with the Unified Government and four other jurisdictions on this study; Kansas City, MO, Independence, Leavenworth and Blue Springs. I'm presenting today some of the analysis that underlies it and then also some of the strategies.

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The vision is the zip code shouldn't determine destiny. That's not from HUD, that's from me. HUD's requirement is that regardless of race, color, family status, whether you have kids or not, sex, religion, disability, or national origin; you should be able to live in a community that has opportunity for you to succeed.

## **Purpose of the Assessment**

To assist local communities to evaluate fair housing barriers and identify goals and strategies to create greater access to opportunity



They require a study, it's called the Assessment of Fair Housing, to evaluate the barriers and identify goals and strategies and the strategies have to be fairly specific. Over the next month we'll be narrowing them down to specific things that each jurisdiction is willing to commit to. It's a pretty extensive assessment.



## Assessment of Fair Housing

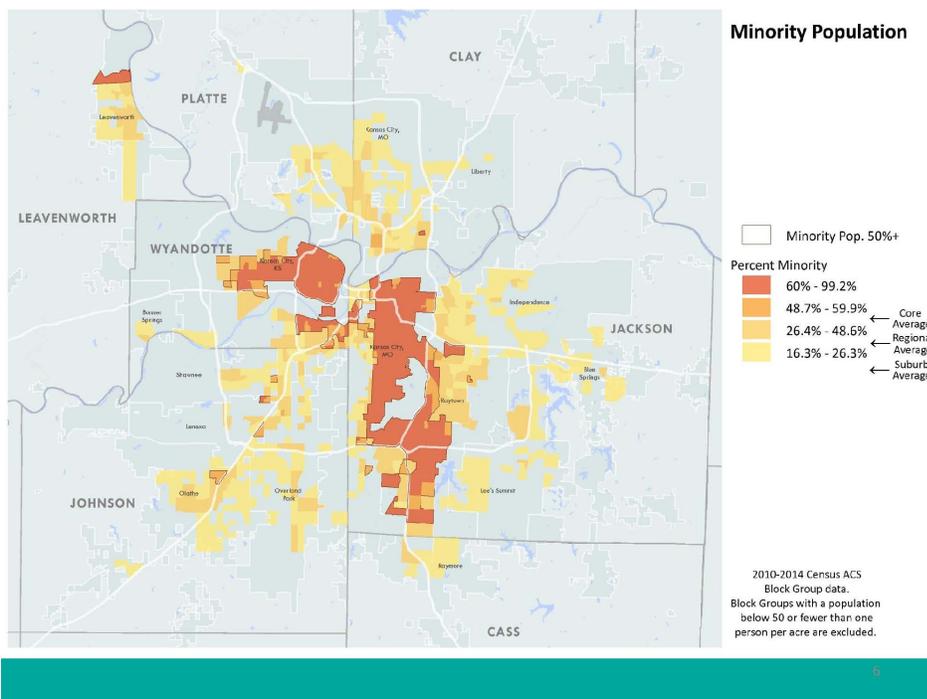
- Executive Summary
- Community Participation Process
- Assessment of Past Goals, Actions and Strategies
- Fair Housing Analysis
  - Demographic Summary
  - Segregation/Integration
  - R/ECAPS
- Racially/Ethnically Concentrated Areas of Poverty
- Disparities in Access to Opportunity
 

Education	Employment
Transportation	Low Poverty Exposure
Environmental Health	Patterns in Disparities
- Disproportionate Housing Needs
- Publicly Supported Housing Analysis
- Disability and Access Analysis
- Fair Housing Enforcement, Outreach Capacity and Resource Analysis
- Fair Housing Goals and Strategies

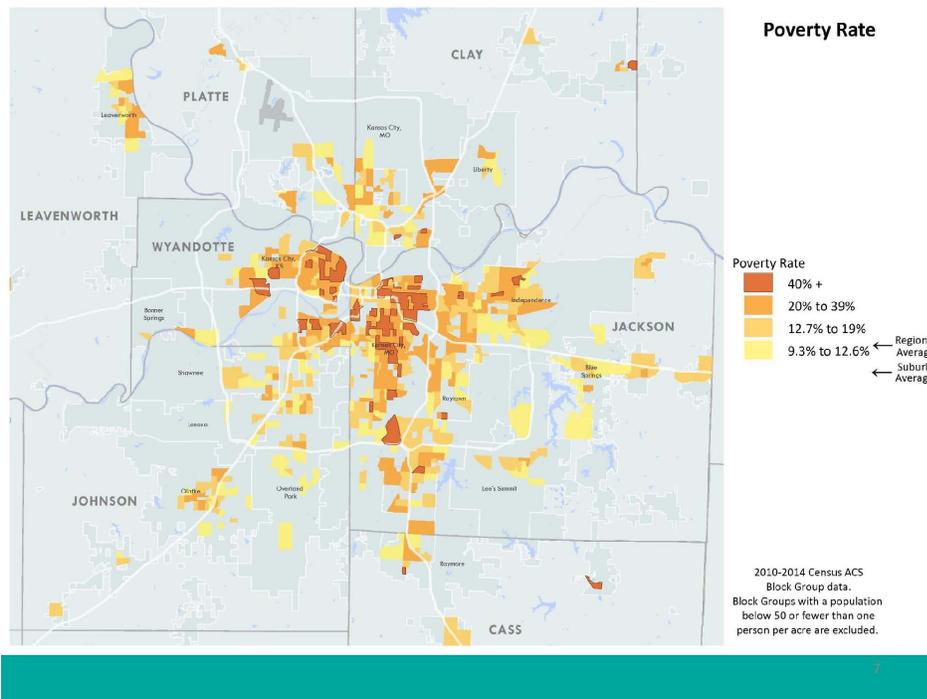
These are the chapters in the study that HUD requires. I'm not going to go over them, but there's a lot of data analysis, but that's all designed to lead you to what's underlying the data, what do you want to do about it, what can you do about it and so what are we going to do. A little bit about the data, because I'm a data guy and you can't away from me without some data.



## Where Do People Live?

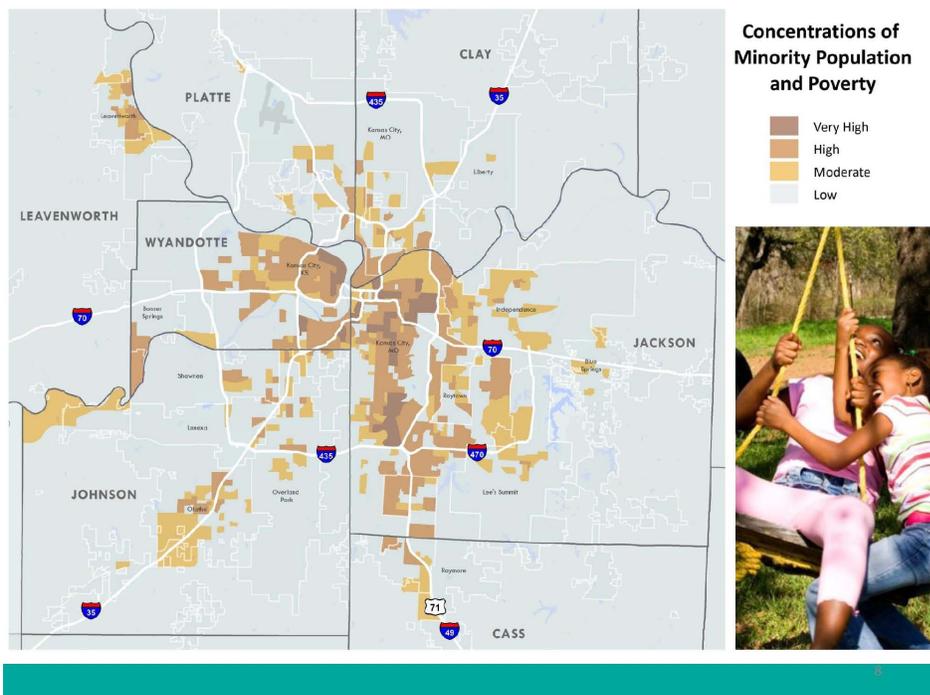


I'm showing you where minorities live today and the darkest color there is where 60% or greater minorities—this is the residual effect of decades of discrimination and this is where the poor people live. There is a correlation there between where the people are the most poor.

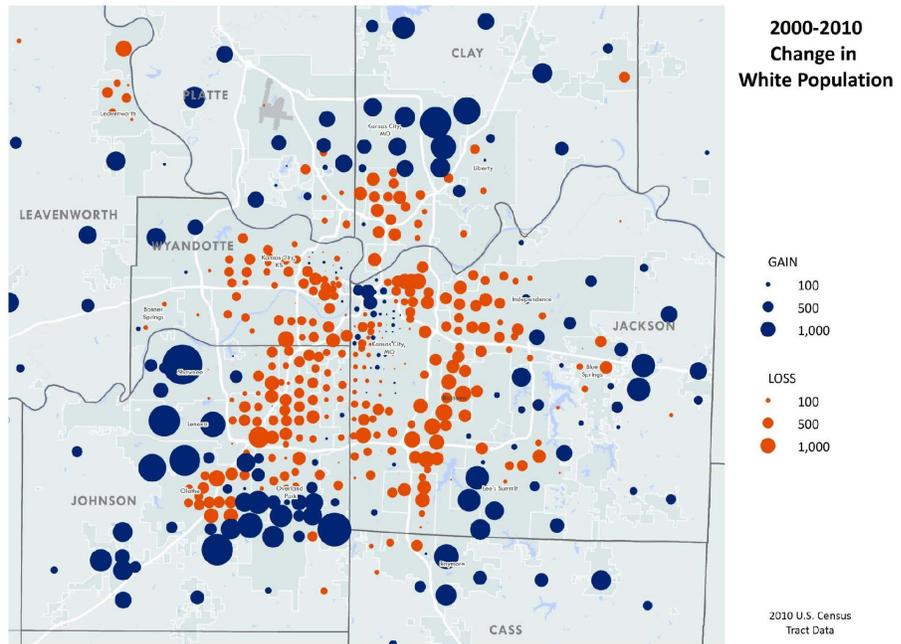
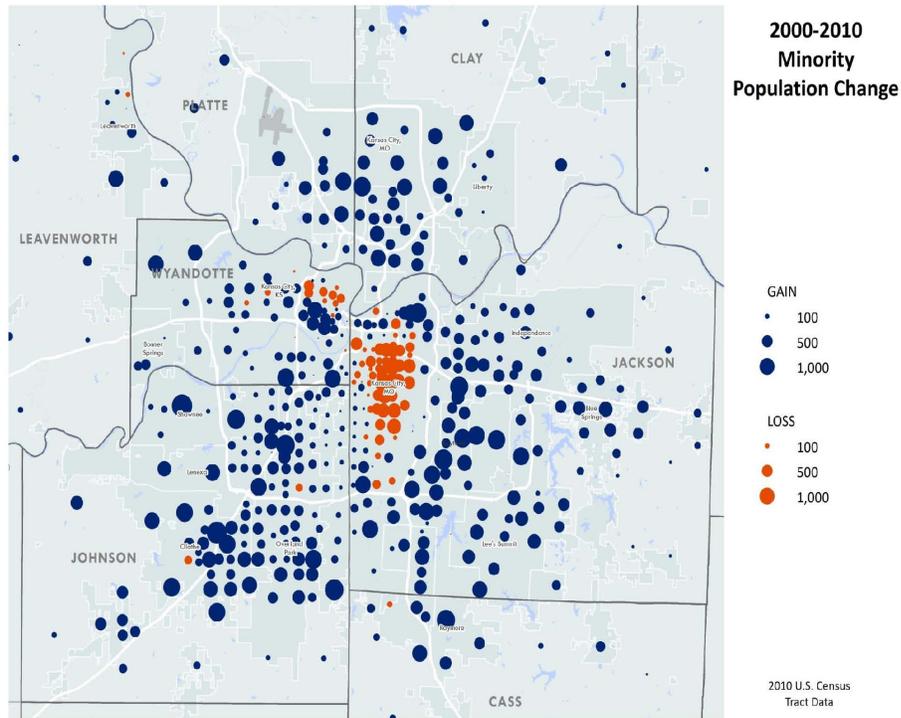


In both maps we're showing where is it above average, the darker the color, the greater the intensity. The forces of discrimination have conspired, if you will, to create areas where

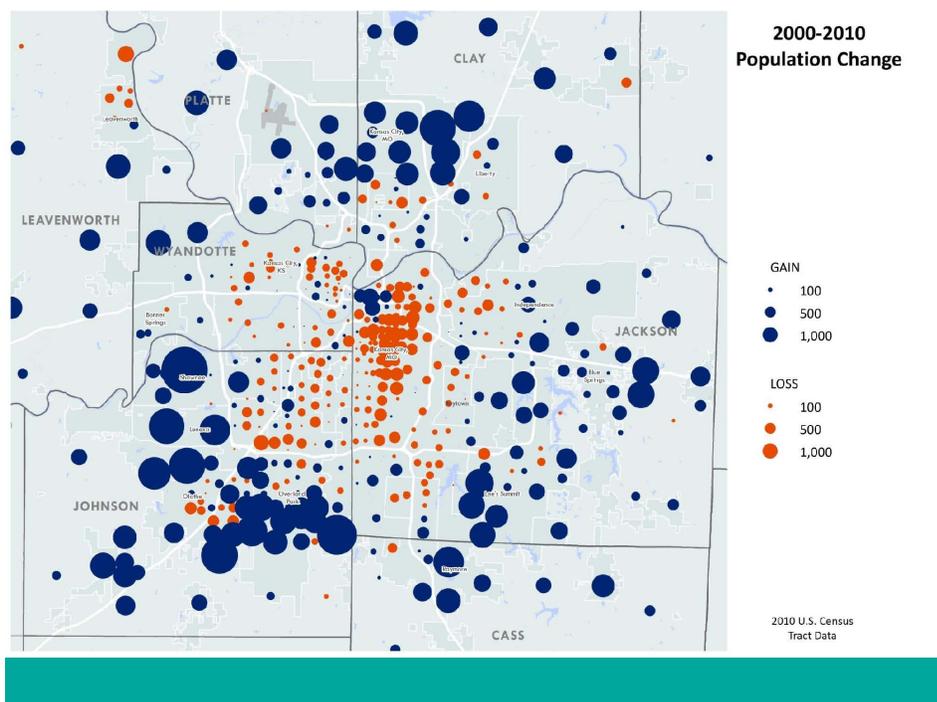
opportunities are lacking and disproportionately affects people of color. We combine those two things into one map in part because HUD requires us to, but HUD calls them racially concentrated areas of poverty and that's where the darkest brown is on there.

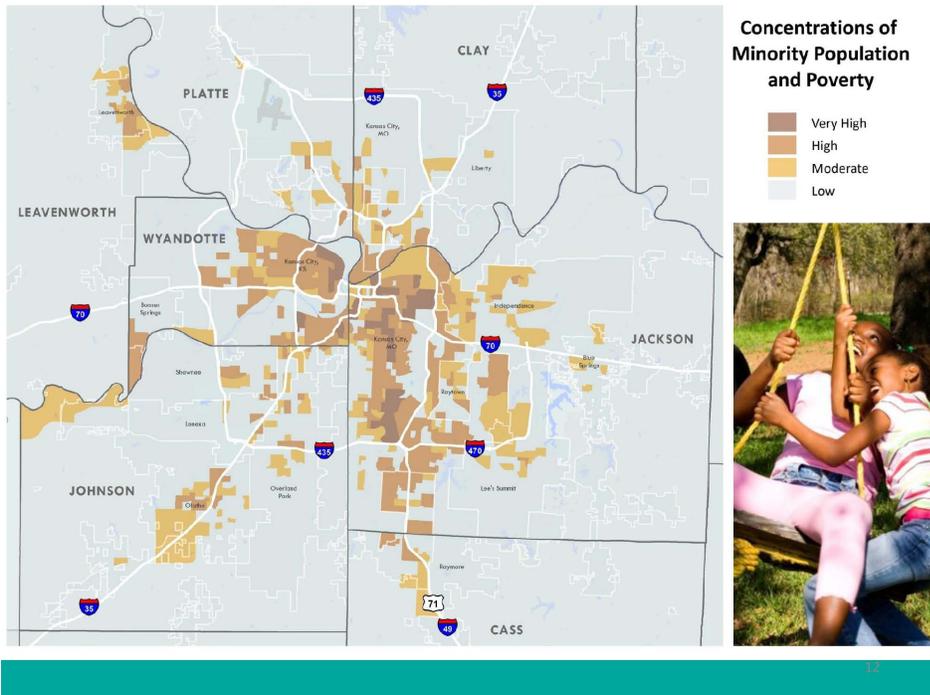


If you just look at those dark brown areas you miss the full extent of the way the population is segregated in this community. It creates conditions that are unfavorable. You can tell that because people vote with their feet so the areas of decline, the red dots are declined are very similar to the areas where we have the highest concentrations of people of color and poverty. This is showing you that in general the region is becoming more diverse. This is the minority population that is moving all over the place except in the areas where it is most concentrated.

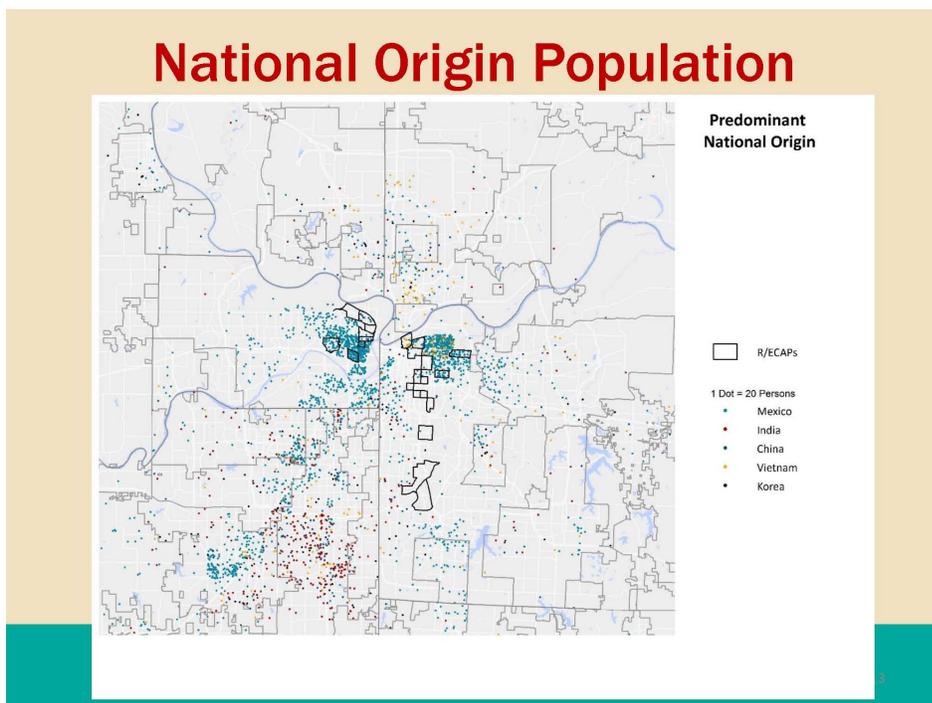


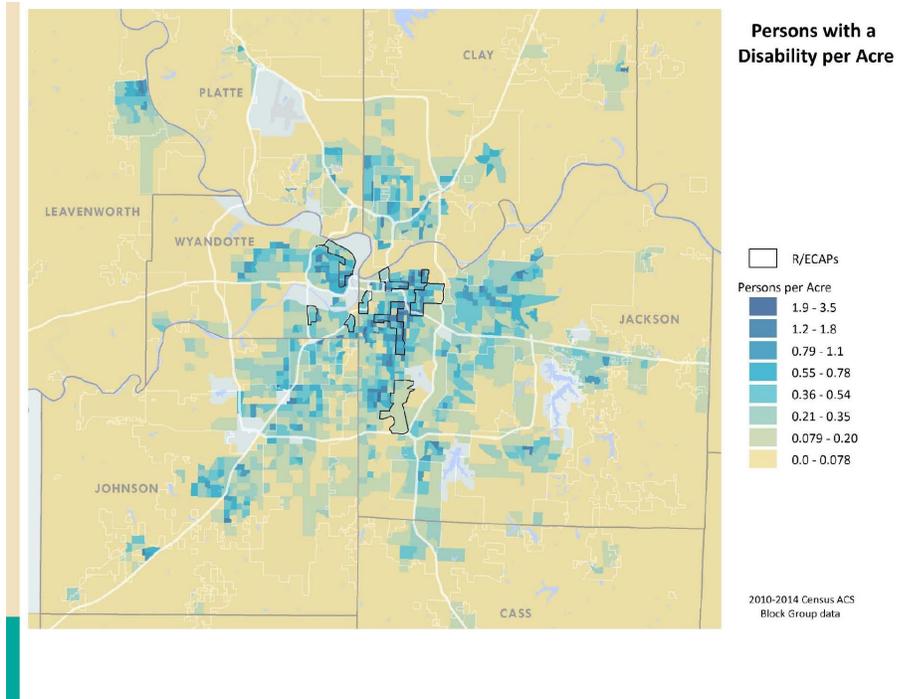
Whites show a different pattern. They're moving away still from the places where people of color are moving to, moving farther out, except, I would point out around downtown. Anyway, the blue dots that are up there in the corner where the rivers are is the area around downtown. One of the strategies that is useful is as we redevelop the town, as we rebuild it the second time around, can we do it with inclusion as one of the bedrock principles. So how do we do that and do a better job of that. This is the net result of both the minority population and the white population.



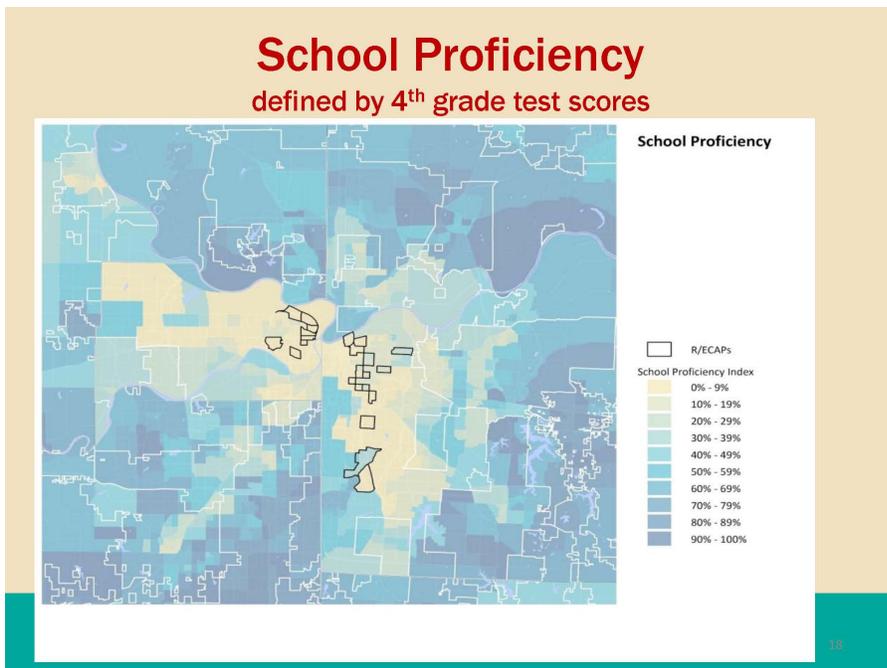


Going back to this chart, this map showing the areas of concentration we called it.

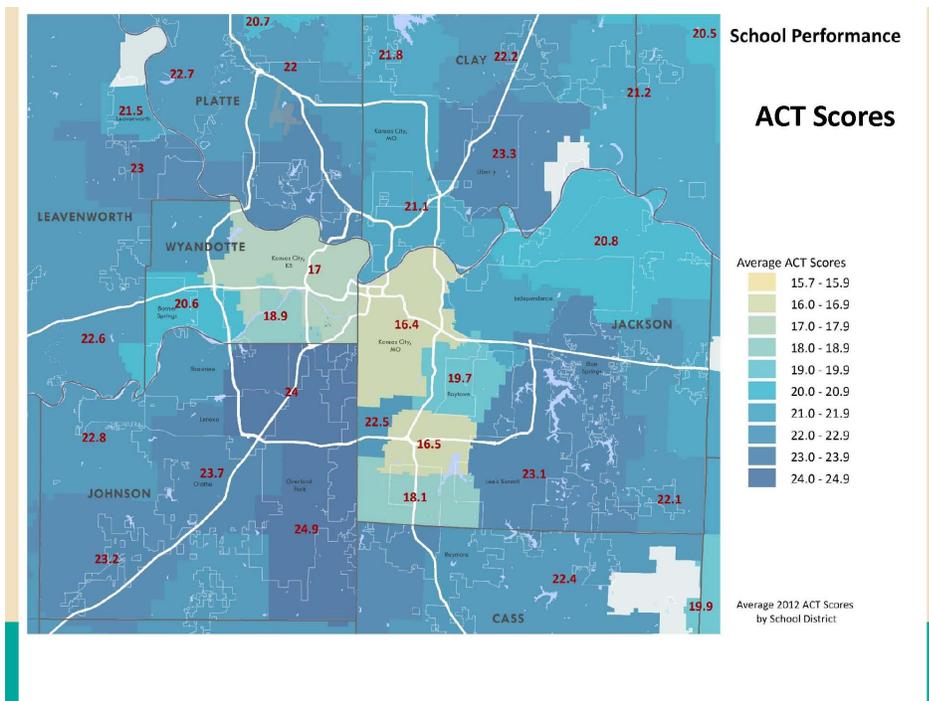




The other protected classes, national origin, limited English proficiency and disability all tend to cluster in the same way. The protected classes tend to be affected the same way that the people of color are also affected. The converse is also true, where those issues are, where poverty is concentrated is where opportunity is not. This is showing you school proficiency based on test scores. This is an index from HUD and the areas that are outlined in black are the areas that have the highest concentration of poverty in minorities.



The areas that are light in this map have lower scores at the fourth grade level. The districts that include those areas have lower ACT scores.

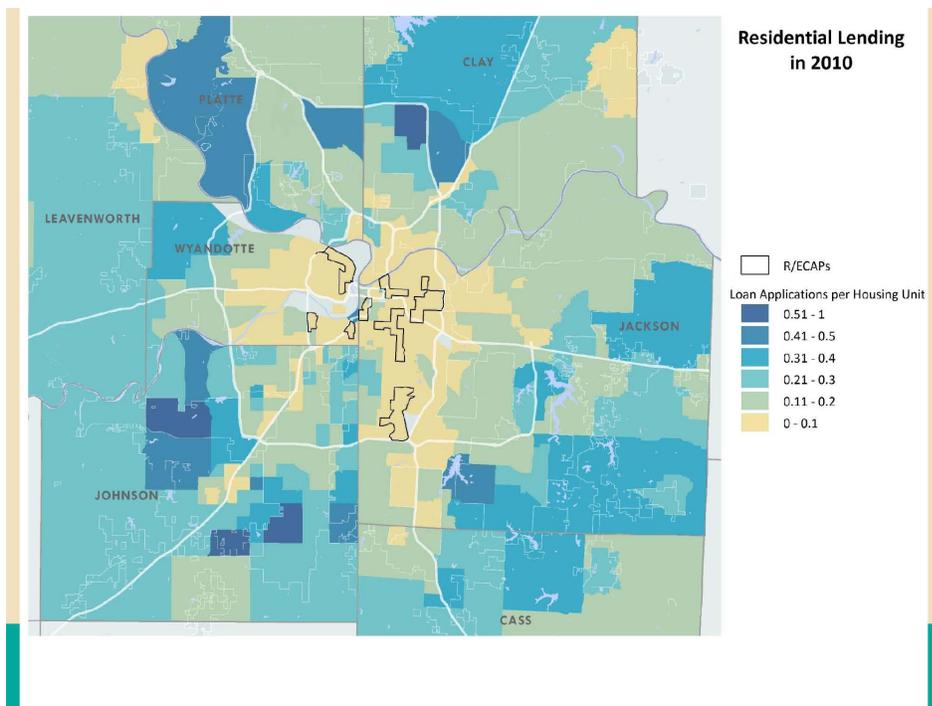


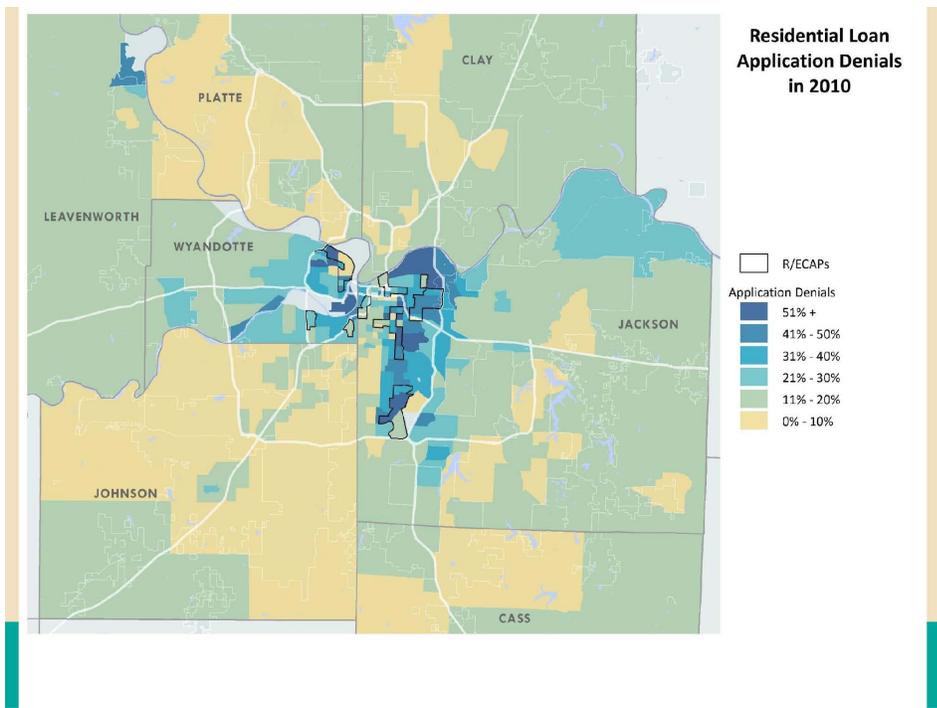
# How Does Location Affect Access to Opportunities?



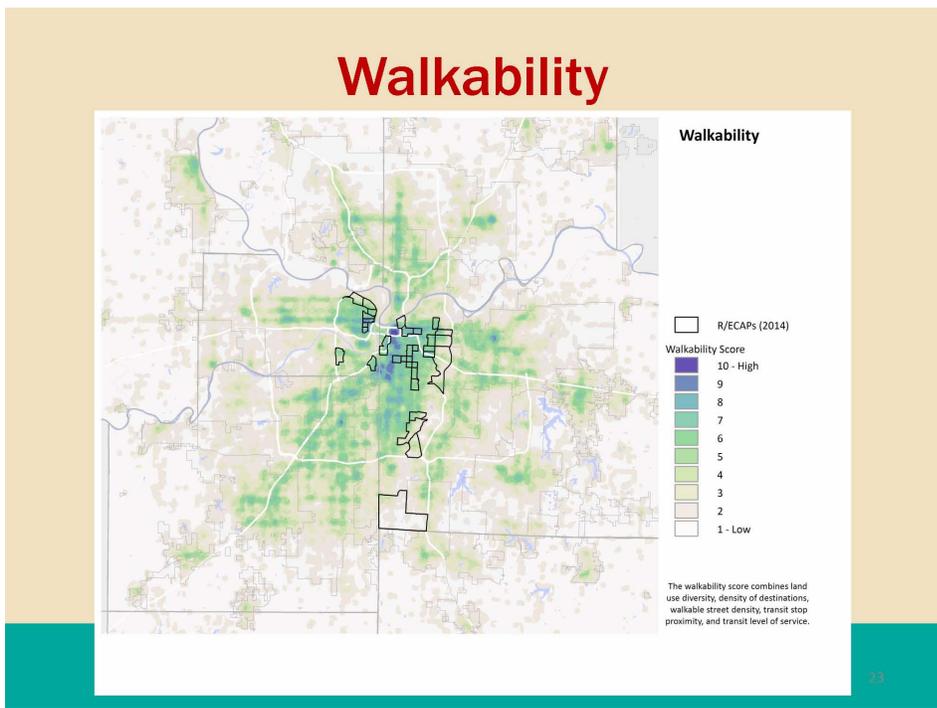
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It affects people's ability to access the labor markets so there's unemployment and education combined into an index by HUD. This is residential lending in 2010.

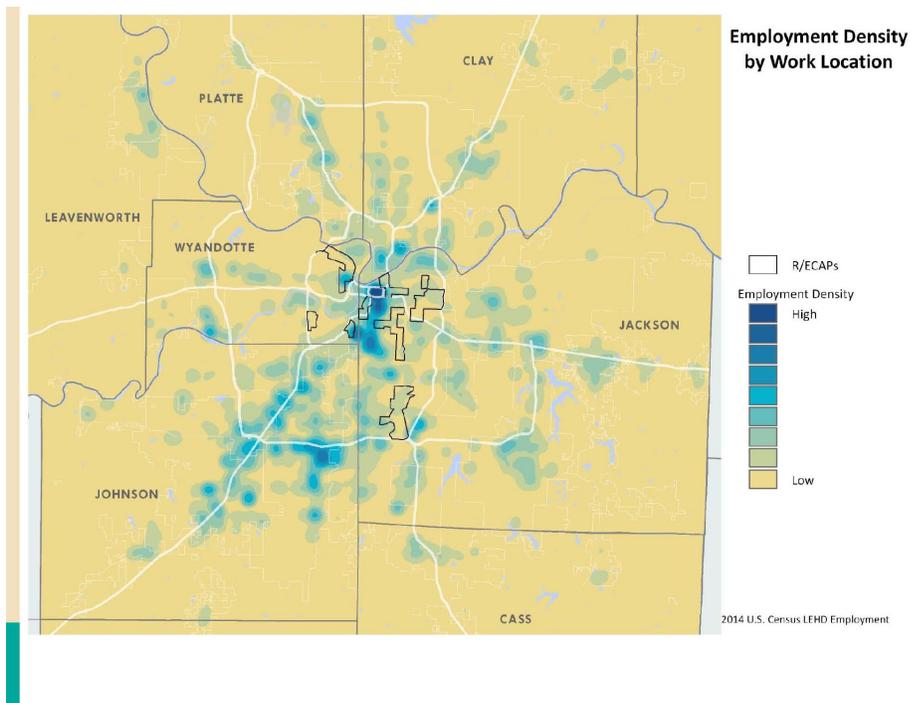




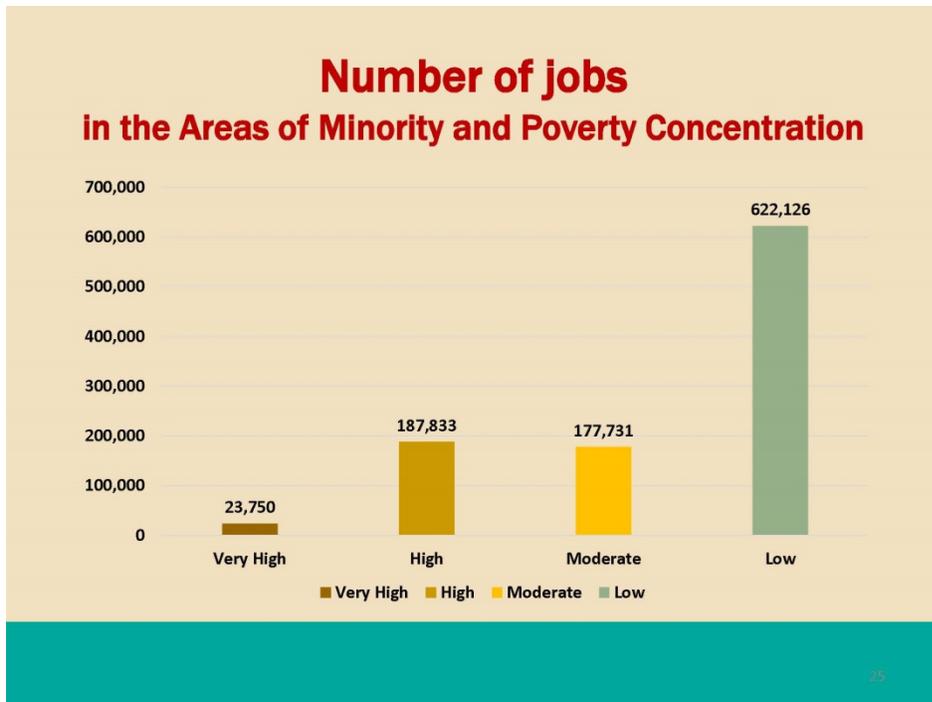
There wasn't a lot of residential lending, but there's a definite pattern where, again; the areas that we're seeing and the areas outside the areas of concentration but loan denials are very concentrated in those areas, but there is some strength in these areas.



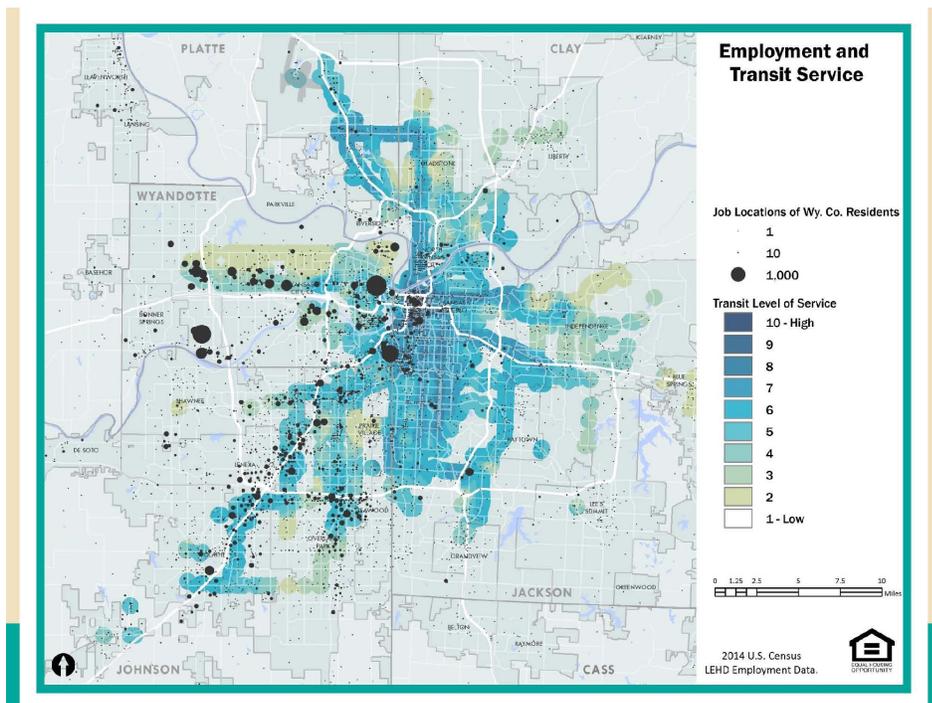
I mean this is the old city, built sort of the right way, the way we all want to build it again which was highly walkable and it still has relatively good access to a good chunk of the region's jobs but at least the chunk that's sort of in the core of the region.



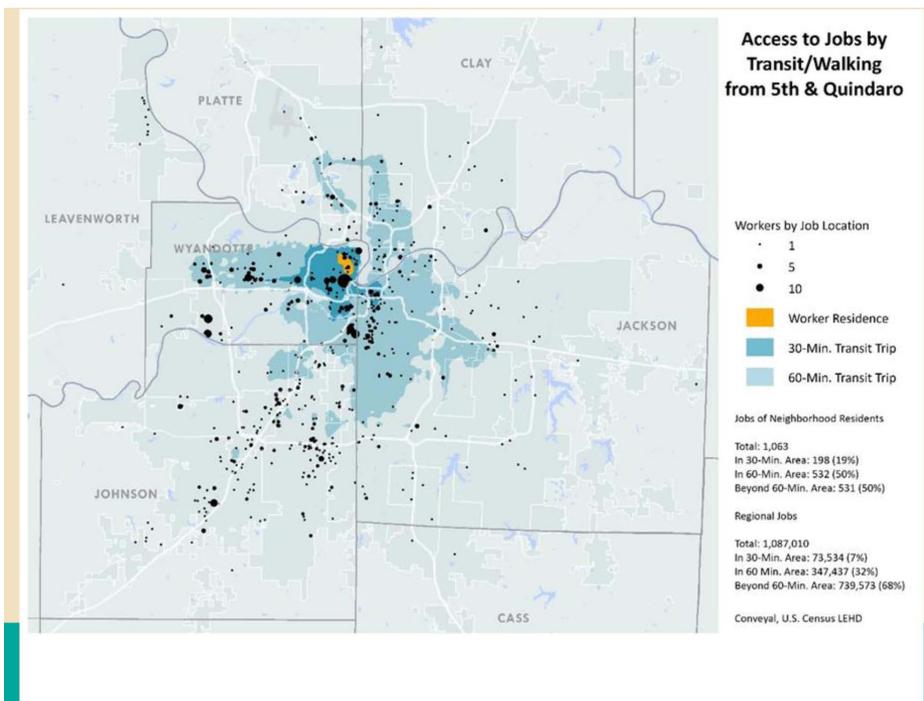
There are still lots of jobs as the population has suburbanized still have the jobs.



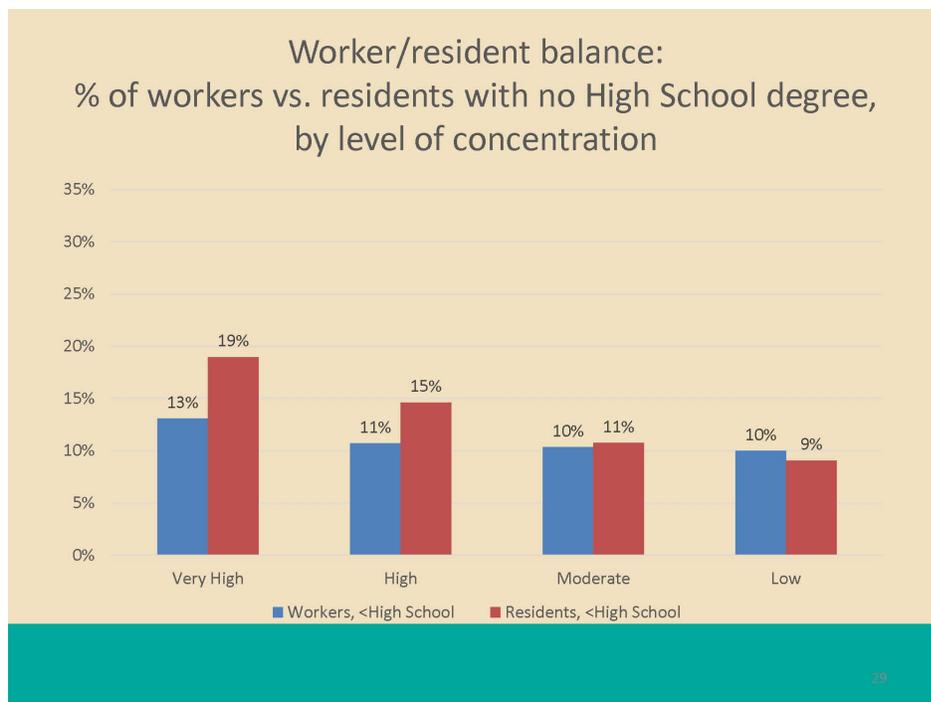
Overall, in the lowest areas of concentration, basically the outlining suburban areas has the most jobs, but there’s still a fairly decent concentration or ability for people in the areas of concentration to get to at least a good portion of the jobs.



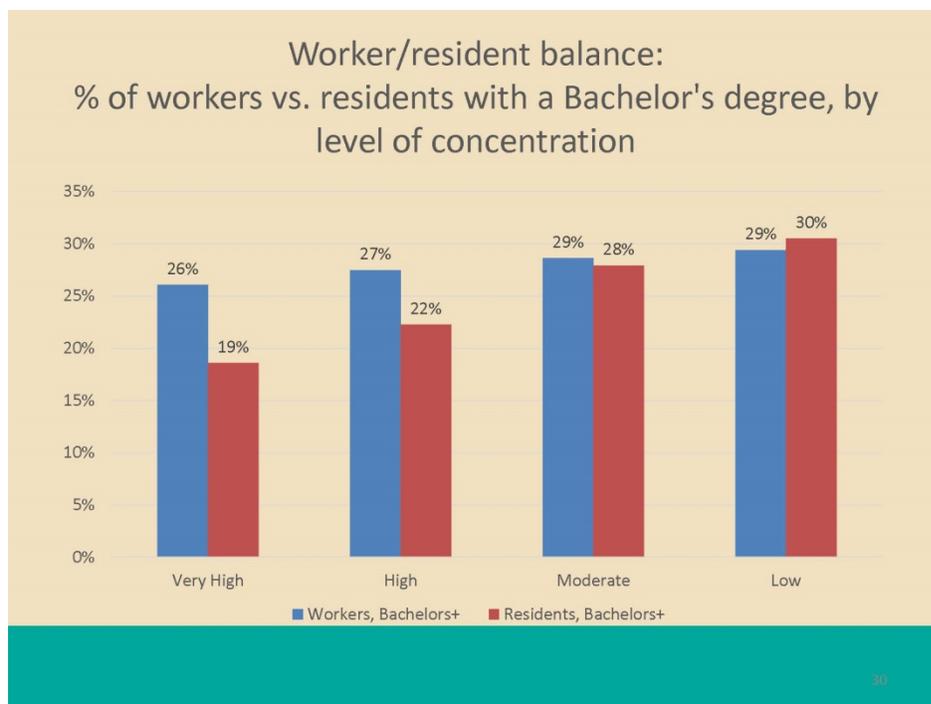
This is showing you a couple of things; one, the dark dots are where people in Wyandotte County, who live in Wyandotte County, where they work. A lot of them work in Wyandotte County, but a lot of them work in Johnson County and also the core of KCMO, but not so much eastern Jackson County or north of the river as you might expect. The other, the blue is showing you where do we have buses going. Where is the transit service relatively high and relatively low?



There's a decent number of jobs where the transit service is relatively high, but just because a bus goes by your home and by your business doesn't mean it takes you from your home to your business. It may not be a connection on a route that actually links the two. We're able to look even more detailed as in this case around 5<sup>th</sup> & Quindaro and say where do those people work that live in that area. Where do they work? It's sort of the same pattern, but just fewer dots because it just one neighborhood basically.

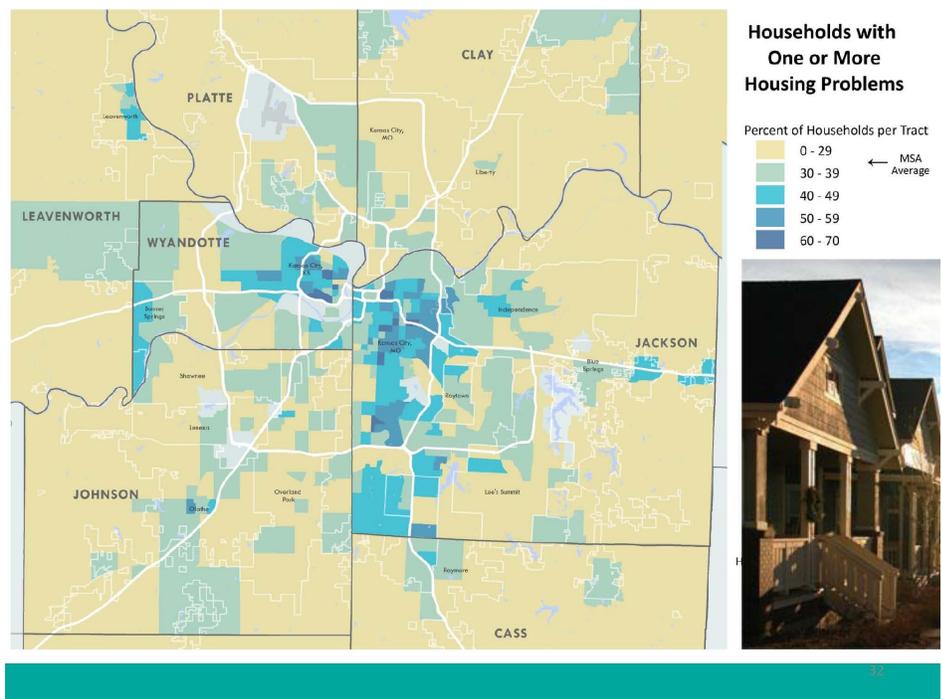


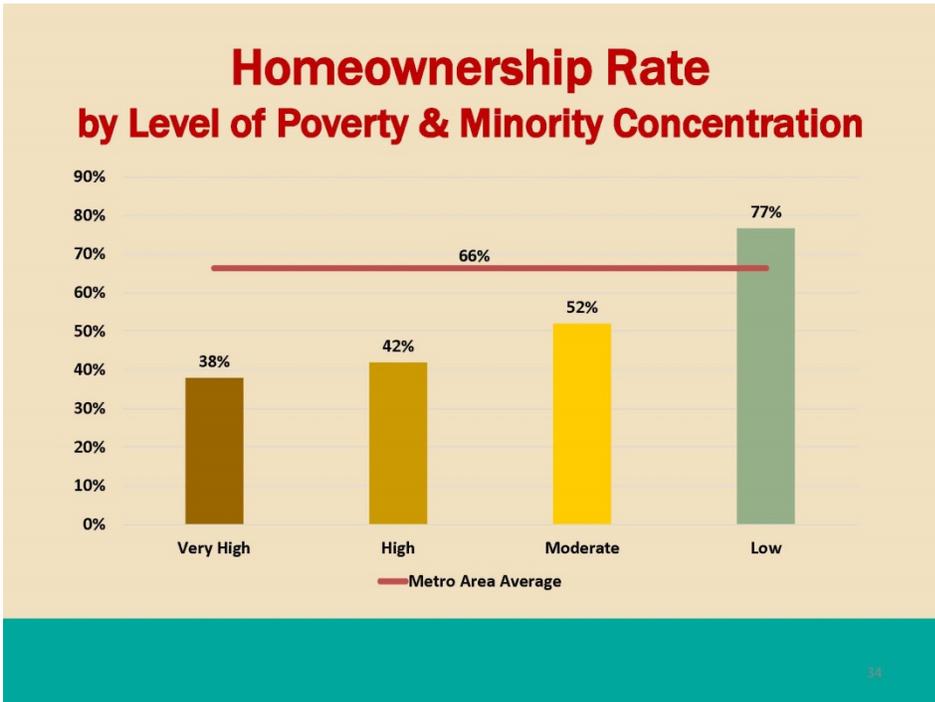
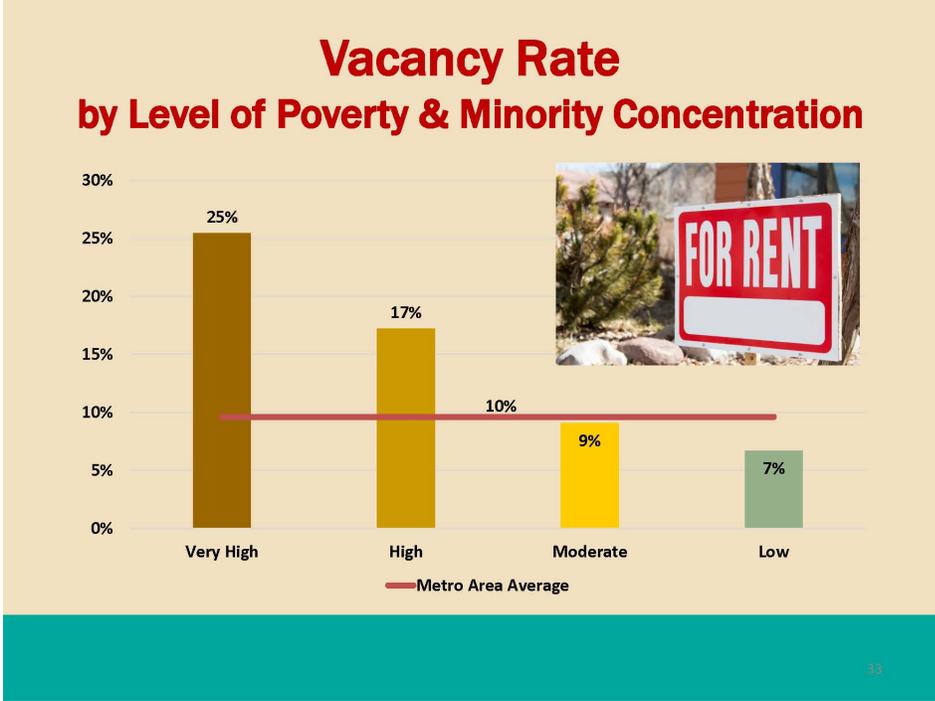
About 20% of the folks there could get to their job on current transit in thirty minutes and about half of them can get to a job (and that's the darker blue) in sixty minutes so there's at least some access via transit. When you look at the jobs that exist in the entire region, the numbers are lower. Only 7% of the region's jobs are accessible to this neighborhood within thirty minutes by transit and only a third are accessible within an hour by transit. If you don't have a car, you're hurting; but still a third of the jobs within an hour is 300,000 jobs. There's still a good chunk of jobs going on. While this is a barrier, it's not the only thing that explains why people are still poor. If we look at—this is just to remind you of which areas have the high versus very high versus moderate levels of concentration of poverty and people of color.

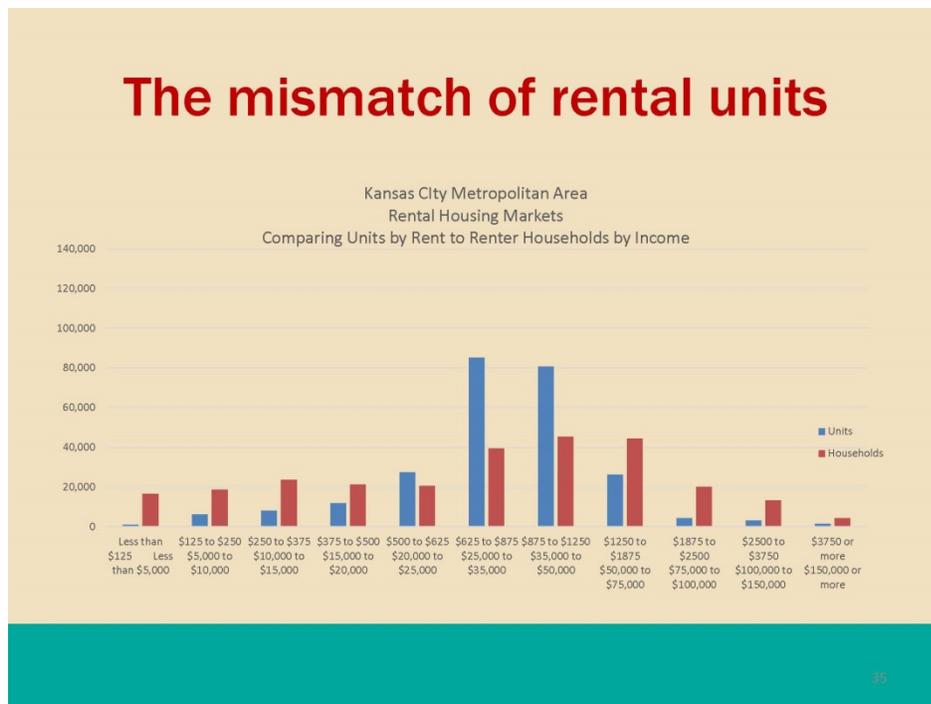


If we look at the jobs in the very high areas versus the residents that live in that area, there is an imbalance by education. The red bar shows you how many people live in the area that have less than a high school education. The blue bars are how many jobs require that. In the areas of very high concentration, there are 13% of the jobs that are available for people with less than a high school degree but 19% of the residents have that level of education. There's a gap there. It works on the other end too where in those very high areas of concentration, 26% of the jobs require a Bachelor's Degree or above, but only 19% of the residents have that so there's an educational barrier in addition to a sort of a physical location barrier. The strategy again, recommended are both people based and place based in order to raise the capacity of the current residents as well as connect them better to where the opportunity is.

# How Does Location Affect Housing?







In the areas where there's the highest concentration, you've got the highest concentration of housing problems too. There may be overcrowding, incomplete kitchen or bathroom facilities which sort of follows the same patterns. It also has the highest vacancy rates in those areas of highest concentration and the least home ownership.

One of the big issues is for renters and this is a little bit difficult to understand, but the bars on the left-hand side are showing you how many of the red bars or how many people can afford this level of rent and so the last four bars are rents of \$500 or less. There are many more people who can only afford that level of rent. The blue bars are how much housing we have that is available at that rent. There is not nearly enough housing for people at those rents. That's what a Housing Voucher Program is meant to do, is to fill that gap so the people who can only afford \$200 a month that their voucher pays the difference between that and a third of their income, but those vouchers are in very limited supply. We don't really have enough to meet the need.



The question is what will we do? How do we solve the problem making sure everyone can leave in an area rich with opportunity. We've gone through this data analysis, that's the step one there.



We've come up with some draft strategies and we're preparing a draft plan. In fact, we have a draft plan that's available for review and comment, but we're still seeking to debug those strategies if you will, because they are drafted.

## Online Comments

Over 140 respondents

Ideal housing or community features

Obstacles

Ideas for improvements

### What people are SAYING ONLINE

**What are the top housing and neighborhood features?**

- Safety
- Housing in your price range
- Housing near jobs

**What are the top barriers or obstacles to achieving your housing goals?**

- Price range/Affordability
- Location of jobs
- Other factors

**What could your City do to improve your housing situation?**

- Support availability of affordable housing units
- Lower cost of housing
- Increase neighborhood safety
- Improve public transportation & access to jobs
- Require landlords to make accessibility improvements

**Do you know your rights are protected under the Fair Housing Act?**

- 33% Yes
- 67% No

**Were you not treated fairly due to:**

- 21% Age
- 15% Sex
- 17% Race/Color



3/5

KCK  
Respondents

Ideal housing or  
community features

Obstacles

Ideas for improvements

## What people in Kansas City, KS ARE SAYING

 **What are the top housing and neighborhood features?**

- Safety
- Sidewalks/Trails & other community facilities
- Diversity
- Access to transportation & jobs
- Housing in your price range

 **What are the top barriers or obstacles to achieving your housing goals?**

- Lack of affordable options
- Problems with ex-felons
- Community opposition
- Lack of public transportation
- Credit history & eviction
- Housing repairs for older home owners

 **What could your City do to improve your housing situation?**

- Improve public transportation
- Create incentives to encourage developers to build affordable housing
- Address crime & safety
- Address vacant housing
- Change laws to protect tenants
- Consider "tiny" houses

It's a laundry list right. We went out for public comment already in one round in July and early August and you know people, when we asked them what do they want in their house and they all kind of want the same thing. They want safe housing, they want it near their job, and they want to afford it. The barriers are the costs and that it's not close to my job and then there's a host of other things that go on.

What could your city do? You know somehow support more affordable units, increase the safety, require landlords to make the necessary improvements, somehow again, lower the cost and improve public access to transportation. In KCK, you get a little bit different answer. That's sort of overall, in KCK it's a little bit different but still very similar. Safety still comes in at the top but also sidewalk and trails, access to those, more diversity, access to diversity or moving in neighborhoods that are diverse. Again, transportation and access to jobs and affordable housing are in line. Some of the barriers in addition to affordability, there's problems with felons, there's community opposition to building or allowing poor people to live in certain neighborhoods. There's lack of public transportation, credit history is an issue and being evicted without much recourse and without enough time to find decent housing. Repairs are probably for people who are older who can't keep up with the homes that they've lived in all their lives.

Things to do would be including public transportation, creating incentives or using your incentives to encourage building affordable housing, addressing crime and safety of vacant

housing that exists, changing laws to protect tenants and one of the ideas was to consider tiny houses so that you can build a lot more smaller units. That's one way to improve affordability.

## Draft goals and strategies

- From public input so far
- Research and analysis
- National, regional and local successes

40

### What are the most important goals for YOUR community?

9 goals coming together to achieve Fair Housing

Goals	Priority?
REDUCE DISCRIMINATION from landlords, realtors, lenders or others and HELP RESIDENTS recognize discrimination and what's available for responding to it	
Raise public UNDERSTANDING & AWARENESS of the need for AFFORDABLE HOUSING throughout the KC Metro, advocate for it, and measure progress	
Increase ACCESS to AFFORDABLE HOUSING in opportunity areas	
Improve HOUSING CONDITIONS and OPTIONS for HOMEOWNERS, especially ELDERLY homeowners, in older neighborhoods and communities	
Increase access to ECONOMIC OPPORTUNITY for disadvantaged persons and families through quality EDUCATION and WORKFORCE DEVELOPMENT	
Improve HOUSING CONDITIONS and OPTIONS for RENTAL households in older neighborhoods and communities	
Increase access to COMMUNITY RESOURCES, including HEALTHY FOOD, for residents of older neighborhoods and communities	
Expand PUBLIC TRANSPORTATION services and provide STREETS FOR ALL TRAVELERS can use, so residents and disadvantaged areas are better connected to jobs and community services	
Increase the amount of AFFORDABLE & ACCESSIBLE housing, particularly around PUBLIC TRANSIT centers and stops	

3

So we have these draft goals and strategies and they're from the public input that I just sort of went over from research and analysis about what's working elsewhere. There's nine overarching goals: To reduce discrimination, to increase the understanding and awareness of affordable housing, to increase access to affordable housing, to improve housing conditions and options for homeowners, especially the elderly; to increase access to economic opportunities through education and workforce development, to improve the housing conditions for renters, to increase access to community resources such as healthy food, to expand public transit and also to create an increasing amount of affordable accessible housing, especially along those transit corridors.

## Draft Goals and Sample Strategies

- Reduce discrimination
  - Enhance counseling, investigation, testing
- Increase understanding and awareness around need for affordable housing
  - Advocate for workforce housing in opportunity areas
- Increase access to affordable housing
  - Require projects receiving public incentives to contribute to an affordable housing fund
- Improve conditions/options for homeowners
  - Review property maintenance codes and identify resources to assist low-income homeowners

## Draft Goals and Sample Strategies

- Improve conditions/options for renters
  - Consider adopting a rental licensing program to help deal with problem landlords.
- Increase access to economic opportunity
  - Invest in early education and workforce development
  - Develop and improve community assets and resources
- Expand public transportation and access to jobs, particularly along transit corridors
  - Examine codes to allow more types of housing in activity centers

These are some sample strategies that I pulled in your packet. You had a list of all those goals and 50 different strategies so I'm not going over them one by one for you, but these are the kinds of things that are in there. To reduce discrimination, one of the ideas would be to enhance counseling of the residents so that they know what their rights are, but also to put some resource into investigation and testing to make sure people aren't being discriminated against.

To increase the understanding that runs around the need for affordable housing, advocate for workforce housing, for police, for teachers and people that work in your community should be able to live in your community, that idea. Increase the access to affordable housing, again this is one of the things that could be done as we rebuild the city, can we make growth work for us.

If a project requires public incentives, can a portion or a deal be struck where some money goes to an affordable housing fund that could be used to increase the number of vouchers, for example, or if it's a residential; can some level of housing be set aside to be affordable in areas where things are redeveloping and there is increasing opportunity.

Improving conditions for homeowners would be things around reviewing property maintenance codes and then also providing some resources to assist low income and elderly homeowners in bringing their home back up to code.

To improve conditions for renters, you know a rental licensing program so you can keep track of and deal with problem landlords on a more efficient basis.

Increasing access to opportunity—I was in Blue Springs yesterday and the idea of having people-based strategies that really invest in both early education and workforce development to give people the skills they need to compete in this kind of new economy is critical and also to improve the community access. Most of the neighborhoods, especially in the core have a lot of access to be built on, but they need some improvement to make them really first class and then expanding public transit. Only 9% of the regions residents have access to get to a job within an hour basically. Our transit system needs a lot of improvement to really make it do its job to provide alternatives to people other than owning a car and get to work on time.

That's the study in a nutshell and where we are today is we are providing this, both the data in terms of the draft plan, but also seeking comments on the kinds of things that we're proposing as strategies.

### What's Next?

August and Sept. public meetings  
Complete and submit plan by 10/4/16

**Online commenting**  
[kcmomentum.org](http://kcmomentum.org)  
[marc.org/fairhousing](http://marc.org/fairhousing)

**City of Kansas City, MO**  
[kcmo.gov](http://kcmo.gov)

**City of Independence, MO**  
[independencemo.org](http://independencemo.org)

**City of Blue Springs, MO**  
[bluespringsgov.com](http://bluespringsgov.com)

**City of Leavenworth, KS**  
[lvks.org](http://lvks.org)

**Unified Government of Wyandotte County- Kansas City, Kansas**  
[wycokck.org](http://wycokck.org)



Did we miss something? What resonates? What really seems doable because HUD's going to ask us what are you going to do in five years? What's your plan? What are the metrics? So we really have to get down to something specific. Not just what we should do, what are we going to do. That's the challenge for you.

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**Mayor Holland** asked Wilba, do you have any comments? **Ms. Miller** said thank you for listening to our presentation. Tonight, after the public hearing, we'll be referring people to the website and we will have hard copies of the plan for people to comment on. There are really nine goals and fifty strategies that we have to come down to. What are we going to do for KCK, but we can't do that work until we've had the public hearing tonight.

**Commissioner Markley** said so I'm just poking through our packet here. This, I don't think is one of the things that's in our Commission packet. Can this be sent out to the commissioners; particularly I'm thinking we're missing some people tonight that I think that would love to see it. **Mr. Lenk** said yes, if you don't have it on your computer, you're welcome to it. It can be distributed. It's a large file. It's like 20 megabyte so it's hard to email but you have access to it, certainly. **Commissioner Markley** said awesome. Thank you. **Mayor Holland** said yes, thank you. Will this presentation that we just saw be available on our website? Is there a way we can get that on our website? **Ms. Miller** said we'll have this downloaded. This was prepared for just tonight's meeting but sure. **Mayor Holland** said that'd be great.

**Mayor Holland** opened the public hearing.

**Richard Mabion** said the one thing I wanted to mention, and I think it should be made mandatory, that anytime you have people that are getting data out of Kansas City, KS, that they are to speak with the president of the NAACP because none of that has come by us at all. I'm afraid that the data and the results that they're receiving on those scripted kind of surveys are leaving out a lot that deserves to be taken into consideration. That was my reason for saying this. I made it under three minutes. **Mayor Holland** said I want the record to show Mr. Mabion kept his comments well under three minutes.

**Marvin Robinson** said that was the main reason why I came to the meeting tonight and I thought I had come to the wrong meeting. The New York Times always writes about the northeast area and the depth of quality of life in a variety of different things based on the Census record. So to see MARC's report is absolutely phenomenal and what I wanted to try to suggest for a lot of the different projects that I'm involved with, particularly the Quindaro Underground Railroad site, I didn't hear the person from MARC mention the word veteran and the voucher fatigue of homeless veterans are an epidemic crisis across the country and in the *Veteran's Voices* that came out the summer of 2016, they compared it in summary to the camouflage of resources for veterans. I just wanted to throw that out there that in the mix there are 200,000 veterans being—active duty military personnel coming out every year, 200,000. He already and the Director of Housing Community said what are we going to do and we need to be really happy about the opportunity with the report that came out. I thank you so much for these three minutes.

**Mayor Holland** said I appreciate your comments. Would anyone else like to speak at this time. Let the record show that no one else is interested in coming forward to speak at this time.

**Mayor Holland** closed the public hearing.

**Mayor Holland** asked would anyone from the Commission like to make any comment.

**Commissioner Philbrook** said I do also appreciate MARC's efforts in bringing us together as a region, not just Missouri and Kansas and that sort of thing, because we all are kind of in this together. It's the same boat. I'm involved with the Homeless Coalition, the new one that we

formed across the state line. It's very exciting to see how people can be totally committed to working for the best of our community, but also realizing the problems and issues are endless and it almost feels like you can't reach, or see the light at the end of the tunnel, but working with everybody together. Hearing this young man talking about the veterans and I've had other veterans come to me and talk to me about this is very enlightening.

I think there's a lot we can do as a whole community. I think Kansas City as a whole community has a lot to offer and I think that we can work with folks that want jobs and want better paying jobs to help them a lot too and help them keep their homes. You can't keep a house unless you're working.

**Commissioner Townsend** said thank you to the gentleman from MARC for his report and Commissioner Markley addressed what I was looking to see in the packet as I went through it. I want to get to the proposed, goals and I understand we can get that material. I'm hoping we have it before the strategic planning session because my thought was, and the question has been proposed, what are we going to do. If there are maybe nine goals, then maybe one can be focused on to correct or start to attempt to attack some of these problems which is what Commissioner Philbrook mentioned. It's like one thread that you pull and everything else unravels. There are so many reasons for the demographics we saw tonight. Maybe if we can start with one thing, pull that thread and some of the other improvements will come along as a result. **Mayor Holland** said, Commissioner Townsend, Wilba Miller from Community Development would like to respond. **Ms. Miller** said, Commissioner Townsend, I would like to state that the current draft goals are in your packet. The presentation Mr. Lenk made today is something he put together just for the commission meeting tonight. You should actually have all the goals in the packet that you have already received. **Commissioner Townsend** said I'm looking through it. Maybe it was the format that threw me off. **Ms. Miller** said it is. Yes, it is a different format. Yes ma'am. **Commissioner Townsend** said okay. I do like the format that was presented tonight as a primer and that would be easy to digest I think by our first strategic planning.

**Commissioner Johnson** said it sometimes takes me a bit of time to kind of digest all of the information that we hear and see so thank you also for this presentation. I think it's very timely

considering the fact that we are also having the opportunity to move forward with a Northeast Master Plan. I'm interested to know, and didn't see with just browsing through this, how long of a plan will this—I see a lot of things that indicate that we'll start in 2017, but is this something that is long-term in nature or can you better define the plan? **Ms. Miller** said yes, this Collaboration Agreement will be submitted—I mean the draft plan will be submitted to HUD in November, November 4<sup>th</sup> I believe. It will be for a five-year period of time. The goals that we come up with, we have to report on for the next five years. Next year when doing our annual planning process, instead of just doing an Annual Plan, we'll do a new Five-Year Unified Government Comp Plan. We'll mix these two together so the goals for the first year and this AFH Plan will be in next year's Annual Plan. We'll be constantly doing a Five-Year Fair Housing Plan and a Five-Year Consolidated Plan.

**Commissioner Johnson** said obviously, the issues that we are dealing with are so complexed and so layered and in many cases generational in terms of the way that persons are affected by them. We will certainly need a plan that is long-term in nature, yet with appropriate things that can be the low hanging fruit type of options or opportunities as well that we can show some market progress in the short-term as well that will encourage us to keep on. The last thing I will say is, I'd like to make sure we're not tripping over ourselves in terms of having so many plans, but none of them speaking to each other with regards to some of the things that we're trying to do as well with the Northeast Plan as well. **Ms. Miller** said HUD will ensure that we have meaningful goals and plans and they'll check every year during our annual performance. **Commissioner Johnson** said very well, thank you.

**Mayor Holland** said I would like to point out too and I think the slides tonight showed it, we have a housing crisis in Wyandotte County. We have housing that is affordable, not because it's affordable housing, but because it's deplorable. We have a dilemma with workforce housing where many people—much of our housing is in such poor condition that it really is designed for people who don't have a job and we do workforce development and people get a job and what do they do with their first check, they go live somewhere else. Until we have housing stock that will retain our employees, we're going to continue to chase this chicken in an egg about how we improve the quality of our community.

I am pleased that one of the places that this plan will integrate is with our SOAR Plan, which is our Strategic Plan that we're implementing for blight reduction, which I have high hopes and expectations for. It's one of the most comprehensive plans we've ever put together and we just funded it significantly in this budget to make sure that we're doing the kinds of things to intercept blighted housing so it doesn't tear down a whole neighborhood. We can't let a single house have the domino effect of destroying a whole neighborhood and that's happened again and again across our city and reversing that historic trend is very difficult.

I'll just close with this little bit of information. Of our 55,000 residential properties in Kansas City, Kansas, nearly 17,000, almost a third of those are rental housing. That's an astonishingly high percentage in a community and when you look at the median household, median value of a residential property; if you look at owner occupied housing, our median house is about \$98,000 in value. If you look at residential property and include our rental properties, the median of our residential properties drops down to \$67,000 which means half of all residential properties in Wyandotte County are valued under \$67,000. Compare that to Johnson County that's at \$210,000, more than three times the value of residential properties in Johnson County vs. Wyandotte County. So we have a housing crisis and our residents deserve to drive in quality housing, affordable housing that they can be proud of and come home to and help build up our community. We have our work cut out for us, but I think that we're taking steps in the right direction. It took us a generation to get to this place and I don't want to wait a generation to get back. I appreciate the work that you all are doing and in coordination with the Mid America Regional Council because as we solve these problems, doing it as a region is going to be much more impactful for our community. Thank you for the presentation and that concludes this portion.

**Action:           Public hearing held and presentation given.**

**August 25, 2016**

**ADMINISTRATOR'S AGENDA****ITEM NO. 1 – 16747...RESOLUTION: INTEGRATED OVERFLOW CONTROL PLAN**

**SYNOPSIS:** A resolution of support of the Unified Government's Integrated Overflow Control Plan (IOCP) and authorization of submittal of the plan to the EPA and DOJ as required by the 2013 Partial Consent Decree, submitted by Misty Brown, Senior Attorney.

**Mayor Holland** said I can say when I was first elected nine years ago as a commissioner, I had no idea how much time and money we would spend dealing with sewage. It seems like we're flushing money down the toilet.

**Mike Tobin; Interim Director of Public Works,** said if I might, I would like to make a couple brief comments before Trenton starts on his report. First of all, the presentation he's going to make tonight is a culmination of years of work by UG staff and outside professionals as a result of an EPA mandate. The work was done in conjunction with past employees that have worked here, former directors, and it's been a continuous plan. There's been very good effort between a number of departments and a number of consultants. I would also like to say that this plan has had a very extensive public outreach component and that's an important part of what we're bringing forward tonight. What we're doing tonight is asking you to approve this so we can submit it to the EPA and move forward to lift the partial consent decree and enter into another one. I'm going to turn it over to Trent.

**Trent Foglesong, Director of Water Pollution Control,** said just real quick I want to recognize, as Mike mentioned, this has been an ongoing effort, many years, a very big team. I just want to recognize tonight we do have some of our support team here from Burns & McDonnell, & Shockey Consultants, and also two of our stakeholder taskforce members, Richard Mabion and Don Brooks. I appreciate them coming out to support this tonight. I was told to be very brief. I'm going to try to do so.

## Regulatory Framework

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- ▶ All of our work is regulated by the EPA and KDHE under the Clean Water Act (1972)
- ▶ Kansas City, like many major cities, is required to dramatically reduce sewer system overflows
- ▶ We are recommending a plan that makes continued progress towards meeting the goals of the Clean Water Act



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▶

We all know why we're in this. Mike hit it pretty well; we're in this mandate because of EPA. It's not unique to Kansas City, KS. We have been in this PCD for about three and a half years. The PCD was to give us time to develop this plan, which we've been working on that we'll talk about more in a little bit. Additionally, the PCD did require us to do several significant early action items, develop several programs, enhanced programs we already had in place, do an investigation and analysis on our system, numerous intermediate submittals, annual reports, semiannual reports and do significant public outreach as Mike mentioned. I just want to point out that through this process we have met or exceeded every one of those requirements and we've got letters from the DOJ telling us that we have done so. The team has done an excellent job making sure we met all the terms of the PCD, positioning us very well as we go forward here.

## Community Input

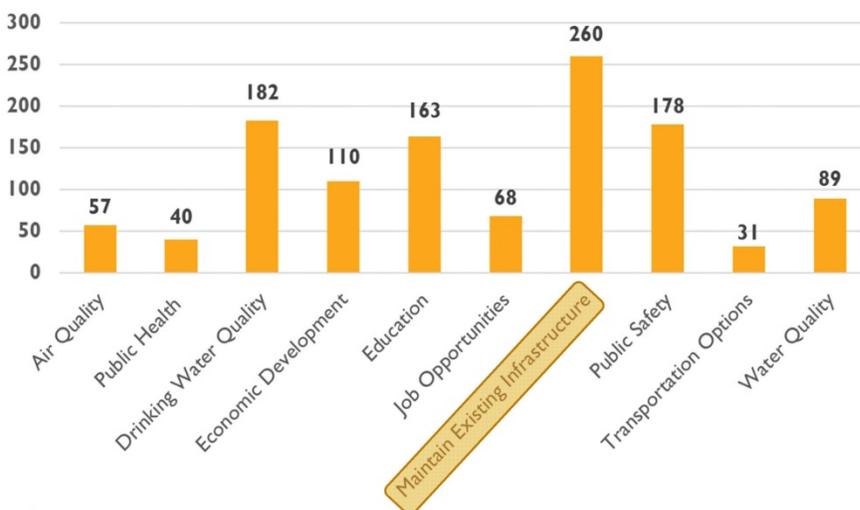
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- ▶ 25 Presentations to Neighborhood Groups
- ▶ Community Task Force
- ▶ Community Survey
- ▶ 3 Public Meetings
- ▶ Public Meeting Comment Card
- ▶ Website
- ▶ Brochures
- ▶ Video

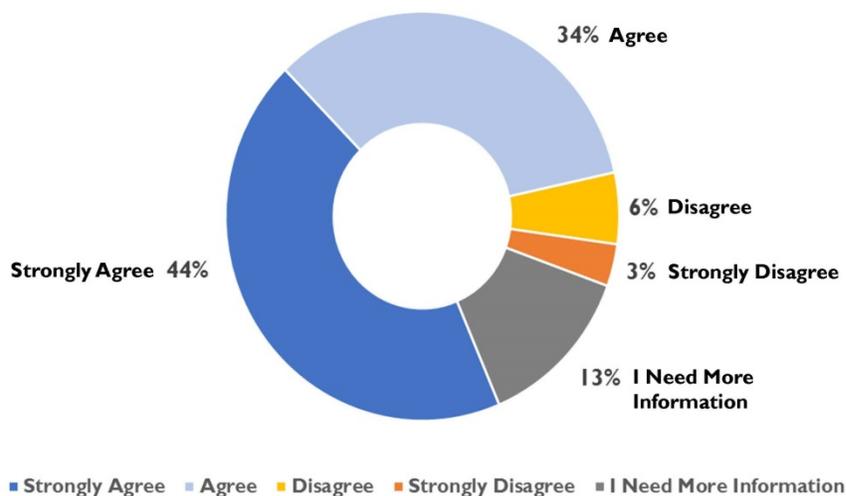


Just to recap a little bit of the community input, the public outreach we did 25 different presentations plus I would say probably there is more than that. We continue to do them to neighborhood groups, anybody who invites us to come speak to them. We are open to invitations. Like we said, we had the Stakeholder Task Force, we conducted community surveys, both at the end of those meetings on the website. We recently went and did three significant public meetings in different parts of town to share with people what we've come up with. We do have website stood up. I'll hit that at the end of this. We've developed brochures we distributed and also developed some videos we've shared with everybody.

## Community Priorities



## Should Wastewater Investments Consider the Financial Capability of Citizens?



What we heard back from the community survey relative to priorities was the item there is that highlighted. Really the number one thing that came back was they wanted us to maintain our existing infrastructure, protect the investment that our community's already made in our system. Another highlight or message we were really able to receive back, and you can see it on here, was whether we should consider the communities ability to pay for improvements as we address

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water quality concerns and you can see how much of this chart is blue are the strongly agree or the agree from our community that we really need to be sensitive and consider how this could impact our citizens.

## What We Heard

- ▶ Citizens want the most affordable plan
- ▶ Fix existing sewer system

**Wyandotte County citizens believe that maintaining our existing infrastructure is a top priority for the community**



Again, to recap what we heard from our citizens was they want the most affordable plan and protect their investment by fixing the system we already have in place.

## **Integrated Overflow Control Plan (IOCP)**

Unified Government of Wyandotte County and Kansas City, Kansas

Integrated Overflow Control Program

Report or Revision Date--MM/DD/YYYY

**August 25, 2016**

## EXECUTIVE SUMMARY

### Summary

Pursuant to federal mandate, the Unified Government of Wyandotte County and Kansas City, Kansas (UG) has prepared a sewer system Integrated Overflow Control Plan (IOCP). The IOCP is designed to comply with federal requirements in a manner that meets goals supported by UG's stakeholders: protect human health, public safety, and customer property and make continued progress towards improving water quality. As required by a 2013 Partial Federal Consent Decree, in addition to developing and evaluating sewer overflow control options, the UG assessed the condition and operation of their sewer system infrastructure and identified significant repair, rehabilitation, and upgrade needs. Due to financial limitations of the economically-disadvantaged UG ratepaying community, initial investments will target continued repair and renewal of the existing sewer system and the construction of critically important early action projects. Such projects will preserve existing assets and are expected to deliver the greatest possible benefits from these critical early program dollars. The overall IOCP will require several decades to implement and must feature an iterative/adaptive process to ensure that it reflects the most affordable, cost-effective, and beneficial approaches.

Over the course of the next decade, the UG is committed to an aggressive \$200 million plan that reinvests available revenue in the higher priority existing sewer system improvements, makes continued overflow reduction progress, and grows the capability of the utility to implement and revise the overall IOCP. Once the existing system is renewed to a more sustainable condition and the early action projects are completed, the UG will reevaluate the community's financial capability, the benefits that have been achieved, and the identified goals and priorities to achieve additional sewer overflow reduction and water quality improvements. The recommended plan addresses the goals and priorities of local stakeholders including significant progress on system renewal, is an aggressive financial commitment and burden on the community, and reduces combined and separate sewer overflow volumes by 20% and 85%, respectively.

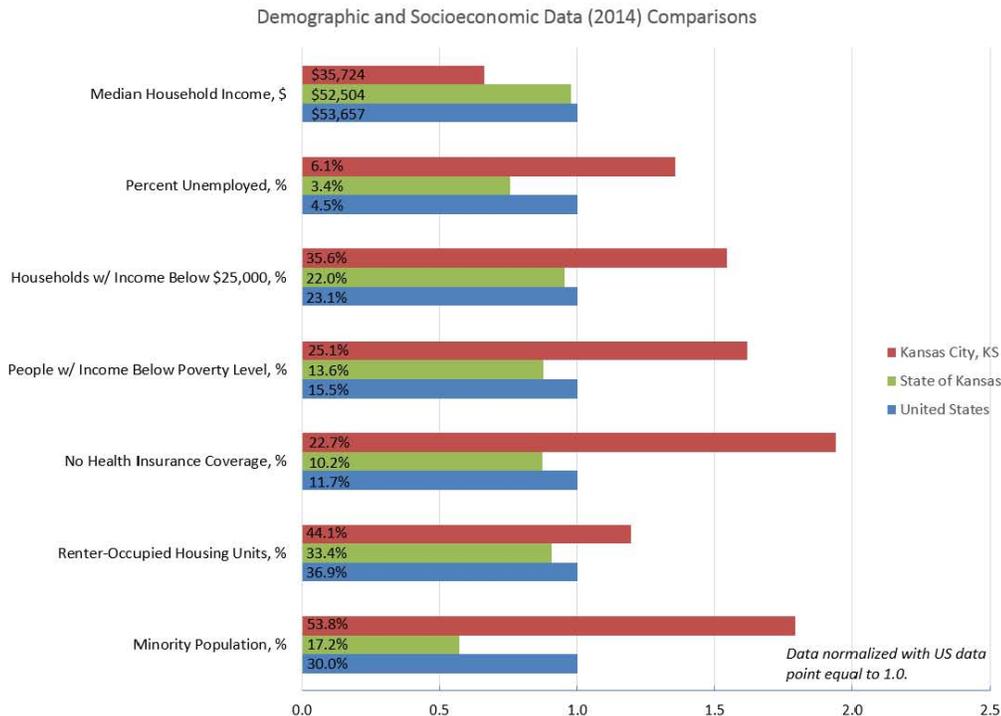
### Introduction

The UG Water Pollution Control Division (WPCD) currently provides sewer service and local stormwater management to approximately 44,000 customers (approximately 150,000 residents) within Wyandotte County, Kansas. This relatively small rate base must support the operation and maintenance of a complex sewer system consisting of approximately 1,200 miles of combined and separate sanitary and storm sewer pipelines, five wastewater treatment plants (WWTPs), 70 wastewater pump stations, nine flood pump stations, as well as support local drainage districts that maintain almost 20 miles of flood control levees.

Approximately 40 percent of the 158 square mile UG service area is served by a combined sewer system (CSS). The remaining 60 percent is served by a separate sewer system (SSS). There is also significant area within the county that is currently not served by sanitary sewers. During some wet weather events, both combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) may result in sewage diluted with stormwater being discharged into the environment and potentially into one of four CSO receiving waters: Missouri River, Kansas River, Jersey Creek, and Mattoon Creek.

Residents in the UG service area are disadvantaged compared to the national population for a number of key socioeconomic metrics, including median household income, unemployment, and the portion of the population living below the poverty level. In the State of Kansas, Wyandotte County residents have the

lowest per capita income, highest rate of unemployment, and lowest overall health ranking compared to the remaining 104 Kansas counties. The financial reality of the service area creates substantial challenges to fund the utility adequately while maintaining tolerable rate burdens.



**Kansas City, Kansas, residents are disadvantaged compared to the state and national populations for a number of key socioeconomic metrics.**

Magnifying these challenges, there has recently been an unprecedented loss of management experience within the utility. Several key long-term senior staff have retired or left the organization since the Partial Consent Decree was issued, including the Public Works Director, WPCD Director, Kaw Point WWTP Plant Manager, County Engineer, and an experienced staff engineer. The utility has also experienced the loss of several experienced senior operators and maintenance staff during this time with several key retirements pending over the course of the next several years. These individuals have significant institutional knowledge related to the wastewater system and replacing them has proven to be difficult with several key positions still open. The staffing reality continues to make Partial Consent Decree compliance difficult and will exacerbate the already significant challenge of implementing the IOCP.

**Early Progress (Pre-Partial Consent Decree)**

Despite significant financial challenges, since 2000, the UG spent tens of millions of dollars on sewer separation projects and WWTP and pump station capacity improvement projects. Considerably more funds

were spent to inspect, upgrade, and renew the sewer system infrastructure. These improvements reduced the number of CSO diversion structures from 66 to 48 and are estimated to have reduced annual CSO overflow volume by almost 20%.

These 15 years of water quality and system reliability improvements required aggressive annual wastewater user rate increases between 3% and 15%, resulting in the average annual sewer and stormwater bill for served households being 1.23% of the community-wide median household income (MHI) in 2014, one common metric used by the EPA to assess a community's capability to implement overflow controls. Households in the second and lowest quintiles are paying 2.08% and 5.95% of their MHI, respectively. These are significant burdens for highly vulnerable populations that are masked by too heavy a focus solely on median household impacts.

### **Partial Consent Decree Early Action Projects and Programs**

After several years of negotiations with the U.S. Environmental Protection Agency (EPA) and the Kansas Department of Health and Environmental (KDHE), the UG entered into a federal Partial Consent Decree (PCD) in March 2013. The major requirement of the PCD is UG's development of an Integrated Overflow Control Plan (IOCP), i.e., a comprehensive plan to upgrade the UG's sewer system to address sewer overflows. In order to inform and prepare the plan, the PCD required the UG to perform several underlying tasks and studies including:

- Perform sewer system infrastructure condition assessments.
- Characterize the existing physical characteristics and capacity of the sewer system through field inspections, monitoring, and modeling.
- Characterize receiving water quality and CSO impacts.
- Perform a financial capability assessment.
- Implement a public participation program.

The PCD also required the UG to construct a number of major capital projects to improve operations at the Kaw Point WWTP (the largest WWTP in the system) located at the confluence of the Kansas and Missouri Rivers, rehabilitate pump stations, and repair numerous sewers with known structural deficiencies. These projects included biosolids dewatering improvements to meet air quality regulations and construction of a disinfection facility to reduce effluent bacteria concentrations into the Missouri River. The identified sewer projects repaired pipes that were known to be at risk of structural failure and contributed to capacity limitations of the sewer system. These projects required substantial investments (totaling over \$35 million in construction, engineering, and other costs) with the result being reduction in bacteria loadings to the Missouri River and enhanced treatment plant reliability.



**The new \$6 million ultraviolet disinfection facility has reduced typical bacteria concentrations in sampled plant effluent to the Missouri River from over 50,000 to less than 264 counts per 100 mL.**

Concurrently, the UG also implemented and enhanced several programs designed to improve system operation and performance. These programs and processes were designed to reduce the amount of fats, oil, and grease (FOG) entering the system; improve response to system overflows to reduce impacts; update utility-wide information management systems; and improve capacity, management, operations, and maintenance (CMOM) activities to improve system performance and reduce overflows.



**The WPCD has increased the annual quantity of maintenance activities performed internally, but also are performing these activities more effectively by using geographic information systems, hydraulic modeling, and mobile field devices.**

The UG has made an increase in sewer utility funding, staffing, and program implementation effort in response to the PCD. To date, the UG has met all PCD required deadlines and in almost every instance done more than was required. These accomplishments are all the more significant given the unprecedented loss of institutional knowledge and associated staff turnover in recent years.

### **Sewer System Infrastructure Condition Assessment**

The PCD acknowledged that the condition of the sewer system infrastructure was a fundamental concern and exacerbated the volume and frequency of system overflows. Reliability of the existing infrastructure not only impacts human health, public safety, and property, but in the SSS it also has a real impact on water quality as evidenced by a recent overflow caused by a pipe failure and worsened by a malfunctioning pump station valve. In addition, a majority of the collection system is over 50 years old largely composed of vitrified clay pipe beyond its intended service life. System reliability concerns have been determined to be so critical that local stakeholders have identified renewal of the existing system as the highest priority of the IOCP.

Accordingly, the UG has put increased focus on the investigation and condition and operation assessment of a large portion of their sewer system infrastructure including WWTPs, pump stations, and combined and separate collection system piping (including those considered high risk due to streambank erosion). As part of an integrated approach to maximize the UG's resources, investigations of the storm sewer system and flood control pump stations are also planned due to their potential impact on human health, public safety, and customer property.

Initial condition assessment efforts have identified substantial infrastructure upgrade, renewal, operation, and maintenance needs necessary to maintain and improve system reliability. Degradation of the existing infrastructure beyond its useful life has occurred over a half century. As a result, sustainable renewal of the system will require directing more funds to the effort than has historically been allocated and applying a logical, long-term approach that moves the utility from a reactive to a more proactive position.

### **Sewer System and Water Quality Characterization**

Completed in 2015, the PCD-required CSS characterization identified a detailed plan of system improvements and corresponding costs to address CSOs at various levels of control. As previously indicated, sewer separation and capacity improvements have been made to reduce CSOs since 2000. Although this work has resulted in CSO outfall and overflow volume reduction in the eastern areas of the City, additional improvements are necessary to achieve more stringent levels of control. Capital improvements in the CSS to achieve 12 and 0 overflows per typical year levels of control were estimated to cost approximately \$200 million and \$980 million, respectively. These improvements include combinations of conveyance and pump station capacity improvements, storage facilities, and high rate treatment. This does not include costs for necessary infrastructure renewal and upgrade, SSO control, or program implementation.

Similarly in 2015, the SSS characterization identified improvements necessary to address SSOs. Capital improvements in the SSS to achieve 2-year and 5-year levels of service were estimated to cost \$80 million and \$93 million, respectively. These improvements, in the western two-thirds of the City, include replacement of the Wolcott Wastewater Treatment Plant (WWTP); gravity sewer, force main, and pump station capacity improvements; and storage facilities. These costs are on top of costs for necessary infrastructure renewal and upgrade, CSO control, or program implementation.

In conjunction with the sewer system characterization effort, receiving water quality was monitored and modeled to establish baseline conditions and evaluate the impacts of overflows on the attainment of water quality standards and uses. This effort concluded that water quality standards and uses cannot consistently be met in some receiving waters due to pollution sources other than CSOs. The demonstration approach (as defined in the *CSO Control Policy*) is met in Jersey Creek and Mattoon Creek under existing conditions, i.e., no additional CSO control is necessary. The recreation season geometric mean of 262 CFUs per 100mL is also met in the Kansas and Missouri Rivers under existing conditions when upstream source contributions are controlled to levels meeting the applicable standards.



**Even elimination of all CSOs (at a cost of almost \$1 billion) would not result in attainment of water quality standards in the Missouri and Kansas Rivers.**

### Financial Capability Assessment

Utilizing EPA's 1997 guidance, an initial assessment was performed to evaluate the financial resources the UG has available to implement additional CSO and SSO controls. To achieve the levels of control identified in the characterization effort within a 25-year timeframe, a "high" financial impact to the already heavily burdened population would result. To meet even a 12 overflow events per typical year level of CSO control and two-year design storm level of SSO service, the cost per household as a percentage of the community-wide MHI would be 2.9%. The assessment found that the burden and level of debt required to meet this level of control would be unacceptable and unsustainable.

Wastewater and stormwater user rates are not the only burdens on this economically disadvantaged community. Consider the following:

- Between 2010 and 2013, base rates for electric and water services have each increased 7 to 8% annually.



**Recent electric rate increases were primarily required to fund \$250 million in improvements at the 235 MW Nearman Power Plant in order to comply with EPA air emission standards, further burdening the community ratepayers.**

- Many residents in the CSS area also pay a mill levy to fund drainage districts that provide flood control protection.
- The current property tax burden in Wyandotte County is 1.858% of assessed home value compared to 1.410% and 1.211% in the state and nation, respectively.
- Due to the extremely high number of vacant properties in the urban CSS area, there are fewer ratepayers per unit of sewer infrastructure to help fund maintenance and renewal.



**"Allow me to address the blight. To understand the breadth of the problem, consider that 50 years ago, Wyandotte County had a population of 185,000. Over the next three decades, we lost nearly 30,000 people, largely due to "white flight." Fortunately, many new residents, mostly immigrants, have moved to our community, which has helped stabilize our population. Nevertheless, that initial exodus left behind roughly 10,000 empty homes and 6,000 vacant lots." KCK Mayor Mark Holland, June 22, 2016**

In addition to heavily burdening the ratepayers, the utility would experience an unacceptable and unsustainable debt level and risk losing significant revenue bases if higher levels of control/service were implemented over a 25-year period. The UG is already one of the highest debt burden per capita communities in Kansas. It is well known that addressing CSOs is a national concern that can severely financially affect communities and recent CSO consent decree extensions related to financial capability reinforce this fact. For example, locally Johnson County, Kansas, and Liberty, Missouri, (two significant Kansas City, Missouri [KCMO] wholesale customers) have decided to move forward with new/expanded WWTPs partially in response to the higher rates being charged by KCMO to comply with overflow control requirements. This resultant reduction in customer base will further burden the KCMO community, another disadvantaged community that is experiencing financial difficulties associated with addressing CSOs.

The UG's proposed plan to address overflows is profoundly constrained by the community's capability to pay for the necessary improvements. Increasing the typical residential sewer rates to approximately 1.9% of the projected community-wide MHI is considered the upper level of burden achievable over the next 10 years due to the economic disadvantages already incurred by the community and the impact on the population already living below the poverty level. The underlying rate increases will generate approximately \$12 million annually for debt and cash funding for capital improvements.

### **Separate Sewer System Master Plan**

The UG has worked diligently to strengthen the local economy, improve the quality of life, and increase the tax base of the community. These efforts have resulted in population shift/growth in the western areas of

the service area. Recent 20-year projections by the planning department indicate the sewer population in this western area may double. Based on these projections, a master plan for the western third of the service area was prepared to identify improvements to meet increasing service demands of the anticipated growth, but also to further efforts to address sewer overflows.

The master plan determined that the existing Wolcott WWTP in the SSS is near its design capacity based on current flows. Expansion of the Wolcott WWTP is needed by 2020 to accommodate projected growth/population shifts. Most importantly, these facilities are needed to expand the rate base to pay for needed investment in the existing system. At the same time, due to capacity restrictions a majority of the system SSOs occur upstream of Plant 20, also located in the SSS. Plant 20, however, serves a major portion of the Wolcott WWTP's natural watershed. Fortunately, it was determined that decommissioning Pump Station 50 and redirecting flow by gravity to a new Wolcott WWTP reduces flow in the Plant 20 tributary area, which in turn will substantially reduce SSOs. At an estimated cost of \$33 million, these projects will:

- Substantially reduce SSO volume.
- Reduce capital needs for Plant 20 expansion.
- Meet NPDES Permit effluent requirements.
- Reduce the nutrient load to the Kansas River.
- Address future service needs (and increase the rate payer base to fund additional improvements).



**The existing Wolcott WWTP (an interim package plant installed in 2009) has nearly reached its design treatment capacity, and has experienced recurring wet weather effluent discharge violations. It will be unable to meet future effluent ammonia limitations.**

### **Additional Challenges and Unknowns**

As discussed, the UG faces a number of challenges to meet CWA requirements and improve water quality. The UG is committed and has begun to aggressively make progress on improving infrastructure reliability

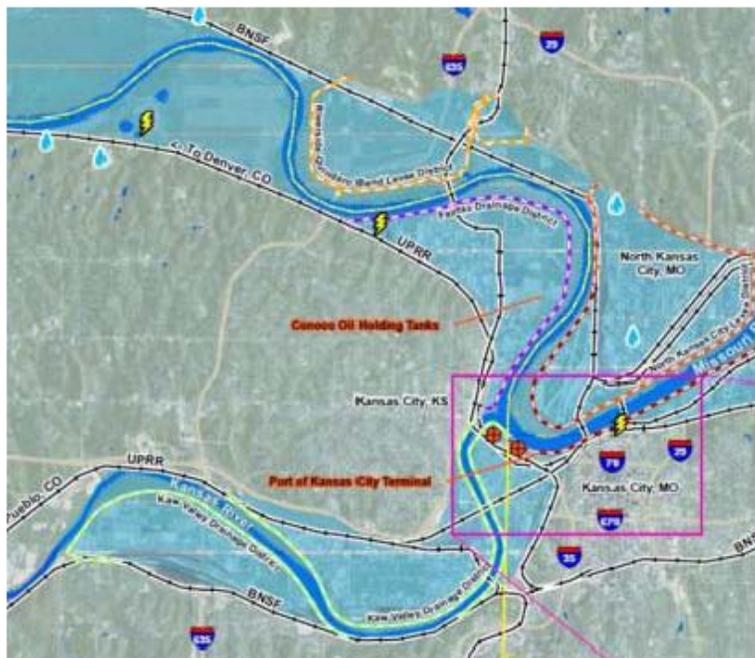
and reducing overflows. However, there are numerous uncertainties that cloud the anticipated effectiveness, schedule, and costs of planned improvements. These uncertainties require a recommended plan that is flexible and adaptive. Committing to a 20-year or longer plan is unwise and impractical for the UG and its ratepayers. Key uncertainties which support this conclusion include:

- The timing and magnitude of future regulatory compliance requirements, such as nutrient removal at the WWTPs and MS4 Permit requirements to address TMDLs, are unclear.



**Compliance with nutrient removal regulations is anticipated to cost over \$90 million at the Kaw Point WWTP. Nutrient removal facilities would also be required at Plant 20.**

- Effectiveness of overflow reduction related to improvements that are difficult to quantify, such as an enhanced FOG program, CMOM activities, SCADA system improvements, green infrastructure, and I/I reduction, are uncertain at this time and may affect capital spending.
- Local and regional engineer and construction contractor capacity and availability due to similar sewer system improvement efforts throughout the region are anticipated to result in unquantified (at this time) but likely construction cost escalation.
- Accuracy of current financial assumptions, such as changes in household MHI over time, impacts and degree of rate tolerance, and population growth trends (which have been negative), will affect residential affordability and UG's ability to generate additional revenue.
- Accuracy of current technical assumptions, such as capital cost estimates, infrastructure renewal costs determined by extrapolation, and wastewater treatment plant wet weather capacity, will affect the magnitude of capital projects.
- Although project costs have been determined based on actual inspections and hydraulic modeling, the amount of infrastructure that has not been inspected and modeled remains significant.
- Federal flood control levee improvement needs that are defined in a recent USACE study may exceed \$100 million (local share), but the timing and level of commitment are unknown. The magnitude of this obligation will affect residential and utility affordability considerably.



**Kansas City's location at the confluence of two great rivers requires significant funding to maintain the flood control system.**

- Local drainage issues that are priority concerns for stakeholders in relation to sewer overflow control due to their impact on public safety and private property.

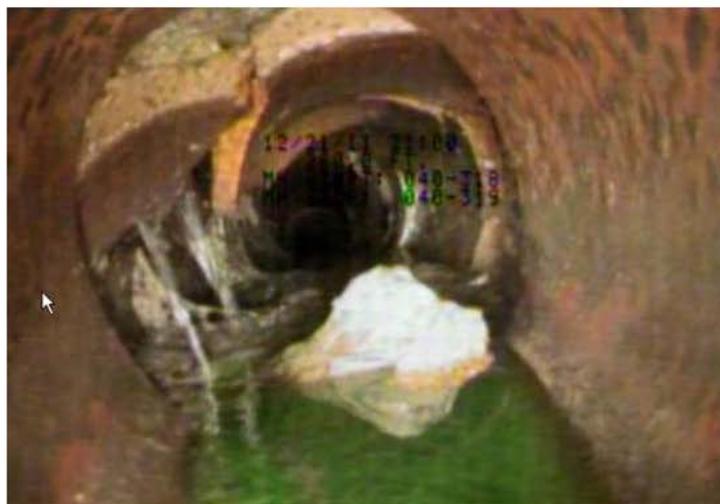
Consequently, the recommended plan must be flexible and adaptive to ensure that the plan benefits are being achieved, priorities can be reevaluated, and community affordability is not exceeded.

### Recommended Plan

The Recommended Plan meets the *CSO Control Policy* demonstration approach for the CSO receiving waters. Reducing the occurrence of SSOs and controlling CSOs to a level meeting the *CSO Control Policy* presumption approach, both within a typical 20 to 25 year timeframe is not financially feasible for the UG. The existing wastewater and stormwater infrastructure renewal needs are significant and must be addressed, followed by priority overflow control investments.

As a result of its financial challenges, the UG is proposing a 10-year, \$200 million IOCP that focuses resources on infrastructure renewal and priority capital improvement projects. Through these system reliability improvements, additional overflow reduction will be achieved while maintaining sustainable, yet aggressive, annual rate increases. Considerable improvements in the economically disadvantaged CSS area have been made since 2000 despite numerous challenges. The Recommended Plan will build on this progress. The major components of the Recommended Plan are as follows:

Infrastructure Upgrades and Renewal. Addressing the identified renewal needs of the existing wastewater and stormwater infrastructure will increase system reliability and performance. In addition, these improvements will have the benefit of reducing the potential for overflows related to equipment and pipe failure. To maximize limited financial resources, renewal priority will be given to assets that have failed and have higher probability and consequences of failure, including safety improvements to protect utility workers, the public, and property. Secondary priority will be given to projects that restore and upgrade WWTP and pump station capacity and renew pipes and manholes in areas with chronic, recurring SSOs. Examples of these projects include pipe and manhole repairs, rehabilitation of WWTPs and pump stations, providing secondary power at key pump stations, repairing and protecting exposed pipes along streambanks, and addressing stormwater infrastructure repair needs in areas of chronic flooding.



**The UG experiences overflows due to various types of infrastructure failures, including collapsed pipe.**

New Wolcott WWTP. Replacing the existing 0.268 mgd Wolcott WWTP with a new 2 mgd facility and rerouting flow by gravity with a new interceptor from Pump Station 50 to the new WWTP will provide numerous benefits. These projects will immediately and significantly reduce the volume of SSOs by almost 90% at Pump Station 6 (for the 2-year design storm) and improve effluent water quality at Plant 20 by reducing nutrient loads to the Kansas River. These improvements will also delay and decrease the magnitude of capacity improvements at these facilities and eliminate Pump Station 50 operation and maintenance costs. The new facility will be designed to meet more stringent ammonia effluent limits based upon EPA's latest national recommendation and implement nutrient controls to comply with the Kansas Nutrient Reduction Plan. The new facility also supports continued population shift to, and much needed, economic development, in the western service area resulting in a larger future customer base.

Operational Improvements and Asset Management. New utility leadership and better awareness of sewer system deficiencies has initiated a culture change within the utility to improve utility operations. Operational improvements to maximize flow through the WWTPs and continued refinement and enhancement of the NMC and CMOM Programs will reduce the potential for overflows. Continued development of an asset

management program will allow the continued evaluation of assets and lead to prioritized renewal of assets based upon probability and consequence of failure rather than reactive repair leading to a more effective and sustainable utility. Increased system investigations and evaluations to determine condition of existing assets to optimize the existing system performance, reduce system failures, and plan future improvements will also be performed.

Kaw Point WWTP Reliability Improvements. Improvements to the UG's largest WWTP include several operational changes and equipment upgrades and repairs to improve facility reliability and increase wet weather treatment capacity. Several unit processes and equipment, which have experienced service outages, are scheduled for repair including primary clarifiers.

SCADA System Improvements. SCADA system improvements are sorely needed to monitor and optimize the outdated existing system. Monitoring of pump stations and overflow locations allows the WPCD to respond to and reduce the amount of time overflows occur, gather additional information needed to refine technical assumptions and make smarter decisions on future improvements, and measure the overflow reduction achieved by future overflow control efforts. In the CSS, this upgraded technology will allow the UG to better maximize flow to the Kaw Point WWTP. Although difficult to quantify in the short term, the resultant improvement in operations attainable through SCADA system improvements is anticipated to facilitate efforts to reduce overflows over the long run.

Armourdale Basin Targeted Sewer Separation. Targeted sewer separation projects will not only relieve frequent street flooding and renew sewer infrastructure in the area, but also reduce overflow volume and frequency at CSOs 41, 42, 43, 44, 47, 48, and 66. Scheduled sewer separation is anticipated to reduce overflow volume to the Kansas River by 38% in the typical year.

CSO 19 Green Infrastructure. This CSS project will reduce CSO volume and frequency at CSO 19, provide some flood control benefit, and improve the water quality of Big Eleven Lake. An important civic resource, Big Eleven Lake is currently impaired due to increased nutrient loads. The proposed project will reduce nutrients and provide more baseflow to the lake which will improve water quality. This project is proposed to be integrated into a planned urban redevelopment program that will be highly visible in the downtown district and is anticipated to stimulate urban renewal. Consisting of bioretention, bioswales, wetland forebays, and wetlands, implementing green infrastructure in this basin will provide a great opportunity to showcase different types of green infrastructure and evaluate its performance. It will also be used to determine the cost of construction, operation, and maintenance for future green infrastructure efforts anticipated to be evaluated during future overflow control evaluations. Achieving this level of control utilizing green in lieu of gray infrastructure will save the community approximately \$7.8 million due to the reduction in size of downstream CSO control facilities. If the planned urban redevelopment plan changes, other green infrastructure projects that can provide equally significant overflow control have been identified and may be substituted for this project identified at CSO 19. We also see this project as an excellent opportunity to educate and engage the public regarding sewer overflow control issues and opportunities.

Plant 20 Capacity Upgrades and Reliability Improvements. Improvements to Plant 20 include increasing the peak flow treatment capacity from 14 mgd to 21 mgd, thereby reducing the volume and frequency of discharges through the Pump Station 6 constructed overflow. Several renewal improvements, including influent screening replacement and new disinfection equipment and controls, are scheduled to increase safety, reliability, and extend the life of the aging facilities.

The Recommended Plan:

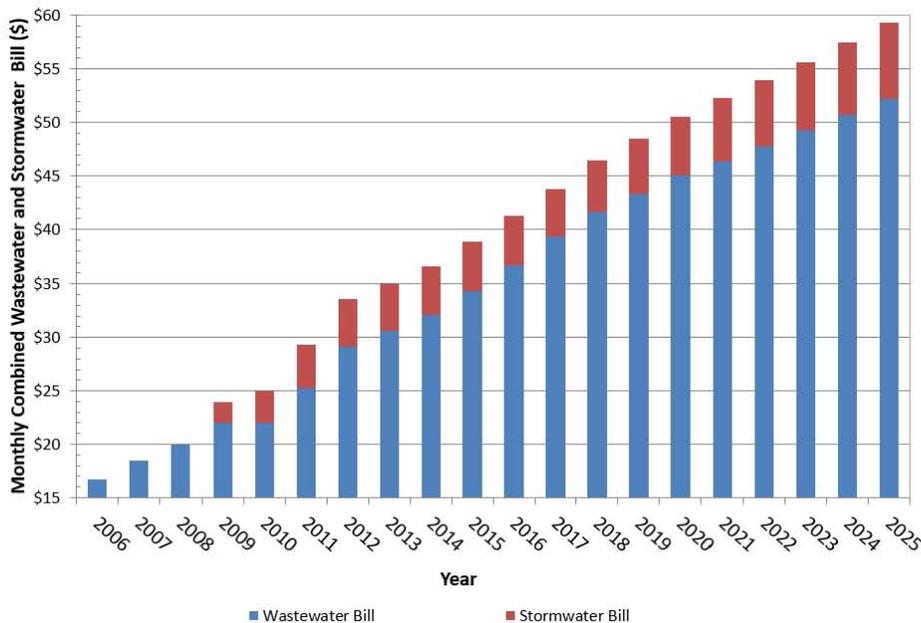
- Addresses the community's highest priorities of renewing the existing infrastructure and making progress towards meeting the CWA goals.
- Balances near term public investments and benefits with the UG's financial capability.
- Represents the best level of overflow control achievable with the available public investment.
- Incorporates input received from local stakeholder groups in 2015 and 2016, including a community task force consisting of local leaders selected by the Mayor and several UG Commissioners.
- Provides for the submission of a final measures plan for agency approval by July 1, 2024.

### **Financing and Implementation Schedule**

The UG spent over \$35 million on previous CSO control efforts. This next phase is proposed to be an adaptive 10-year plan (2016 – 2025) that implements the most critical improvements to improve system reliability and performance while also providing overflow control reductions.

This latest aggressive commitment will total approximately \$200 million in integrated wastewater and stormwater capital improvements. It will require the UG to raise sewer user rates and stormwater fees annually up to approximately 1.9% of projected community-wide MHI in year 10. Debt financing will be a key part of the revenue to fund this commitment for projects such as the new, larger capacity Wolcott WWTP. State and/or federal financial assistance will be pursued for the Recommended Plan and the final control measures that will follow.

**Historical and Projected Monthly Wastewater and Stormwater Bills**



**Proposed rate increases to implement the proposed plan will result in user rates being increased 250% since 2000 when direct overflow control efforts were initiated.**

Due to financial and management challenges and uncertainties, the plan must remain flexible and allow the UG time to focus on their existing infrastructure and regather the institutional knowledge and capacity that has recently been lost. After the existing assets are in a more sustainable condition, future efforts which include an update to this IOCP in year 9 (July 1, 2024) of the Recommended Plan, are anticipated to create an approach to address the remaining overflows and achieve compliance with CWA requirements. The Recommended Plan reflects the input of our stakeholders as well as the financial realities and needs of the UG.

From the Community Task Force we were able to draft a letter and I included a copy of that in your packet tonight. You should have that in front of you.

## Community Task Force Recommendations

- ▶ Phased approach to make smarter decisions
- ▶ Affordability is important
- ▶ Address community priorities
- ▶ Provide employment opportunities for citizens



So in general, the task force was able to support our plan, that we would focus on restoring and enhancing our existing system, continue to monitor and validate our system and how it works so that any future investments or commitments we make are the smartest investments that we could make in our system while we continue to work towards meeting water quality. Specifically, they supported our phased approach which is what we're talking about tonight that we're making a ten-year commitment, a significant ten-year commitment and that we consider the affordability component basically and notably that our residents have a lower per capita income than other areas of the regions that are wastewater and stormwater rates are already among the highest in the region. We have to make sure that we keep in mind that we want our rates to be affordable so we can continue to attract development and growth in our community.

**August 25, 2016**

## Recommended Plan

- Focus on fixing and updating existing pipes and facilities
- Reduce overflows to improve water quality and protect public health
- Make progress towards Clean Water Act compliance
- Acknowledge affordability concerns and long-term uncertainties
- Increase O&M efforts and staffing

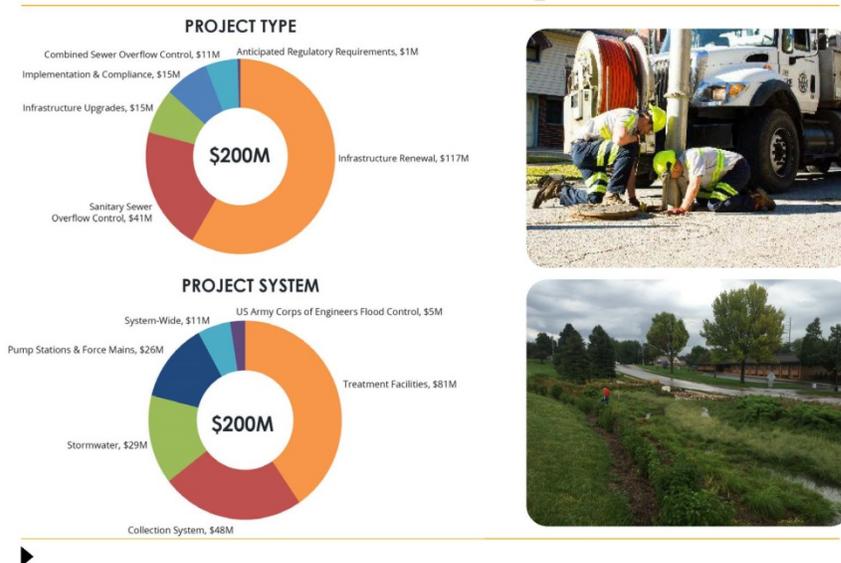


They also supported all the community parties, all the specific aspects of the plan that we came up with that I'll go over here in a minute. An additional message that came out of them that I'll share with you is just that they were really interested to make sure that we do what we can to work with the community to help position our residents and our community to be ready for any jobs that might come out of this either directly with us or on the contracting front as we spend more dollars.

The recommended plan is a ten-year plan. It's a significant investment, over \$200M. It's focused on fixing and updating our existing pipes and system. It will make significant strides towards reducing overflows. Specifically in our separate sewer system, we'll reduce our overflow volume out there by 90% so that's pretty substantial. We will continue to make progress towards meeting the requirements of the Clean Water Act and EPA requirements. In fact, the ten-year plan we're proposing, if we were to make a longer commitment to EPA at this point in time or proposed to make a longer commitment, we would be doing the exact same activities over this ten-year period. Also, I should point out that we've already actually started on our plan. Our year one for our plan was January 1, 2016 so we're already 75% of the way through our first year of our plan. At the end of ten years we will still have work to do towards meeting the long-term requirements for the Clean Water Act and EPA so we will come back and

work on a similar plan in about year nine, submit it to EPA and be prepared to sit down with them and review what our next level of commitment would be and exactly what that would be. We are increasing our O&M (operations and maintenance) efforts in maintenance and staffing. The budget that was just approved does add several positions for next year to allow us to do that. I do want to point out again that this is a nonconforming plan. It's a nonconforming because we do not achieve the presumptive volume reduction the EPA would require us in the combined area. We also are not fully meeting the level of service they would require in the separate sewer system, however again, we're making progress towards that.

## Recommended Plan Components



Here are some components of the plan we are presenting. The writing on here is pretty small to see, but I'll give you a quick rundown. On the top one, those are the type of projects. The orange on there represents the reinvestment we'd be making in our existing infrastructure. The red component on the top chart represents the investment we'd be making to address overflows, specifically that's a new plan out west, to address overflows and also to provide capacity for future growth out there. The bottom chart just shows the different breakdowns of different type of assets, different type parts of our system where we'd be doing work.

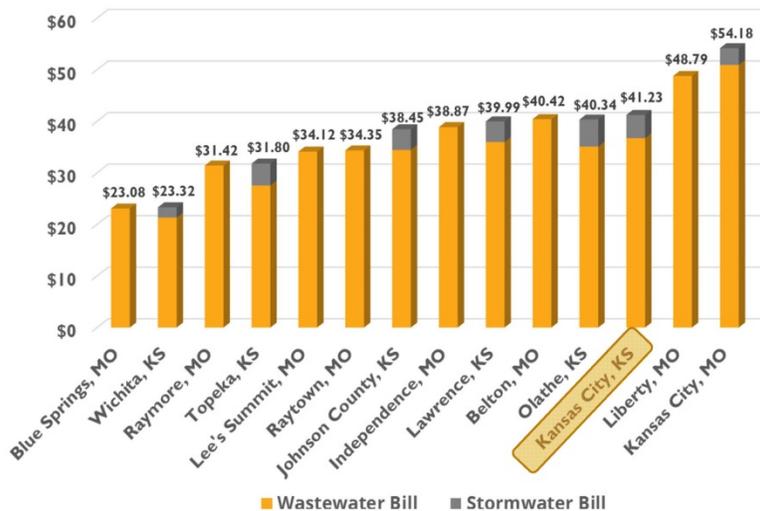
## Recommended Plan Schedule

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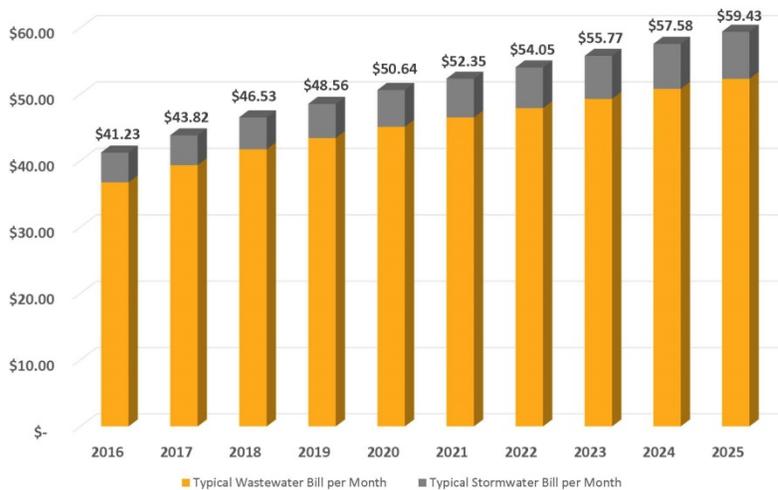
Here's basically a plan schedule. We go back to year 2000, between 2000-2015 we call that Phase I because we had a Long-Term Control Plan in 2000 that we started work on. Most of that work was focused in the combined area. We had significant volume reductions and CSO (Combined Sewer Overflow) eliminations in that area during that time phase. Also, I just want to point out we were doing significant rate increases during this time. Between the beginning of that period and now our rates have effectively doubled for our community. 2016, where we are at now it's the middle gray bar, that's where we're here tonight talking to you, seeking permission to submit a plan that would take us to the third gray bar, 2025, and at that point again we'd have to come back and submit another updated plan to EPA.

## Regional Bill Comparison



Here's just a quick summary. You can see off to the far right, that's where Kansas City, KS, is. Like I said we're near the top. As it sits, we've been fairly aggressive with our rate increases over the years to help fund the necessary improvements to our system and it's even more telling to think that we're near the top of the region when you consider the attributes and the characteristics of our community where they stack up on unemployment percentages and median household incomes.

## Projected Typical Monthly Bill



**Your monthly bill will increase by about \$2 each year for the next 10 years**

This is where we're projecting our rates to go basically to pay for the program over the ten years. It's roughly a 4% increase per year that we'll be coming to you for to seek your approval each year. That 4% basically results in a monthly increase every year of about \$2 per month, roughly \$24 per year. Over the ten-year period it would go from just over \$40 to just under \$60. It's implied there with your monthly bill will increase. It gets confusing how you say it. We're not trying to pull one over on you.

## Next Steps

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- ▶ Approval of the Recommended Plan by UG Commissioners
- ▶ We will work with the EPA and Department of Justice to reach an agreement
- ▶ We believe our Recommended Plan is the most effective and affordable plan for our community



**PLAN IS DUE**  
**SEPTEMBER 30, 2016**



Where we're at right now, the plan is due September 30<sup>th</sup> so we're here tonight reiterating to you that we believe we've come up with the best plan, the most affordable plan, the plan that makes the best sense for our community. We're going out as far as we feel we can see into the future based on the assumptions that go into the plan. We're seeking your approval tonight to allow us to make this submittal ahead of the September 30<sup>th</sup> due date.

I will open it to questions. I do want to point out that the draft plan does exist out on the internet. Anyone that goes to the Public Works/Water Pollution Control website, there's a link in there to take you to another website which is called [www.ugiocp.com](http://www.ugiocp.com). All of the components of the draft plan are available for review for anybody. A lot of the brochures and the educational materials we've developed throughout the process are available out there for review and with that I'd be open for any questions you all may have.

**Commissioner Bynum** said back two slides to that graph because I want to be clear. I think it's showing me that over the next ten years total the bill will go up \$20—apparently there \$18 a year or a month. **Mr. Foglesong** said those are monthly rates and that's a combined. I should point out, that's a combined wastewater rate and stormwater rate for a typical residential customer. So the portion of the bar that's yellow represents the sewer component and the gray part represents the stormwater component and they're projected they would all be increasing roughly 4% per

year. Overall, it is if you do \$2 per month each year over ten years, that would equate to roughly a \$20 increase and this comes out to about \$18. **Commissioner Bynum** said thank you. I just want to make sure I understood that. With that I want to say thank you to you and Mr. Tobin and your whole team because I've been at a lot of meetings where you were with your team bringing this to the public and getting that public comment and I know as you stated you've worked long and hard to put this together for us.

**Action:** **RESOLUTION NO. R-65-16**, "A resolution that the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas thanks the UG staff for preparing the IOCP and the citizen committees and many individual citizens who provided extensive input to the staff in the IOCP development process. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas endorses and supports the plan outlined in the Integrated Overflow Control Plan described in the attached Executive Summary. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to submit the Integrated Overflow Control Plan, in a form materially consistent with the Plan dated August 18, 2016, in the name of the Unified Government of Wyandotte County/ Kansas City, Kansas, and to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution." **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to adopt the resolution and authorize submission to the EPA.**

**Mayor Holland** said I would like to just make a quick statement. Excellent work, the community engagement team has been terrific. The community folks have been very involved in this and giving feedback. The Yeomen's work from our Legal team and our Public Works team; everyone's really pulled together to make this happen so thank you for that.

I want to give a couple of clarifying statements just for the public because this is an enormously confusing topic for the public. I'll just say this, the combined sewer overflow, in the olden days when there was a storm sewer going to the river, people would build a house next to it and run their sewer from the house into the stormwater and it would go down the river. We

fixed that a long time ago to where we drive all of that into our treatment plants. However, in a major rain event it overwhelms that sewer system and still discharges some raw sewage into our rivers. The EPA does not want us to discharge raw sewage into our rivers nor do we want to do it. The challenge is in the combined sewer, that's what that means the combined sanitary and stormwater sewers, we have to separate those or provide to prevent the stormwater overflows during major rain events. It's about percentages. Every major city in America has this problem. We are not unique. Kansas City, MO, because they are three times the size we are a city, they have three times the problem we do. This is a common issue for urban areas for the combined sewer.

The other piece just to clarify, the Clean Water Act, this isn't about our drinking water. This plan has nothing to do with the drinking water in Kansas City, KS. That's a completely separate system from the Board of Public Utilities and it drains the water from deep underground and then purifies it again. The water that comes from our drinking water has nothing to do with the Clean Water Act or the combined consent decree that we're doing today. That's just a couple of comments for the public to understand what we're talking about but it's enormously complicated. That's the short version for the rest of the folks.

**Roll call** was taken on the motion and there were seven "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Townsend, Holland.

**Mayor Holland** said I would like to add my vote to that as well. I don't normally vote unless it makes action, but I would like the record to reflect my support for this plan and I would like the record to report unanimous support from this Commission and the Mayor to move forward to the EPA.

#### **COMMISSIONERS' AGENDA**

No items

#### **LAND BANK BOARD OF TRUSTEES' AGENDA**

No items

#### **PUBLIC ANNOUNCEMENTS**

No items

**MAYOR HOLLAND  
ADJOURNED THE MEETING AT 8:33 P.M.  
August 25, 2016**

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Carol Godsil  
Deputy UG Clerk

**tpl**

**August 25, 2016**