

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

PLANNING & ZONING and  
REGULAR SESSION  
THURSDAY, JANUARY 7, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 7, 2016, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Lew Levin, Chief Financial Officer; George Brajkovic, Economic Development Director; Lindsay Behgam, Director of Community Outreach; Rob Richardson, Director of Planning; Byron Toy, Planner; Jamie Ferris, Planner; and Major Solomon Young, Sergeant-at-Arms.

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

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

**INVOCATION** was given by Reverend Artrell Harris, Roswell Church of God.

**Mayor Holland** asked if there were any revisions to the agenda. **Carol Godsil, Deputy UG Clerk**, stated yes. The first order of business for tonight's meeting will be the two presentations under the Mayor's Agenda then followed by the agenda as printed.

**MAYOR'S AGENDA**

**ITEM NO. 1 – 15329... PROCLAMATION: FRIENDS OF THE KAW EPA GRANT AWARD**

**Synopsis:** Proclamation congratulating Friends of the Kaw for receiving a grant from the Environmental Protection Agency (EPA).

Carol Godsil, Deputy UG Clerk, read the following proclamation:



## Unified Government of Wyandotte County/Kansas City, Kansas

# PROCLAMATION

- WHEREAS,** the Environmental Protection Agency (EPA) Region 7 has selected four grant projects, totaling \$119,751, that are designed to educate, empower and enable communities to better understand and address local health and environmental issues; and
- WHEREAS,** Friends of the Kaw in Kansas City, Kansas were awarded \$29,935 to work with high school students, training on water quality and water quality monitoring; and
- WHEREAS,** the project will also involve community members participating in monitoring courses taught by the students ultimately resulting in an intergenerational approach towards learning and teaching about water quality in Kansas City, Kansas.

**NOW, THEREFORE,** I, Mark R. Holland, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby congratulate the Friends of the Kaw on this grant award and look forward to their results upon the completion of their project.

In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

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**MARK R. HOLLAND, MAYOR/CEO**

**Action:** No action needed.

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**Mark Hague, Administrator, EPA Region 7**, said thanks, Mayor Holland, and Commissioners for having us here this evening and that wonderful proclamation to acknowledge the Friends of the Kaw. I want to thank the community leaders that are here with us and the local citizens attending this evening in support of this event.

This evening, we want to congratulate the Friends of the Kaw and their launch of their Environmental Justice Small Grant Project. EPA's Environmental Justice Small Grant Programs enables communities to develop solutions to local health and environmental issues particularly in low-income and minority communities that are overburdened and often harmed by pollution.

These grants help build community capacity, build awareness and equip communities with the tools to address environmental challenges from climate change, impacts to brownfields and redevelopment, and water pollution as well as mobile sources in air pollution. EPA Administrator Gina McCarthy has challenged all the people who work for EPA every day and all the good people here in Region 7 to protect human health and the environment and to work very diligently with partners to make a visible difference across and in America's communities.

We work hand in hand with local partners like those of you here at the city/county government and other federal agencies, states, tribes and local groups to improve the health of American families and protect the environment one community at a time across the country. We recognize that protecting the environment takes partnerships and those partnerships are key to the work that we do at EPA.

We're really pleased to have the community partners, Friends of the Kaw, Laura Calwell and her team building a sustainable earth community with Richard Mabion, a good friend and someone we've worked with many times before; educational institutions like high schools here, J.C. Harmon, Wyandotte High School, and then neighborhoods like Oak Grove in Argentine, which we've worked with for a number of years on other projects. We know that working through them and with them as partners we can protect the environment in a manner that ensures fair treatment and meaningful involvement by all people including those right here in Kansas City, Kansas. We appreciate everyone's hard work they are doing every day and on this project to make a visible difference in this community. Their grant and the work we do at EPA and we do in partnership with others take on a lot of important issues, and they're tough issues to tackle from protecting water quality to dealing with toxic chemicals and providing for safe handling of chemicals in our communities. A top priority of EPA and of President Obama is taking on

climate change and ensuring that impacts in low-income and minority communities. It's an issue of environmental justice. Make no mistake about it; climate change is one of the most significant public health threats of all time.

Clean water is also very important and very important to this community that's right on the banks of the Kaw. We should not take it for granted. Ensuring clean water requires good stewardship and great partnerships by all of us to work together. I am very excited and very pleased to be here this evening to recognize the Friends of the Kaw and this project because it enlists not only the partners I've talked about but works with students, the young, the future of our country and our communities to help educate them to take a better, more active role in helping build strong communities and a healthy environment for all of us. Thank you very much for your recognition of the Friends of the Kaw and the chance to come here this evening.

**Laura Calwell, Educational Director, Friends of the Kaw**, said I'd like to thank you for having us here tonight. I thank EPA for putting this together and for our ability to be in front of the council meeting.

I would like to introduce our staff because we're hard working, we're a great team and they do a lot for this grant. The first one is Dawn Buehler, she is the Kansas Riverkeeper. The Kansas Riverkeeper is a non-governmental advocate who holds the community and the agencies accountable for the health of the Kansas River. It's a big job. I did it for 12 years and Dawn is doing a great job and we need to support her so our beloved Kansas River will stay clean and healthy and be a great recreational source.

I'd like to introduce Kate Delahunt. She has been working in the Kansas City area for a long time, particularly in education. She taught in the Kansas City, MO Public Schools. She's our educational specialist. She's kind of our lead teacher when we work with the middle school and high school students.

I'd like to introduce Richard Mabion. We've worked with him on several grants and it's great to have that connection to the community. It really helps us facilitate the grant so thank you.

I would also like to recognize just briefly the partners that we pulled together for this grant: the Kansas City Kansas Public School system, the Unified Government Stormwater

Department, BPU, we have some representation from that, some assistance, Donnelly College, Healthy River Partnerships, the K-State Urban Water Institute and Friends of Kaw Point Park.

I would also like to especially recognize the teachers, the high school teachers that we're working with. Dr. Michael Hotz is not here tonight. He was one of our partners that helped us put this grant together and we have worked with two of his science classes at Wyandotte High School.

I'd also like to introduce Mr. David Bennett. He's a science teacher at Harmon High School and we've been working with him. We worked with two science classes. We've done Kids About Water Program with these four high school classes. We just recently sent out applications and we interviewed 12 high school students for our student intern position. We will be talking to the 10/11 finalist tomorrow and have our first meeting. The first thing they're going to do is be trained for the water quality test that we do in Kids About Water. They will be training the adult community volunteers that will help us with the classes at Argentine Middle School. We're really excited about that. Then they will plan a water festival, water quality event at Kaw Point Park and that will be sometime in May.

We're excited about the grant Friends of the Kaw has had. This is our fifth grant from EPA. We've had three environmental justice grants and two education grants. We are just thrilled to have Pamela Houston. She's attended everything we've done. She's been a great help. It's been really nice. Thank you so much.

**Richard Mabion, President of Kansas City, KS NAACP**, said I'm really glad to be here. I've probably had a separate meeting with almost all of you. The ones of you who I haven't, I would really appreciate if you'd find time to sit down and talk to me so I can bring you up-to-date on what my vision is in this city. My vision is pretty much outside of the norm of what you all are doing but at least you'll be aware of the fact of what we're doing.

These people sitting here are here because of that vision of being able to educate our kids. My belief is that if we don't as a community, regardless of what everybody else is doing, if we don't as a community come together and teach our future generation to love science, they will be unemployable when they grow up. Of all the kids that applied for these jobs that they're hiring for, none of our black kids in the inner city applied. Now that raises red flags for me. We're

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already going to take that into consideration and start figuring out a way to work that into a program that we can do and needs to be done in this city.

I am very pleased. I'll give you this explanation; she told you what they were doing. This is how I like to explain it. We're teaching high school students how to go to Wyandotte County Lake and a creek over in Merriam, KS, and learn how to scientifically test water. Seeing them with their test tubes and their thermometers, if you could see it, it's a sight to behold. I had them out there on a day that was chilly and they had hoodies on; Hispanic and black young men that are running around being criticized for the type of life that they live, standing out there scientifically testing water. Now that program came from these people sitting there and me.

Actually, I should have my back turned to them and I should be talking to the community because I represent the community. Everything I do is about you because those are the kids that live in our community and those are the kids that we need to save. I appreciate you for having us here. I appreciate you for giving us this proclamation. I appreciate all the people that are here working with us. All I'm saying is just keep your head to the sky because this is just a beginning.

**Mayor Holland** said well, that concludes the program. I do want to conclude by thanking Ms. Houston, friend and neighbor, for coordinating this. Let's give the whole group a hand for their help in this.

## **ITEM NO. 2 – 15328... RECOGNITION: KANSAS CITY KANSAS CONVENTION AND VISITOR'S BUREAU**

**Synopsis:** Kansas City Kansas Convention and Visitor's Bureau received the Travel Industry Association of Kansas (TIAK) 1st Place award in the category of Print Marketing for newly redesigned Group Tour Planner.

**Bridgette Jobe, Executive Director, Kansas City Kansas Convention and Visitor's Bureau,** said we won first place for the Group Tour Planner. This is a marketing and planning tool that we use when we meet with group tour operators who are looking at bringing motor coach groups, student groups or senior travel to Kansas City, KS.

This is kind of the first piece when we start meeting with them to tell them a little bit about Kansas City, KS, give them some suggested itineraries and just help them start the conversation with us. We use this at trade shows. In fact, I have a staff person leaving on the plane in the morning going to ABA, Kerry Green. Commissioner Philbrook's smiling because she knows Kerry's going. She'll be meeting with I believe 32 different motorcoach operators and this is one of the tools she'll be using when she meets with them.

This is on our website. It was designed to be an online tool but then we can also print it out as I've done for you tonight when needed. The reason we do it online is that is the way the majority of people are looking for information so if we're talking to someone on the phone, we can say hey, click on this. We can talk it through with them.

This award was presented at the Kansas Tourism Conference in October. I will tell you since 2010 when the Convention & Visitor's Bureau became the organization that it is today, we've have actually won seven first place awards. This is our seventh. We fully intend on being back every year with at least one more of these. Thank you very much for recognizing us.

**Mayor Holland** said thank you and congratulations on your good work. Let's give them a hand. We appreciate the evidence to substantiate the claim that you won first place.

**Action: Recognition was given.**

**Ms. Godsil, Deputy UG Clerk**, asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning & Zoning Agenda. **Commissioner McKiernan** said I've had contact with proponents of SP-2015-73, with proponents of A-2015-12, and on the Non-Consent Agenda 3098.

**Commissioner Philbrook** said on the Non-Consent Agenda Item No. 3098 I've had contact with proponents.

## **PLANNING AND ZONING CONSENT AGENDA**

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

**Mayor Holland** asked if anyone on the Commission or in attendance tonight 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. (There were no set-asides)

**Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

## **PLANNING AND ZONING CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATION**

#### **ITEM NO. 1 – 15217...CHANGE OF ZONE APPLICATION #3097 – WIL ANDERSON WITH BHC RHODES**

**Synopsis:** Change of Zone from RP-5 Planned Apartment District to MP-2 Planned General Industrial District for industrial/commercial purposes at 7000 Kansas Avenue. The applicants want to rezone this property for an existing home that is currently used as an office in order to sell the property as a residence.

And

#### **MASTER PLAN APPLICATION ITEM NO. 1 – 15217...MASTER PLAN APPLICATION #MP-2015-5 – WIL ANDERSON WITH BHC RHODES**

**Synopsis:** Master Plan Amendment from Medium Density Residential to Business Park at 7000 Kansas Avenue. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-5. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3097 subject to:

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

1. When the dirt project was approved, it was stated that there was no guarantee of future industrial zoning. In fact it required new site plan approvals.
2. Only rezoning and changing the master plan for the area of improvements for parking.
3. A corridor planning process began for K-32/Kansas Avenue in October 2015. This plan, with input from the community as well as Bonner Springs and Edwardsville, will help to shape the

future of this area. It seems imprudent to make significant zoning and master plan changes during this process; any future development should be done with the results of this planning process in mind.

4. Any commercial or industrial development on this parcel, including parking, would necessitate significant screening from the adjacent residential properties. The landscaping buffer to the west needs to be more substantial than currently shown in order to soften the distinction between industrial use and residential.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Vehicle access is from Kansas Avenue only. Provide “Traffic Memorandum” describing volume of traffic expected, hours of operation, size of trucks, etc. as required to define and explain what traffic movements will be required for the proposed business operations.

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: Provide Unified Government Public Works Department all data provided to KDOT. Public Works may have additional stipulations at time of Final Plan Review.

Applicant Response:

- The subject site, 7000 Kansas Ave. and the adjoining site to the east 7032 Kaw Drive, are both controlled/owned by the same group.
- They are in the process of amalgamating the two parcels as a single parcel.
- 7000 Kansas Ave., although it has legal access to Kansas Ave., the terrain and slope of the land as it currently stands is impossible for normal vehicle access to or from Kansas Ave.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3097 and MP-2015-5 subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

### **SPECIAL USE PERMIT APPLICATIONS**

#### **ITEM NO. 1 – 15299...SPECIAL USE PERMIT APPLICATION #SP-2015-73 – JENNIFER D. DUNN**

**Synopsis:** Home Occupation Special Use Permit for a bakery for cupcakes at 335 North 15<sup>th</sup> Street, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-73, subject to:

Urban Planning and Land Use Comments:

1. No signs posted on the property.
2. No employees, other than members of the immediate family, residing on the property.
3. Due to limited parking availability, no more than one client at any one time.
4. Approval for two years.

Public Works Comments: None.

Business Licensing Comments:

If approved, applicant will need to file the required occupation tax application for the business, with our office.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-73 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

**ITEM NO. 2 – 15300...SPECIAL USE PERMIT APPLICATION #SP-2015-75 – BETH GREGORY**

**Synopsis:** Special Use Permit for a kennel for four dogs at 3941 Springfield Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to keep three chickens and four dogs on .32 acres at 3941 and 3947 Springfield Street, two adjoining properties owned by the applicant's landlord. At the Board of Zoning Appeals meeting, the applicant withdrew her request for the chickens. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-75 for four dogs for two years.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2015-75 for four dogs for two years. Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

**VACATION APPLICATION**

**ITEM NO. 1 – 15301...VACATION APPLICATION #A-2015-12 – WIL ANDERSON WITH BHC RHODES**

Synopsis: Vacation of an alley at 736 Shawnee Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting to vacate a 15 foot wide alley between lots 21 through 26 and Lot 27, Block 33 of Armourdale to accommodate future uses and expansion for Crosslines. The Planning Commission voted 8 to 0 to recommend approval of Alley Vacation Application #A-2015-12, subject to:

Urban Planning and Land Use Comments:

1. Further work on the Crosslines site may not occur until Change of Zone #3098 and any preliminary plans have been approved.
2. If this area is to be used for anything but a buffer yard, it must be rezoned.
3. If approved, a \$50 ordinance publication fee will be required to be submitted.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
  - a. Verify/clarify that no utilities exist within vacated alley. Existing gas line is located in alley. Existing utilities shall be protected and maintained.
  - b. Explain why this alley is being vacated.
2. Items that are condition 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

Applicants Response:

1. Utilities do exist in the alley but will be protected and maintained as part of the ordinance.
2. The alley is being vacated to support development of the site for Crosslines.
3. Crosslines owns both sides of the alley and the only use of the alley is access to their property.
4. Crosslines has a plan to build a thrift center to support their efforts with the community.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #A-2015-12, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

## MASTER PLAN APPLICATION

### ITEM NO. 1 – 15217...MASTER PLAN APPLICATION #MP-2015-5 – WIL ANDERSON WITH BHC RHODES

**Synopsis:** Master Plan Amendment from Medium Density Residential to Business Park at 7000 Kansas Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2015-5.

**Action:** This item was previously heard with Change of Zone Application #3097.

## MISCELLANEOUS

### ORDINANCE AMENDMENT

### ITEM NO. 1 – 15303...ORDINANCE AMENDMENT - SEC. 27-702

**Synopsis:** A new provision to Section 27-702 Planning and Development of Kansas City, Kansas Code of Ordinances, to amend the trees allowable for all new landscaping or for use as street trees, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of this ordinance amendment.

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

#### **MISCELLANEOUS – PLANNING & ZONING (items previously approved)**

##### **ITEM NO. 1 – 040033...ORDINANCE VACATE UTILITY EASEMENTS**

**Synopsis:** An ordinance vacating utility easements at 2146 West 39<sup>th</sup> Avenue, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-1-16**, “An ordinance vacating utility easements at approximately 2146 West 39th Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

##### **ITEM NO. 2 – 15225... ORDINANCE VACATE ALLEY**

**Synopsis:** An ordinance vacating an alley (#A-2015-11) at 1122 Southwest Boulevard, submitted by Robin H. Richardson.

**Action:** **ORDINANCE NO. O-2-16**, “An ordinance vacating an alley at approximately 1122 Southwest Boulevard, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

**MISCELLANEOUS – PLANNING AND ZONING ORDINANCE (dependent of E-1))****ITEM NO. 1 – 15303... ORDINANCE: ALLOWABLE TREES**

**Synopsis:** An ordinance requiring the Director of the Parks Department to maintain a list of allowable and prohibited landscaping trees and street trees; amending Section 27-702 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-3-16**, “An ordinance requiring the Director of the Parks Department to maintain a list of allowable and prohibited landscaping trees and street trees; amending Section 27-702 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

**PLANNING AND ZONING NON-CONSENT AGENDA****CHANGE OF ZONE APPLICATION****ITEM NO. 1 – 15297...CHANGE OF ZONE APPLICATION #3098 – WIL ANDERSON WITH BHC RHODES**

**Synopsis:** Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District for a new commercial building at 736 Shawnee Avenue, submitted by Robin H. Richardson. The applicant is seeking a rezoning of the parcel in order to use it for the purposes of the Crosslines organization. With the rezoning application, preliminary plans for any proposed buildings are required. The proposed commercial building, for future use as the organization’s thrift store is included in the submittal. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3098, subject to:

**Urban Planning and Land Use Comments:**

1. Any development on the parcel once zoned CP-1 would be subject to Plan Review and Development Review Committee processes prior to approval.

2. The current elevations do not meet the Commercial Design Guidelines. Building and site must meet the Commercial Design Guidelines, including 360 degree building architecture, masonry material requirements, rooftop electrical screening, and landscaping requirements prior to approval for future preliminary and final plan reviews. Refer to Section 27 Division 5, Subdivision 4 for additional requirements.

([https://www.municode.com/library/ks/wyandotte\\_county\\_-\\_unified\\_government/codes/code\\_of\\_ordinances?nodeId=CH27PLDE\\_ARTVIIIIZO\\_DIV5OVDI\\_SDIVCODEGUOVDI](https://www.municode.com/library/ks/wyandotte_county_-_unified_government/codes/code_of_ordinances?nodeId=CH27PLDE_ARTVIIIIZO_DIV5OVDI_SDIVCODEGUOVDI))

#### Architecture

- (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)

- **Building Materials**  
 (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 prestressed 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.

(3) Exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade.

(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

- Building roof

(1) Buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.

(2) Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings.

(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

- All downspouts must be internalized
- All roof mounted units must be screened by the parapet
- All signs must be approved and permitted separately by the Planning Staff

B) Lighting

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

**Public Works Comments:**

1. Items that require plan revision or additional documentation before engineering can recommend approval: None
2. Items that are conditions of approval (stipulations): New entrance driveway on Shawnee Avenue shall meet Unified Government criteria of 40 feet minimum distance from right-of-way to new curb return radius of proposed driveway (see Unified Government Detail No. 4100-R).
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: Existing sanitary sewer main is located within alley running north/south and runs south to Shawnee Avenue.

**Mayor Holland** opened the public hearing and asked would anyone in attendance tonight like to come forward and speak in favor of Change of Zone #3098.

**Jeff Means, KCMO**, said I'm representing BHC Rhodes here in Wil Anderson's absence. I'm just here to answer any questions should you have it, hopefully I can.

**Mayor Holland** asked would anyone else like to speak in favor. Let the record show no one is coming forward.

**Mayor Holland** asked would anyone like to speak in opposition to this proposal. Let the record show no one is coming forward.

**Mayor Holland** closed the public hearing.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3098 subject to the stipulations.**

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

### **SPECIAL USE PERMIT APPLICATION**

#### **ITEM NO. 1 – 15298...SPECIAL USE PERMIT APPLICATION #SP-2015-62 – ALICIA NAVA**

**Synopsis:** Special Use Permit for six chickens at 4022 Silver Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to keep six chickens at her home at 4022 Silver Ave. on .14 acre. This application has been republished to include six chickens. Originally the application was for four chickens. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application #SP-2015-62 for four chickens for two years subject to:

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

1. Since the October 12, 2015 City Planning Commission, have the two roosters been removed from the property? The two roosters that are on the property must be removed from the property immediately as they are not permitted by Code.

**Applicant Response:** Both roosters have been removed from the property.

2. How will chickens be kept on the property? Will they be in a fenced in area or stay within a coop at all times? If in a coop, will they move around the property or stay in a single location at all times?

**Applicant Response:** The chickens are in the backyard and they are in the coup and fenced area.

3. What are the estimated dimensions of the area that the chickens will take up on the property?

**Applicant Response:** The coup is 15' x 15'.

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

**Applicant Response:** The applicant indicated on the aerial photograph that the coup is abutting the detached accessory structure in the northwest corner of the property.

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

**Applicant Response:** The applicant stated that the waste is bagged and put out with the weekly trash.

6. Please address issues of feed and diet for the chickens. How will they be fed?

**Applicant Response:** The chickens are fed corn and grain.

**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 property is simply too small; .14 acre to keep six chickens. While staff understands chickens do not require a lot space, the proximity to adjacent property owners may cause issues that will become problematic such as noise, noxious odors and dust.

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**Alicia Nava, 4022 Silver Ave.,** said the problem is I don't speak English. Before I came here, I asked for an interpreter but I don't see nobody. **Mayor Holland** said I understood there would be an interpreter here as well.

**Rob Richardson, Director of Planning,** said I was under that impression as well. I didn't realize that she... **Commissioner Philbrook** asked can I recommend that we put this off until the next time then until we have an interpreter because I want to be able to talk to her readily and have her be understood. **Mayor Holland** said okay. I think we do need to push this forward. That would take a vote of the Commission. **Mr. Richardson** said the date I believe would be February 25<sup>th</sup>.

**Action: Commissioner Philbrook made a motion, seconded by Commissioner Townsend, to postpone Special Use Permit Application #SP-2015-62 to February 25 in order to have an interpreter present.**

**Commissioner Walker** asked why. **Commissioner Philbrook** said because I have some questions for her and I want her to understand my questions and I think she needs to be understood too. She has that right.

**Commissioner McKiernan** said I would just request that we exhaust everything in our power to make sure that if we promise an interpreter that there is in fact one here present. **Mr. Richardson** said we discussed it at Planning Commission with the interpreter and I'm sorry they didn't follow through. The interpreter was here for Planning Commission.

**Commissioner Murguia** said we're very sorry for no interpreter. My Spanish is not good. Next time can you come back here? **Ms. Nava** said yes.

Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

**Mr. Richardson** said I apologize for that oversight. I thought it was taken care of when we discussed it at the end of the Planning Commission Meeting, but we'll make sure it doesn't happen again.

## **MISCELLANEOUS PLANNING AND ZONING**

### **ITEM NO. 115290... PLANNING AND ZONING**

**Synopsis:** Update on K-32 Corridor Plan, Rosedale Master Plan and Rewrite

**Rob Richardson, Director of Planning**, said tonight, the last item on the Planning Agenda is an update on the three major projects going on right now in the Planning Department. Tonight's update will simply be to inform you of the upcoming public meeting dates. The consulting teams have been working on the next round of public meetings.

For the Rosedale Master Plan update, those next meetings are next week, January 13<sup>th</sup> and 14<sup>th</sup>. One is at noon and one is at 6:30 p.m. For the Tri-City Master Plan and Quiet Zone, the public meetings will be January—I think I have those reversed actually. The advisory committee meeting will be January 19<sup>th</sup> at 5 p.m. and then the public meetings are on the 21<sup>st</sup> and 27<sup>th</sup> at Bonner Springs and Edwardsville Community Centers.

There is a specific quiet zone update that will come to the Board of Commissioners next month to the Public Works & Safety Standing Committee on the 22<sup>nd</sup>. I believe the Commission meeting for that item would be on March 10<sup>th</sup> and that's specifically to the quiet zone portion of that. That part of the study, you'll recall, is advancing faster than the land use and redevelopment portion of the study.

For the sign code rewrite, the public meetings will be January 20<sup>th</sup> & 21<sup>st</sup>. One will be at the Argentine Community Center and the other will be here at City Hall. We're moving these around the community so that everybody will have a chance to put input on those.

The last meeting in February will be on—before we meet again will be on February 6<sup>th</sup> at 8 a.m. at the Neighborhood Resource Center. We'll be doing an in-depth update on the public meetings and where the planning process is to the Planning Commission members. We invite our Planning Commission and then for the K-32, we also invite the Bonner Springs and Edwardsville planning commissioners to attend that as well.

Your next monthly update will be February 25<sup>th</sup> at our next Planning meeting. We've committed to updating you each month. I'm going to put up the web resources for each of the

plans right now. If anybody would like to find out more about these, those websites that are on the screen here will get you the information. On the sign code, you can contact me. We don't have a separate website for the sign code.

**Mayor Holland** said I understand next month, you'll give us a little more comprehensive update on how the public hearings have gone. **Mr. Richardson** said that's correct. Actually I believe the sign plan might even have a draft of the ordinance out by that time but it'll be close. We might be able to talk about that. **Commissioner Murguia** said Rob, can you make sure that those dates get to the Diana in our office so we can get them on our calendar. **Mr. Richardson** said sure.

**Action: For information only.**

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

**Mayor Holland** asked if anyone in attendance tonight or any Commissioner would like to remove an item from the Non-Planning Consent Agenda. If any item is not removed, it will be voted on by a single vote.

#### **ITEM NO. 1 – 15335... ROSEDALE PLACE 2ND PLAT**

**Synopsis:** Plat of Rosedale Place 2nd Plat, located at 11th Street and Merriam Lane and being developed by Ronald Buck, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

**Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

#### **ITEM NO. 2 – MINUTES**

**Synopsis:** Minutes from special sessions of December 10 and 17, 2015.

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

### **ITEM NO. 3 – WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated December 17, and 24, 2015.

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

### **PUBLIC HEARING AGENDA**

#### **ITEM NO. 1 – 15310...HEARING/ORDINANCE: LEGENDS APARTMENTS CID**

**Synopsis:** Conduct a public hearing to consider the creation of The Legends Apartments Community Improvement District to include levying a CID sales tax and issuing Special Obligation Bonds, submitted by George Brajkovic, Economic Development Director. The proposed Legends Apartments and Garage CID is a \$50M development to include a three-story parking garage with 240+ units of luxury, market rate apartments above. The public hearing was originally scheduled for December 17, 2015. Due to errors/omissions in documents, the public hearing was to be advertised correctly with a new public hearing date of January 7, 2016.

**George Brajkovic, Economic Development Director,** said we originally were tracking two public hearings, one for the CID or the Community Improvement District, and then a separate one for the use of the Industrial Revenue Bonds and the corresponding PILOT tax abatement. We had an error on the publication for the IRB; however, the request is the publication and notice requirements for the CID are so extreme that we want to keep the CID public hearing on track for tonight since we’re good to go on that end. Hopefully that fits with everyone else.

## What are we here for tonight?

- R-116-15 set January 7, 2015 as a Public Hearing date to consider proposed CID
- Conduct Public Hearing
- Pass Ordinance creating CID

What are we here for tonight? On the January 7<sup>th</sup> meeting, you, as a body, approved our Resolution R-116-15 setting tonight as the public hearing for the CID. That's what we're hoping to do then. I'll do a quick presentation, open and close the public hearing on the matter, and if you see so fit at the end of that public hearing and comment period, pass an ordinance actually creating the CID.

## Proposed Development



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### Project Details

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- Development Team – EPC Real Estate, Legacy Development, and KKR
- \$50M Capital investment
- 3 story Parking garage
  - Public parking (350 spaces minimum) vs. private
  - Bridge connection to existing garage
- 240 unit, luxury, market rate Multi-family
  - 1 & 2 bedroom units

The proposed development, we were here just in November of 2015 to approve the development agreements. I don't have a lot in tonight's presentation on the development itself, just kind of some recap. Before I go into that, let me make a few quick introductions of the developer's team. Steve Coon is here with EPC, representing the multifamily developer. Dave Claflin is here with Legacy Development. They are the current property owners. John Hansen with Integra has been a financial advisor for the developer on this plan, and John Snyder with Dentons is the developer's attorney on this.

Again, the development itself is a fantastic project. It introduces a three-story parking structure and about four to five stories of 240 units of luxury, market rate apartments. We love this project because it brings permanent residents, residential folks into the Legends area. We think it only bolsters the retail and restaurant opportunities that already exist there. In addition, the project scope is large enough that within the parking garage, it allows for some components of additional public parking spaces which we think are very much needed out in that retail center.

With that, I think I've already made the introductions on the team. It is about a \$50M total capital investment.

Again, on the parking garage, we really want to differentiate between the public and the private parking spots. We think it's going to be about 600 total parking spots, but at a minimum, 350 of those have to be made available for public parking and that's going to tie into what the CID funds can be used for. That will come in a later slide. On the private side, we're

expecting—there have been some early discussions with Planning, at least one parking space per unit. We think that's where we'll get to that total of about 600 spaces. Again, a bridge connection to the existing garage as well. The project, again, is 240 units of luxury, market rate, all one and two bedroom units by design.

Project Budget	
DEVELOPMENT COST ITEM	DEVELOPMENT COST
Land, Building and Garage Construction	\$ 41,477,076
General Conditions	\$ 1,315,000
Professional Services (Eng, Arch, Consult, Legal)	\$ 1,777,810
Financing Costs (Construction Interest Carry & Closing)	\$ 1,114,495
Development Fee	\$ 2,118,204
Hard Cost Contingency	\$ 1,230,212
Soft Cost Contingency	\$ 820,142
<b>TOTAL DEVELOPMENT COST (TOTAL PROJECT BUDGET)</b>	<b>\$ 48,803,038</b>
CID PROJECT COSTS REIMBURSABLE TO DEVELOPER	
Garage Development and Construction Costs*	\$ 12,250,000
Sidewalk, Signage, Connectivity and Off-Site Costs	\$ 750,000
<b>TOTAL CID PROJECT COSTS</b>	<b>\$ 14,000,000</b>

Project budget, I pulled this from the CID petition that was filed by the developer. You see it's roughly \$50M. The second table on this page really kind of outlines what are the CID eligible costs then. The bulk of it goes towards the garage development and construction costs, and then there is a line item for finishing sidewalks that weren't completed and signage in terms of wayfinding and connectivity within the development.

## Requested Incentive Structure

- **IRBs**
  - Expected issuance amount \$50M
  - 10 year PILOT, based on prospective market value
  - 2014 Base taxes – annual estimated \$9k
  - Year 1 PILOT projected \$300k
- **CID**
  - 0.6% sales tax add-on, would move total sales tax to 10.325%
  - Proposed District boundaries
  - Eligible expenses, CID Cap \$14M

With that, again, I mentioned earlier there are two incentives here, the IRBs and the CID. I'll just touch on this IRB portion very quickly. Again, the expected issuance amount is \$50M. That qualifies the project for a ten-year PILOT. Again, keep in mind as we've been doing these multifamily projects, we're not really granting them a tax abatement percentage, we're factoring in what we think is the market rate value of that and locking in with the developer a negotiated 10-year PILOT amount.

What I wanted to note for this particular piece of ground, it's about roughly, a little over two acres. When we first started discussing this project with the developer, that tract of ground was roughly producing \$9,000 in annual property taxes. In year one of the PILOT it's projected at \$300,000 so a fairly significant increase in annual property tax. We'll get into much more detail. We're expecting the IRB public hearing to be before you on January 28<sup>th</sup>, and we'll give you as much detail on that as you want.

What we're here for tonight though is on that CID. It is a 0.6% sales tax add-on. It would move the total sales tax within the affected area to 10.325%. I've got some slides coming up here that talk about the actual district boundaries. The slide previous, even though a CID is written pretty broadly and there's a lot of development costs that can be captured by it, our agreement specifically talks about use only, again, for public parking spaces and the sidewalks and signage.

### CID Process

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- **File CID Petition – December 10, 2015**
  - Signed by owners of more than 55% of land area within proposed CID
  - Signed by owners of more than 55% of the assessed value of property within the proposed CID
- **Adopt Resolution setting a PH – R-116-15**
  - Publish Resolution in official publication for two consecutive weeks
  - Send copy of resolution via certified mail to all property owners within proposed CID
- **Conduct Public Hearing**
- **Pass Ordinance creating CID**

Just to kind of refresh everyone, it's been awhile since we've been before you to establish this CID. I kind of want to talk real quickly about the process. It kind of starts with a CID petition being filed with the Clerk's Office and to file a valid petition it has to meet two factors. One, it has to be signed by the owners representing more than 55% of the landownership within the affected area. Additionally, it also has to represent 55% or more of the total assessed value within the district. Their petition, as filed, met both of those criteria.

The next step then is coming back before this elected body. You can't just call a public hearing. You have to do it via a resolution and then you have to have publication of that resolution in two consecutive weeks in our official publication. Additionally, you have to send a copy of that resolution via certified mail to all the property owners within the district. We got to do both of those twice. Conduct a public hearing. That's obviously what we're here for tonight and ultimately, again, if you see fit, you pass an ordinance which actually creates that district.



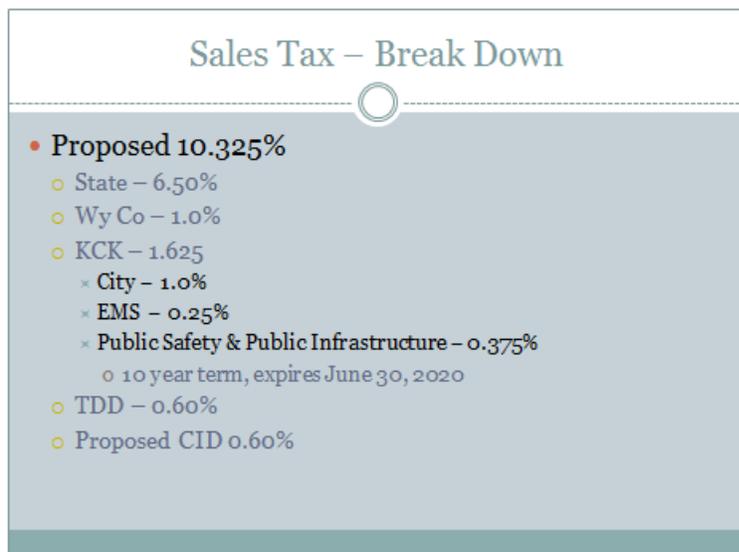
The proposed district. On the north or the top side of the page is Parallel. You see on the west end or on the left-hand side of the page is 110<sup>th</sup> Street. In the middle, you'll see Village West Parkway intersects. This is the map we use when we go to publish this. Believe it or not, it's actually kind of easier to read in a publication but for tonight, we decided to overlay that onto an aerial so everybody can actually see what it actually represents.



I'll move left to right in this image. Left again is 110<sup>th</sup> Street. You see the two big facilities of JC Penney and Target, then you kind of move into The Legends Shopping Center including the theatre, then just south of that are the row of restaurants that front State Avenue and then over towards the IHOP and Culvers, ending right short of the ramp there for 435. That is the

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proposed district. It doesn't include Cabela's, Nebraska Furniture Mart, Sporting Park or Community America Ball Park.



I mentioned earlier that this 0.6% sales tax add-on would take the total sales tax in that affected district to 10.325%. This is merely just a breakdown of what numbers or what are the factors within that total. Again, the state last July bumped up to 6.50%, the county is initial 1%, the city of Kansas City, KS is the 1.625%, and then we subset off that 1.625% to show, again, the city share .5-1%, dedicated EMS is another 0.25%, and the Public Safety & Public Infrastructure is an additional 3.75%. A quick note there, that was approved for a ten-year term which is set to expire in June of 2020. There is an existing TDD or Transportation Development District overlay within this area. That was previously approved by a previous governing body and that is 0.60% and then, of course, what we're considering tonight is that additional 0.60%.

Local Sales Tax Comparisons	
• NFM/Cabela's TDD	– 9.225%
• Plaza at the Speedway TDD #1	– 9.725%
• Happy Foods TDD	– 10.125%
• Plaza at the Speedway TDD #2	– 10.125%
• Prescott Plaza TDD	– 10.125%
• Metropolitan Ave CID	– 10.125%
• Wyandotte Plaza CID	– 10.125%
• <b>New CID District</b>	<b>– 10.325%</b>
• 39 <sup>th</sup> & Rainbow CID #2	– 10.375%
• Schlitterbahn CID	– 11.125%
• Downtown Hotel CID	– 11.125%

I wanted to do a quick comparison of where does this 10.325% stack up or how does it stack up compared to other developments within the county. I started with NFM or Cabela's.

Let me back up for just a second. On that previous slide, if you consider all the jurisdictions that are in that sales tax, except for the incentives, our total sales tax is 9.125%.

In looking at some of the established retail centers that have either a CID or a TDD established, this list is pretty comprehensive of what that total sales tax is within those districts. As you can see, NFM and Cabela's have just that 1.10% TDD add-on. As you flow through, you see a lot of those projects are at about 10.125%. As you probably remember in a lot of the discussion a couple of years ago was we were always wanting to stay under that 10% mark and we did, again, until the state adjusted their rate in July from 6.15% to 6.5%. I've got a slide following this that shows we're not the only community that's in this new 10% plus range. Unless you have specific questions, again I just wanted to show the special districts that we have in terms of sales tax.

## Metro-Wide Sales Tax Comparisons

- Lenexa City Center CID – 10.100%
- Olathe Point TDD – 10.225%
- Shawnee Plaza TDD – 10.225%
- **New CID District – 10.325%**
- Mission Crossing CID – 10.350%
- Overland Park Corbin Park CID – 10.350%
- Overland Park Prairie Fire CID – 10.350%
- Country Club Plaza TDD – 8.85%, 10.850%
- Zona Rosa TDD – 9.475%, 11.475%

If we take a look at the metro wide impact, again, I mentioned a lot of these new projects are all over 10% starting at Lenexa City Center. You see where we're; again, in bold is the new district we're proposing all the way down through some of the Overland Park projects: Corbin Park, Prairie Fire. The very last two are Kansas City, Missouri, projects. There are two numbers listed there because in Kansas City, Missouri, you pay a sales tax for general purchases and when you buy prepared food, there is a different sales tax rate.

If you look at the Country Club Plaza, if you go make a purchase at a clothing store, you're paying 8.85%. If you go out to eat, you're paying 10.85%. Corresponding numbers, again, for Zona Rosa, make a purchase, you're just under 9.5% but if you get something to eat, you're at 11.475%. I wasn't really sure how to represent that accurately other than to list those out and really make it as apples to apples as we could.

What are we here for tonight?

- R-116-15 set January 7, 2015 as a Public Hearing date to consider proposed CID
- Conduct Public Hearing
- Pass Ordinance creating CID

Then ending back again with that slide of what we're here for tonight to consider that.

**Mayor Holland** opened the public hearing.

**Mayor Holland** said asked if there's anyone in the attendance tonight who would like to speak in favor of this project. Let the record show no one came forward.

**Mayor Holland** asked is anyone in the attendance tonight who would like to speak in opposition to this project.

**Randy Fickel, Plano, Texas, Vice President & Associate General Counsel, JC Penney Corporation,** said I'm here on behalf of JC Penney Corporation to object to the inclusion of the JC Penney store at the Legends at Village West in the Legends Apartment Garage Community Development District. Mainly, we understand that the benefit to us would be the additional parking spaces, however, we feel like with the developer we currently worked with for our store, we have sufficient parking right in front of our store where people do not have to cross a four lane divided road from another parking garage to get to it.

We also feel like it penalizes our core customers by imposing an additional sales tax on their purchases at our store and they don't derive any benefit from that additional tax. We also

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feel that it puts us at a competitive disadvantage to some of our key competitors who just on the other side of Parallel Parkway are going to be subject to a lesser state sales tax.

I remember based on a research, I think the Kohl's and the Walmart will be subject to a 9.725% rate, which is what we're currently subject to. For those reasons, with respect to our core customers and not wanting to penalize them or force them to pay an additional tax rate because they can certainly shop with their feet and go to another competitor that has a lower tax rate and because of the potential competitive disadvantage it creates for JC Penney, we would like to say that we would not want to be a part of this district.

**Mayor Holland** closed the public hearing.

**Action:**       **ORDINANCE NO. O-4-16**, "An ordinance authorizing the creation of the Legends Apartments Community Improvement District in the city of Kansas City, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; levying a Community Improvement District sales tax within such district; authorizing the issuance of Special Obligation Bonds; and providing for the method of financing the same." **Commissioner Walker made a motion, seconded by Commissioner Kane, to approve the ordinance.**

**Commissioner Philbrook** said I have questions. I guess when you were asked if you wanted to sign on for the CID, you guys did not. **Mr. Fickel** said that is correct. **Commissioner Philbrook** said I want to know who all did sign and who didn't. I'm going to ask George. **Mayor Holland** said we'll ask George to answer that question. **Commissioner Philbrook** said well, I want to get a little better feeling for this if you don't mind. **Mr. Brajkovic** said sure. I didn't bring that list with me to determine who. I can tell you that they've met the 55% requirement. I don't know if John Hansen or John Snyder knows off the top of their heads who elected to participate and who didn't. We can certainly get that information and follow-up with it.

**Commissioner Philbrook** said these are all businesses that we've asked to come be businesses in our area. Just because we have 55%, and don't get me wrong, I'm not anti-CID

because they're wonderful. I just get a feeling that sometimes we railroad things a little bit and I don't want to get into those murky waters. **Mr. Brajkovic** said sure.

I don't know if maybe we can't address your specific question about who chose to participate and who didn't. I don't know if—and Dave and I don't want to put you on the spot either, but I know if you want to make the comment about retail sales and what a 0.60% difference means, you know, just to—**Commissioner Philbrook** said I know it didn't hit Nebraska Furniture Mart. They'd probably be griping at us if they had been included in the CID-**Mr. Brajkovic** said correct. **Commissioner Philbrook** said because it would have hit their larger items. That's why I'm asking. We have a lot of retailers that are selling items very similar to his and that's why I'm asking. **Mr. Brajkovic** said that's correct and I appreciate the question. Again, if we're looking at say a \$100 purchase, that 0.60% difference equates to \$0.60. We didn't go and individually, I guess, survey every participant. **Commissioner Philbrook** said but that would be on your list. You would know that. **Mr. Bynum** said sure. **Commissioner Philbrook** said when you have to do a CID, either you signed or you didn't in your group.

**Mr. Brajkovic** said I can tell you the two property owners that signed the petition. One is RED and KKR, who own the majority of the development. We also signed because we included the theatre and at that time we were the owners of the theatre. Those two property owners alone represent both of the 55% scenarios that are required. **Commissioner Philbrook** asked how much percentage is RED along with the other for the total. Do you know? **Mr. Brajkovic** said I don't remember off hand. **Mr. Snyder** said about 60%. **Commissioner Philbrook** said I appreciate that information.

**Commissioner McKiernan** said I do want to say that I appreciate your position. I understand where you're coming from. I understand your concern about the distance of the parking from your store, but let's look at the flip side of that and make sure we get that on the record as well. These new apartments will bring in close proximity to your store a number of potential new customers who you can attract to your store. I would argue that there is certainly the possibility that your store could benefit from this as well as any other store out there. I just want to make sure that we have on the record that these apartments will bring 240 units worth of people, which will certainly be more than 240 people to a very close proximity of your store. **Mr. Fickel** said no question. JC Penney hopes that every one of them decides to shop at JC Penney and not go

across the street to Kohl's. I don't disagree with that. Just quickly—**Mayor Holland** said hold on sir. We have closed the public hearing. Unless there is a direct question from a commissioner or you'd like to hear him answer the question. **Commissioner Philbrook** said I'd like to hear him answer the question. **Mayor Holland** said go ahead and make your comment. **Mr. Fickel** said in response to the comment about 0.60% rate on \$100 being \$0.60, because I'm the Associate General Counsel of Tax at JC Penney, I will tell you that people look at what they pay in taxes and people focus on what the taxes are. Does Kansas have a sales tax holiday? **Mayor Holland** said no. **Mr. Fickel** said in Texas we have a sales tax holiday where for one weekend you can make purchases and you don't have to pay sales tax. Sales tax in Texas averages around 8.25%. I can guarantee you if we sent somebody a coupon for 8.25%, they wouldn't get off the couch to spend it; but if you tell them they don't have to pay the government 8.25%, they'll turn out in droves. It's human nature. At a certain point, people will decide with their feet not to pay a little extra in taxes.

**Commissioner Walker** asked did JC Penney receive any tax incentives or other kinds of incentives when they built, Mr. Bach. **Doug Bach, County Administrator**, said they were not a direct recipient of any type of incentive to the deal, however, it was a STAR Bond District so all the land was accumulated and purchased and then reimbursed from STAR Bond dollars. They were a recipient of a land deal which was reflective of us putting together all of the STAR Bond area. **Mayor Holland** said JC Penney and Target were later excluded from the Star Bond District. Is that right? **Mr. Bach** said yes, sir. **Commissioner Walker** said move the question. **Mayor Holland** said we won't take a vote on the question. We will go directly to the vote.

Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

**Mayor Holland** said help me understand what we're doing with the IRBs. We are not doing that tonight but the way we announced it, we need to announce it a different way, Mr. Bach. **Doug Bach, County Administrator**, said, Mayor, it really comes down to the publication. We had announced that we would move it to the next, but bond council informed us that it is a publication requirement. I believe Mr. Brajkovic is clear on that, that we're just moving to a new

publication and that will put it for our next meeting when we'll be able to come forward and have that. **Mayor Holland** said the IRB to complete this process will come before us on January 28<sup>th</sup>. We will not consider that tonight.

### **ADMINISTRATOR'S AGENDA**

No items

### **STANDING COMMITTEES' AGENDA**

#### **ITEM NO. 1 – 15274...ORDINANCES: WYANDOTTE PLAZA SPECIAL OBLIGATION REFUNDING BONDS, 2016**

**SYNOPSIS:** Two ordinances regarding the Wyandotte Plaza refinancing, submitted by Lew Levin, Chief Financial Officer. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, on January 4, 2016. It was requested, and approved by the Mayor, that this item be fast tracked to the January 7, 2016 full commission meeting.

- Authorizing the financing of the redevelopment of Wyandotte Plaza shopping center for economic development purposes and authorizing the issuance of Special Obligation Bonds of the Unified Government to pay the costs thereof. (This ordinance amends the prior authorizing ordinance adopted 7/12/12, increasing the financing authority from \$7,125,000 to \$13,860,000 plus interest, which is consistent with the project authority.)

- Authorizing the issuance of Special Obligation Refunding Bonds for the Wyandotte Plaza Redevelopment Project, Series 2016, in the maximum principal amount of \$15,900,000, including interest, of the Unified Government of Wyandotte County/Kansas City, Kansas, for the purpose of refunding certain bonds.

**Action:** **ORDINANCE NO. O-5-16**, “An ordinance amending O-43-12 and authorizing the financing of the redevelopment of the Wyandotte Plaza Shopping Center for economic development purposes; and authorizing the issuance of Special Obligation Revenue Bonds of the Unified Government to pay the costs thereof.” **Commissioner**

**January 7, 2016**

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

**Action:** **ORDINANCE NO. O-6-16**, “An ordinance authorizing the issuance of Special Obligation Refunding and Improvement Revenue Bonds (Wyandotte Plaza Redevelopment Project), Series 2016, in the maximum principal amount of \$15,900,000 of the Unified Government Of Wyandotte County/Kansas City, Kansas, for the purpose of refunding certain bonds and funding costs of certain improvements; and making certain covenants with respect thereto.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson.

#### **COMMISSIONERS' AGENDA**

No items

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

No items

#### **PUBLIC ANNOUNCEMENTS**

No items

**MAYOR HOLLAND  
ADJOURNED THE MEETING AT 8:12 P.M.  
January 7, 2016**

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Carol Godsil  
Deputy UG Clerk

**tpl**

**January 7, 2016**