

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, SEPTEMBER 29, 2016**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 29, 2016, with eight members present: Townsend, Commissioner First District; McKiernan, Commissioner Second District (via phone); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; Bynum, Commissioner At-Large First District and Mayor Pro Tem; presiding. Holland, Mayor/CEO; Walker, Commissioner At-Large Second District; and Murguia, Commissioner Third District: were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Joe Connor, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Rob Richardson, Director of Planning; Byron Toy, Planner; Janet Parker, Administrative Assistant; Mike Tobin; Public Works Department; Charles Brockman, Management Analyst, Economic Development; Patrick Waters, Senior Attorney; and Captain Gregory Lawson, Sergeant-at-Arms.

MAYOR PRO TEM BYNUM called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan, Bynum.

INVOCATION was given by Reverend Ken Nettling, Faith Lutheran Church.

Mayor Pro Tem Bynum asked if there were any revisions to tonight's agenda.

Bridgette Cobbins, UG Clerk, said there are no revisions.

PLANNING AND ZONING CONSENT AGENDA

Mayor Pro Tem Bynum 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. Cobbins** read the statement.

Ms. Cobbins 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 yes I have, on #3120 and SP-2016-63 and PR-2016-19. **Commissioner Kane** said same one with her, but I want to add Vacation Petition #U/E-2016-10. **Commissioner Markley** said same vacation application as Commissioner Kane just stated. **Mayor Pro Tem Bynum** said I need to disclose proponents on Consent Item B2 and Non-consent C1 and opponents on Consent Vacation Application C1.

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

Mayor Pro Tem Bynum 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 set-aside, it will be voted on by a single vote.

Rob Richardson, Director of Planning, said there has been additional information submitted through Engineering for item C1 on the Consent Agenda, we would like to set that aside. That's U/E- 2016-10 item C1. **Mayor Pro Tem Bynum** said item C1 is set-aside.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve the Consent Agenda, excluding Vacation Application #U/E-2016-10.**
Roll call was taken on the motion and there were seven "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 16799...#3120 - GARY HENRY

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for Schlitterbahn East retail development at 1111 North 98th Street, submitted by Robin Richardson, Director of Planning. The applicant requests the change in order

to develop the property with a hotel and retail. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3120, subject to:

Urban Planning and Land Use Comments

Set Backs:

1. CP-2, the base zoning district, requires a 10 foot setback between parking areas and the public right-of-way for streets. The Commercial Development Overlay district requires a 25 foot setback. “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 applicant has requested a waiver to this setback.
2. This standard of 25 feet has been applied to all recent development in the area. This is a new development and there are no built constraints that would prevent compliance. Please revise site plan to include a 25 foot landscaped zone between all parking areas and/or structures and all public streets and access easements.
3. Applicant Response: See attached waiver request letter dated July 29, 2016.
4. Staff Response: The Schlitterbahn Vacation Village 2nd Plat dedicated an additional 25 feet of buffer space along 98th Street to create a very wide right-of-way of 150 feet. Due to this wide right-of-way, and the fact that the sidewalk is typically in the right-of-way along 98th Street, staff supports the waiver request.

Parking Standards:

1. All lots will meet the parking requirements of CP-2 and the special parking needs outlined in Sec. 27-668.
 - a. Sec. 27-668(a)(5) states “Eating places, restaurants, dining rooms, snack bars. One space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten off-street parking spaces.”

- b. Sec. 27-668(a)(8) states “Hotels, motels. One space for each guest room plus one space for each two employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants and lounge areas.”
2. All parking will meet the dimensions of parking areas outlined in Sec. 27-669.

Architectural Standards

1. All buildings shall meet the standards of the Commercial Development Overlay District including:
 - a. All building facades must be 50 percent masonry. Other approved materials include but are 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.
 - b. Exterior building materials shall not include the following:
 - Split shakes, rough sawn, or board and batten wood
 - Vinyl siding
 - Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels
 - Field painted or prefinished corrugated metal siding
 - Standard single-tee or double-tee concrete systems; or
 - EIFS at the ground level or comprising more than 15 percent of any facade.
 - c. Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
 - d. 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:
 - Divisions or breaks in materials
 - Building offsets (projections, recesses, niches)

- Window bays
- Separate entrances and entry treatment; or variation in rooflines.

Public Works Comments:

None

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve the Change of Zone Application #3120, subject to stipulations. Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 16797... SPECIAL USE PERMIT APPLICATION #SP-2016-59 – JUDITH RODMAN WITH PACES, INC.

Synopsis: Renewal of a Special Use Permit (#SP-2014-17) for an emergency shelter to provide care for children in police protective custody who have been removed from their home at 6031 Nogard Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to continue operation of an emergency shelter for children placed in police protective custody. The Planning Commission voted 8 to 0 to recommend approval of Special Use Application #SP-2016-59, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for ten years.
2. Can you provide an initial two-year update on the facility/shelter?

Applicant Response: The program has not changed. It is a 10 bed facility. Six beds are reserved for children in police protective custody. The youth have been removed from their home due to allegations of abuse or neglect. Four beds are used for respite care for our mental health clients. Clients typically stay with us for three days at a time. Our average census is between four to seven children. We have three 12-hour shifts. We

have a minimum of two staff per shift. However, as census go up, we call in additional staff.

Public Works Comments:

None

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2016-59 for 10 years, subject to stipulations. Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

ITEM NO. 2 – 16800...SPECIAL USE PERMIT APPLICATION #SP-2016-63 – MARK MEYER WITH FJ LEGENDS LLC

Synopsis: Special Use Permit for firearm sales, training facility and shopping destination for Frontier Justice Retail Center at 1700 North 100th Terrace, submitted by Rob Richardson, Director of Planning. The applicant is seeking approval to build a 33,282 sq. ft. Justice Center with firearm training and shooting range. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit #SP-2016-63, as submitted by the applicant at the Planning Commission meeting subject to:

Urban Planning and Land Use Comments:

1. Where in the building will the shooting range be located? Please provide an internal floor plan.
Floor plan provided as part of resubmittal.
2. How many lanes will the shooting range have?
The range will include 20 lanes.
3. How many people may be allowed in the range at one time?
Frontier Justice strictly adheres to the fire code for every space. Two persons are allowed to shoot on a lane at a time; potentially 40 shooters and Range Safety Officers commensurate with foot traffic. Special events will sometimes have observation parties, but again, the fire code will never be exceeded.

4. What safety and security measures will be in place at the shooting range?

Safety is a top priority at Frontier Justice. Our business depends on it. We have security cameras covering all shooting lanes and throughout our building. Range safety officers, who have been formally trained, are scheduled commensurate with traffic flow. There can be anywhere from one to four RSO's at any given time on the range. We limit shooting on the lane to two persons, who have signed a waiver and have read the Range Safety Rules. The rules are posted at Range Check In; inside the range, and inside each lane. They are also available in written form for a client to take. The National Shooting Sports Foundation Firearms Range Safety Video runs continuously on a loop outside the range. Children are allowed to shoot with a legal guardian if they are at least 8 years old and 48 inches tall. Clients must have current ID and all state and federal laws are observed in regard to shooters. Rental firearms also are in line with all laws and one must be 18 to rent a long gun and 21 to rent a hand gun.

5. Please explain your business model more clearly; explain the events and training that is to take place on site. How many people will attend these events? What security is in place? Bachelor parties and like events are advertised on the Frontier Justice website, will there be controls in place to restrict alcohol consumption and prohibit the use of firearms by intoxicated persons?

Frontier Justice has quickly become recognized as the "premier firearms destination". Our model involves products, education and experiences commensurate with a client's level of expertise. We meet people where they are on the continuum of knowledge and work with beginners as well as the most advanced clients. We have found that as a part of the entertainment beginners as well as the most advanced clients. We have found that as a part of the entertainment experience, that corporate events and private parties are a very fruitful part of our model. Up to 35 people can be in a group and we structure experiences from shooting competitions to personal shopping trips through the boutique. Birthday parties and bachelor/bachelorette parties are included in this special event offering. Alcohol is strictly prohibited as a part of this venue. We do not sell alcohol and train our staff to look for warning signs of any kind of drug use or intoxication. If a person merely smells of these substances, they are not allowed on the range under any circumstances. No exceptions.

6. What type of measure will be taken to minimize the sounds from the firearms to those both inside and outside the building?

The exterior walls of our facility are solid concrete. We have a material called “sonex” covering our steel baffles. This material as well as a material called “peep” that covers from the firing line to the ceiling are instrumental in significantly reducing firearms sounds. Sound absorption material covers all surfaces behind the firing line, further minimizing sounds. From our boutique and our offices, you cannot hear shooting even when the range is full. Our sound proofing covers all areas and the outside of the facility whereas clients have even asked in the front of the building if anyone is shooting on the range, because there is no sound to prove otherwise. This is a part of what make Frontier Justice a “state of the art, next-generation” firearms facility. Our sound absorption aids the job of ear protection for a shooter, making our range not only the best lit, temperature controlled, automated lane retrieval system, but also the most quiet.

7. What type of venting will be in place to minimize smells and debris associated with shooting ranges?

Please see the attached detailed description of our air handling system-the best offered anywhere in the world.

Plan Review:

This plan does not comply with the Commercial Design Guidelines. Please refer to the guidelines found here. Additionally, this plan does not comply with the Legends Auto Plaza Design Guide.

A) Signage

1. All signage requires sign permitting and standard sign permit review processing.

B) Architecture

1. (Sec. 27-576 e) 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.

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.

The applicant is seeking a deviation from this requirement (see attachments.) Staff feels that the concrete must be integrally colored as to avoid issues in fading and premature wear on the façade and that significant texture (stone or brick) should be added. Staff recommends approval of this application subject to compliance with staff comments.

Public Works Comments

None

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2016-63, subject to stipulations. Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

ITEM NO. 3 – 16798...SPECIAL USE APPLICATION #SP-2016-72 – YVONNE AND STEVE FERGUSON

Synopsis: Renewal of a Special Use Permit (#SP-2014-30) for the Temporary Use of Land to park two trucks at 226 North 72nd Street, submitted by Robin Richardson, Director of Planning. The applicants are requesting renewal of a two-year special use permit previously approved for the keeping of two trucks. The property in question is one of five tracts, including a private road, that make up what is essentially a small unplatted subdivision on the west side of North 72nd Street a short distance north of Riverview Avenue. Four of the five tracts are owned by the petitioner and/or his wife, and there are houses on three of the tracts. The largest tract includes the private access road and the petitioner's own residence. To the south of this block are six additional unplatted residential lots, five fronting on Riverview Avenue. It is uncertain how the properties in the area came to be divided in this manner without having been platted. The tract including the petitioner's residence at 226 and 226 ½ North 72nd Street includes three detached accessory buildings, one that is a garage for the residence and a second garage and an enclosed carport/shed with a separate driveway apron that would seem to be related to the petitioner's contracting business, Ferguson Drywall Company, Inc. The house which he owns at 224 North 72nd Street is now his daughter's residence. He does have an office there from which he pays bills, but his main office is elsewhere. His son and wife reside on 228 North 72nd Street and the applicant states that the three acres is completely family-owned and is all behind private gates. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2016-72, subject to:

Urban Planning and Land Use Comments:

1. Provide current photographs of the property to ensure it is being kept in good condition as well as the trucks in their staging area.

Applicant Response: Applicant submitted photographs that are included in this staff report.

2. Update on the hours the trucks leave and return to the property.

Applicant Response: Applicant has informed staff that there is only one truck now used in this business (they did keep the trailer that was associated with the truck.)

The truck operates Monday through Friday from 7:00 a.m. to 4:00 p.m.

3. Any approval would be for two years.

Public Works Comments:

None

Staff Conclusion:

Staff recommends approval of this temporary use of land for two years for one truck.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2016-72 for two years subject to stipulations. Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

VACATION APPLICATION

ITEM NO. 1 – 16802...VACATION APPLICATION #U/E-2016-10 - BRYON AYALA

Synopsis: Vacation of utility easements at 3742 No. 112th Court submitted by Robin Richardson, Director of Planning. The applicant is requesting the vacation to build a single family house. The Planning Commission voted 9 to 0 to recommend approval of Vacation Application #U/E-2016-10, subject to:

Urban Planning and Land Use Comments:

If approved, a \$50.00 ordinance publication fee must be paid in order to process the vacation ordinance.

Doug Bach, County Administrator, said I think I will just recognize Mr. Richardson with the Planning staff and he can explain the situation we have, the recommendation that was made by the Planning Commission, the stipulations that they had on it to move it forward today, and why we set that aside. **Mr. Richardson** said the Planning Commission recommendation was to approve this utility easement vacation if the Engineering Department found that there were no impacts to the adjacent waterway and drainageway based on their study of the site. We’ve contracted to have that analysis done and it appears to be some impacts from that. Given that

situation, I think we would recommend that this be referred back to the Planning Commission so they can analyze the additional information available regarding the drainage easement and make a more appropriate recommendation. **Mr. Bach** said we will still have to hold the procedure on this, commissioners, but our recommendation from staff is that we return this to Planning Commission, as Mr. Richardson said, so we can go forward with that.

Mayor Pro Tem Bynum said in the meantime I will open the public hearing and ask if there is any person present who would like to speak in favor of the petition. If so, please step to the microphone at this time and give us your name and address for the record and you will be given up to three minutes.

Byron Ayala said I am the petitioner for this magnification. If you guys allow me to, my engineer and my surveyor we will put it together, some information for you guys to look over if it's any time or you allow me to. This is some Dotte map that will show that the draining and easement are all the grading on the lots and the whole subdivision. **Mayor Pro Tem Bynum** said we can hand that to the Clerk or Mr. Richardson. The consideration this evening is that we will be discussing sending this item back to Planning and Zoning. **Mr. Ayala** said my engineer and I were trying to get this and we found in FEMA a 100-years floodplain in this area, no flooding. Also, we were waiting for title records showing also there is no flooding in this area. If you see on the last page, it shows a Dotte map. It showed drainageway and this area goes through the back. Actually put in the house, lot 75 shouldn't impact the drainage. Apparently when they built the subdivision obviously those lots were intended to build homes on it.

The reason they did not build it I don't know. They are the only two lots vacant in the whole subdivision, but have been approved for many years to get houses on those lots. But, of course, it will be up to you guys to decide. We're only asking to remove a small portion and reducing the easement slightly should not affect the access to our operation and existing storm sewer. So, we put it in your hands. Hopefully, you can help us out to put the right house that we want to put there. We just, if you see the plans on the back page, it is not a whole lot that we are asking for so it shouldn't affect anything.

Steve Vest, Piper Area, said we're the adjacent property. We were notified approximately a month prior to the previous meeting that was supposed to take place. We didn't have time really to know what was being done. We sent an email to some of the staff to ask them questions, no one responded to us, to ask what the report was for the easement we has no idea what it was. So we came September 12th and found out that they were going to build a house there and remove the easement was the issue and we have a huge flooding issue in our backyards. Most of us here are proponent to do that I've got a slide show I could show, but I feel like the recommendation to send it back to Planning and Zoning to give us a chance to work through this with the engineers is the right move, not too waste any more time of yours.

Lashonda Glover, Piper Area, said I am one of the adjacent lots whose yard floods due to this issue and I would say I concur with Steve that if we had more time with Planning and Zoning that that would be the right move for this.

Angela Dunn, Piper Area, said I also live next to Mr. Vest and Ms. Glover. It appears that after the plans were originally approved there's been additional flooding. We have some video and pictures to show that so we do appreciate the consideration to send it back to Planning and Zoning to look at this. We would also appreciate, if possible, that committee or engineer meet with some of us too look at the land and look at the flooding issues and look at the homes that have been impacted by the grade of the land and where these homes are going to be built, we appreciate it.

Jeremy Long, Piper Area, said I am also an adjacent property owner to this. I was just kind of notified by my neighbors. I don't know if I missed it in the mail or whatnot. I will state that my backyard personally every time it rains, it might not be in a floodplain, but it is definitely a water runoff zone creating a three to four foot wide by several inch deep river fast moving water back there. Furthermore, I am a little concerned with removing even a small portion of the easement as he states. If there does need to be work done in the future to expand stormwater runoff to fix the issue, if it becomes worse in the future; that could impact us negatively in trying to remedy this in the future.

Ms. Cobbins said, Mayor Pro Tem, the Clerk's office did receive a letter in opposition from Karen Hayes and Seth Harris as well.

Commissioner Kane said I actually went and walked the property Tuesday and I guess it rained Saturday and Mr. Vest and I were in one of the guys side yard up the hill and it was still muddy and you really can't even tell from the pictures that from the west there's a significant downflow of fields. There's a couple of houses built there on 115th St., so with that being said what I would like to do, Rob, is one, I want to send it back but I would like that staff would contact at least the four people that are here and anybody else in their neighborhood that wants to talk about it so they can show you the video. Show you some pictures and then we can all, so were not here again, and they can explain their side of it and I guess it rained a couple days after the Planning and Zoning meeting and they've got some really good pictures with that. So, I would appreciate it if the neighbors and staff would get together and I want this to be a part of the deal that they get together and talk to staff so we could come up with a quality answer. **Mr. Richardson** said if we are going to need to meet with the neighbors, we probably should hold this to the Planning Commission meeting on November 14th because I don't think we will have time to get this done before the October meeting.

Mayor Pro Tem Bynum said I will entertain a motion; the motion is to send it back to Planning and Zoning, probably the November 14th meeting, with a neighborhood meeting to be held prior too.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve sending back Vacation Application #U/E-2016-10 to Planning and Zoning for the November 14, 2016 meeting with a neighborhood meeting to be held prior to.** Roll call was taken on the motion and there were seven "Ayes," Johnson Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 16803...PLAN REVIEW APPLICATION #PR-2016-24 - STEVEN KIRKPATRICK

Synopsis: Preliminary Plan Review for a small hospital facility at 10544 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The hospital will have exam rooms as well as a small number of overnight patient rooms. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2016-24, subject to:

Urban Planning and Land Use Comments:

None

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) Verify/confirm that the existing underground storm detention system includes the required capacity to handle runoff from this site. Provide a final storm drainage study including the previous study, analysis, and confirm or provide detention in accordance with UG criteria.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) Proposed retaining walls shall be designed by a State of Kansas Professional Engineer. Final development plans shall include retaining wall calculations, details, and final construction plans, including pre-manufactured or modular block type retaining walls, which shall be reviewed and approved by UG prior to going to Planning Commission for approval.

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

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve Plan Review Application #PR-2016-24, subject to stipulations. Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 16756...CHANGE OF ZONE APPLICATION #3119 - 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. The applicant has filed a change of zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a special use permit in order to build and operate an auto body repair shop. A preliminary and final plan review have been filed to amend a previously approved preliminary plan review for the Legends Auto Plaza, which also includes a car wash/commercial development, Legends Honda (existing) and convenience store in addition to the repair shop at 10050 Parallel Parkway, 2220 No. 99th St. and 2200 No. 99th St.

and

SPECIAL USE PERMIT APPLICATION ITEM NO. 1 – 16758...#SP-2016-64 – OMAHA COLLISION COMPANY, LLC.

Synopsis: Special Use Permit for an auto body shop at 10000 Lafayette Avenue, submitted by Robin 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: (No slides were available)

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. 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.
5. 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.
6. All overhead doors shall be closed when automobiles are being serviced.
7. Sixty-five of the seventy-two 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. Trees may be in utility easements subject to species approvals.
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
- 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 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 Dollars which is sufficient to be a major investment and qualify for the longer initial special use permit.

The applicant is requesting an amendment to the garage door provision of the approval. The request, supported by staff is:

1. East door on north side goes from 14' to 11'
2. East garage door (to the shop area) generally stays closed
3. North fence line goes from 6' to 8'
4. Other than #2, doors can stay open.

Mayor Pro Tem Bynum said you will notice the first item received a unanimous vote for approval from the Planning Commission; however, the second item is closely related. The two will be heard together. The change of zone and special use permit will require a separate motion.

Curt Petersen with Polsinelli, 6201 College Blvd., Overland Park, said the summary of the petition was well stated. Locationally I guess we should sit where we are. We are up in the greater; we'll call the greater auto plaza now on the north side of Parallel up where the existing Toyota and Honda dealerships are. North of Lafayette, Lafayette runs east/west coming from 99th on the east going west and on the North side of Lafayette you have what we call Lot 3 and Lot 4. Lot 3 is right up against Lafayette and 99th that is the proposed site for the collision center you spoke of. Just to the west of that would be the site of what would be initially an overflow parking lot for Honda. Many of you know they need it for employees and excess cars and then

over time they would, as you said, build a car wash that would serve the Toyota. It would not be a commercial car wash for the community. It would be for Toyota and Honda to use. So in short, that's the overall application. It's a rezoning for Lot 3. The one for the collision center, will be rezoning to CP-3 and then also a special use permit for that type of use is required.

At Planning Commission there was a unanimous support for the rezoning. There was a 6 to 2 vote which usually I don't need to explain it, but for a couple of the commissioners I know were there, the two votes it's fair to say were actually because they thought---we were talking about an issue about whether or not the doors of the collision center could be open to get good circulation in there. Two of the Planning Commissioners actually felt like what we were asking for we should be given which is more ability to put the doors up. They voted against it not because they were not supportive of it, but because they thought it should be more like what we were asking for. The good news is during that time, which often happens, we were able to work closely with staff and came to a compromise, a in between position on that very issue regarding the doors which is in your staff packets. Unless you want, I won't go through the details, but suffice it to say to respect your time because I know you have all the history from Planning Commission in your packet. I'd like to answer any questions you have or we can go into any more detail that you want, Mayor Pro Tem, but we would request and ask for your support tonight on both the rezoning and the special use permit.

Mayor Pro Tem Bynum opened the public hearing. No one appeared in support or opposition.

Mayor Pro Tem Bynum closed the public hearing.

Mr. Richardson said I would note that regarding the changes that have been made to the recommendation to the Planning Commission this will require eight votes for approval of the applications as amended and that would be both the change of zone and the special use permit.

Mayor Pro Tem Bynum said and we will vote on them separately, is that correct? **Mr. Richardson** said correct.

Action: Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3119, as amended. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan, Bynum.

Action: Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit #SP-2016-64, as amended for ten years. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan, Bynum.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 16801... PLAN REVIEW APPLICATION #PR-2016-19 - MARK MEYER WITH FJ LEGENDS, LLC

Synopsis: Preliminary and Final Plan Review for a retail center for Frontier Justice Retail Center at 1700 North 100th Terrace submitted by Robin Richardson, Director of Planning. The applicant is seeking approval for a firearm training facility and shooting range. The Planning Commission voted 8 to 0 approval of Plan Review #PR-2016-19 as submitted by the applicant at the Planning Commission subject to:

Urban Planning and Land Use Comments:

1. Where in the building will the shooting range be located? Please provide an internal floor plan.
Floor plan provided as part of resubmittal.
2. How many lanes will the shooting range have?
The range will include 20 lanes.
3. How many people may be allowed in the range at one time?
Frontier Justice strictly adheres to the fire code for every space. Two persons are allowed to shoot on a lane at a time; potentially 40 shooters and Range Safety Officers commensurate with foot traffic. Special events will sometimes have observation parties, but again, the fire code will never be exceeded.
4. What safety and security measures will be in place at the shooting range?

Safety is a top priority at Frontier Justice. Our business depends on it. We have security cameras covering all shooting lanes and throughout our building. Range safety officers, who have been formally trained, are scheduled commensurate with traffic flow. There can be anywhere from one to four RSO's at any given time on the range. We limit shooting on the lane to two persons, who have signed a waiver and have read the Range Safety Rules. The rules are posted at Range Check In; inside the range, and inside each lane. They are also available in written form for a client to take. The National Shooting Sports Foundation Firearms Range Safety Video runs continuously on a loop outside the range. Children are allowed to shoot with a legal guardian if they are at least 8 years old and 48 inches tall. Clients must have current ID and all state and federal laws are observed in regard to shooters. Rental firearms also are in line with all laws and one must be 18 to rent a long gun and 21 to rent a hand gun.

5. Please explain your business model more clearly; explain the events and training that is to take place on site. How many people will attend these events? What security is in place? Bachelor parties and like events are advertised on the Frontier Justice website, will there be controls in place to restrict alcohol consumption and prohibit the use of firearms by intoxicated persons?

Frontier Justice has quickly become recognized as the "premier firearms destination". Our model involves products, education and experiences commensurate with a client's level of expertise. We meet people where they are on the continuum of knowledge and work with beginners as well as the most advanced clients. We have found that as a part of the entertainment beginners as well as the most advanced clients. We have found that as a part of the entertainment experience, that corporate events and private parties are a very fruitful part of our model. Up to 35 people can be in a group and we structure experiences from shooting competitions to personal shopping trips through the boutique. Birthday parties and bachelor/bachelorette parties are included in this special event offering. Alcohol is strictly prohibited as a part of this venue. We do not sell alcohol and train our staff to look for warning signs of any kind of drug use or intoxication. If a person merely smells of these substances, they are not allowed on the range under any circumstances. No exceptions.

6. What type of measure will be taken to minimize the sounds from the firearms to those both inside and outside the building?

The exterior walls of our facility are solid concrete. We have a material called “sonex” covering our steel baffles. This material as well as a material called “peep” that covers from the firing line to the ceiling are instrumental in significantly reducing firearms sounds. Sound absorption material covers all surfaces behind the firing line, further minimizing sounds. From our boutique and our offices, you cannot hear shooting even when the range is full. Our sound proofing covers all areas and the outside of the facility whereas clients have even asked in the front of the building if anyone is shooting on the range, because there is no sound to prove otherwise. This is a part of what make Frontier Justice a “state of the art, next-generation” firearms facility. Our sound absorption aids the job of ear protection for a shooter, making our range not only the best lit, temperature controlled, automated lane retrieval system, but also the most quiet.

7. What type of venting will be in place to minimize smells and debris associated with shooting ranges?

Please see the attached detailed description of our air handling system-the best offered anywhere in the world.

Plan Review:

This plan does not comply with the Commercial Design Guidelines. Please refer to the guidelines found here. Additionally, this plan does not comply with the Legends Auto Plaza Design Guide.

A) Signage

1. All signage requires sign permitting and standard sign permit review processing.

B) Architecture

1. (Sec. 27-576 e) 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.

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.

The applicant is seeking a deviation from this requirement (see attachments.) Staff feels that the concrete must be integrally colored as to avoid issues in fading and premature wear on the façade and that significant texture (stone or brick) should be added. Staff recommends approval of this application subject to compliance with staff comments.

Public Works Comments

None

Matt Masilionis, Rees Masilionis Turley Architecture, 2000 Shawnee Mission Pkwy, Mission Woods, KS, said I'm also here with Bren Brown with Frontier Justice and I've got Kenny Miller and Matt Elsom, my associates; and Mark Meyer the applicant is here as well. I

thought I'd take a few minutes and have Bren talk about what Frontier Justice is and then I will kind of get into the application.

Bren Brown, Frontier Justice, said my husband, Mike, and I started Frontier Justice three years ago. We came up with the concept to create a next generation firearms training facility in Lee's Summit, Missouri. We chose Lee's Summit because that is where we are from and the concept is to have an entertainment center as well as a retail destination with this firearms training component. We meet shooting enthusiasts of all levels, beginner, intermediate and advanced and we founded the whole company on the concept of faith, family and freedom. It's not just a catchy tag line to us, that's our core values. Much like you opened your meeting tonight, faith for us meant the National Christian Foundation owns 10% of our company; we donated it to them so that 10% of our profits go into community good.

Family was the idea that entire family's would come into our facility and feel comfortable there and we would revive shooting sports for the entire family and freedom for us was represented by the firearm that we sell in our retail location. So, all of those things are really important to us and we've spent the last two years working on branding Frontier Justice and in doing so I think we've done a great job in that we've gotten a lot of national recognition. Not only from the firearms industry, but the fashion industry, because we also have a boutique and cafe in our facility to, again, make entire family's feel comfortable in our facility. I brought some brochures and pamphlets to present and I also wanted to give you a copy of an article that was written in Pistol Magazine which is on newsstands right now recognizing our facility and how we are changing the face of the firearms industry.

At our last meeting I really wanted to say that I know it's a little of a policy deviation as far as the outside of the building is concerned, Matt is here to talk about that, but three years ago when we decided to do this we had a policy change at the Brown house too. We took all of our money and invested it in this concept of Frontier Justice and we put a lot of passion and a lot of work into that. We are not a big box, we are a mom and pop, and we look a little like a big box but it's really Mike and Bren Brown. So, there are not deep pockets to try to change our branding that we've worked so hard on and make our facility to look different. It's just important that it looks the same and that it feels the same and I think ecstatically its very pleasing

and I know that many of you have been here so we appreciate the review and we appreciate your support.

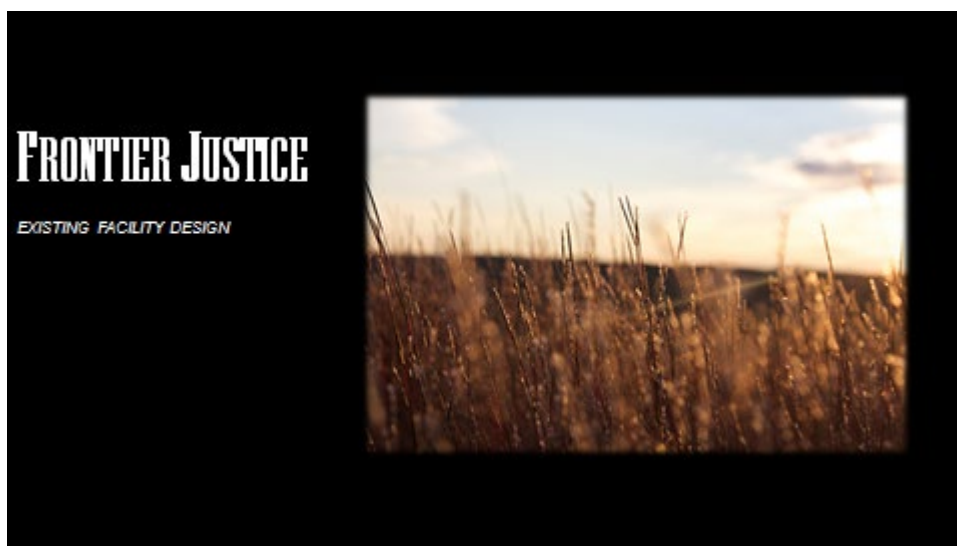


Mike Brown, Frontier Justice, said so up on the screen I'm just going to take you real quick through what Frontier Justice is.



A little bit more about the building. It's intriguing just in the name itself, but as Bren had talked about if you haven't been to the facility, I'm going to take you through it real quick.

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She talked about our mission statement and what they are, but it's important to talk about the reeds and the grasses and about the Frontier because you are going to start seeing that in the branding statement in the field and look at the building.



This is our existing facility in Lee's Summit and you'll find that it is composed of a tilt-up concrete panel and it's primarily for two reasons. One is for sound control and the second is for security. Obviously they maintain a fairly nice investment in the arms and they worry that someone would have access to—**Mayor Pro Tem Bynum** said Sir, could you speak more directly into the microphone. We are having a little difficulty hearing you. **Mr. Brown** said I tend to be a little too tall sometimes for this. What I was talking about is that the tilt-up panels at the existing facility were predetermined because of the security and sound issues that they have

to deal with. They don't want people to hear the sounds on the outside from the range and they want to make sure that people only have access to getting into the building at the entrance itself.



The building is being composed of not just tilt-up through.



It also is steel and woods and masonry and as Bren talked about.

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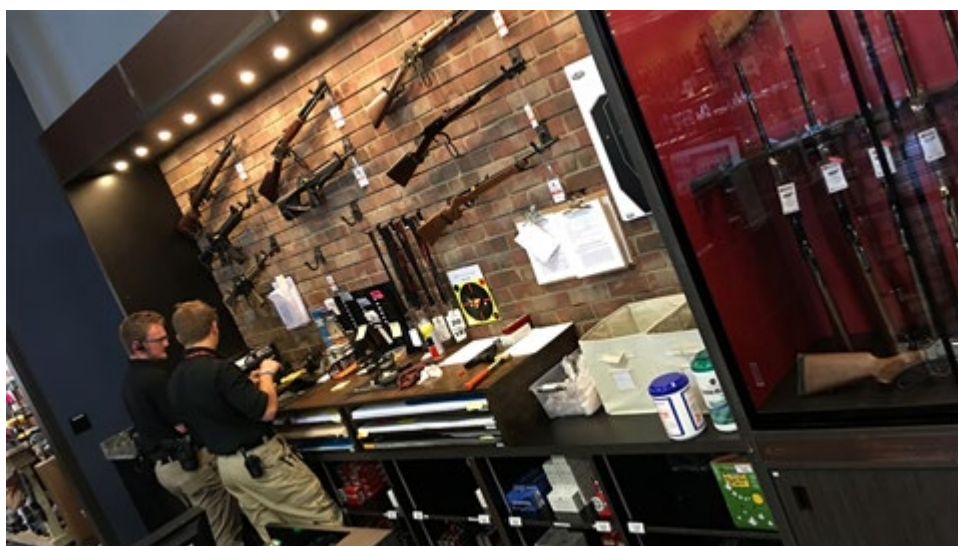
It really does have a real frontier feel to it at the front entrance with the large porch overhangs and as we get into the tilt-up the symbolism of the reeds and the grasses is imposed upon the panels itself which we've also multi-colored.



As you get inside the cafe, this is what makes it really unique, and if you are reading the article from Pistol Magazine, you are seeing that was an article that they had not asked for, but it really composed about the culture that they are trying to establish.



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So it's not just the boutique, it gets back into the store itself and actually have a gunsmith on staff, simulation, and the range itself.

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So what is the new facility like? Well it is similar to what the other one is, but we have done substantial increases on the exterior with the panel design, the finish fenestration, much stronger landscape and it's a much better pedestrian experience.



The site location is obviously—it's on the east side of 435 north of France Family Drive, it's a 30,000 square foot, just under 30,000 square foot building,



What you are looking at is the facade actually faces the corner and the range is to the east. The store is to the center and to the west is where the trucks will actually deliver the materials.



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As you kind of look at the facility it is similar, but different, so we've actually added a very strong band along the base of the building. We've accentuated the reeds and added additional windows. We've worked with staff quite extensively on trying to make modifications that would make this feel even a better experience than what they currently have.



We've actually got additional woods.

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I'm going to take you around the building here and this is actually moving from the front entrance moving toward the west. You'll see that we've added fairly heavy landscaping with rocks, reeds and grasses up against the building, additional windows.

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This is actually moving toward the west side.



This is now in the dock area on the west side.

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We're moving around the west working it back on the east side of the building and this is the entrance on the east side and we come back toward the main entrance.

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The focus is on the south side.



I'd like to also add too, the size and proportions' building is almost identical so what the Auto Mall buildings are to the north of us.

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This is as we get towards the main entrance here.



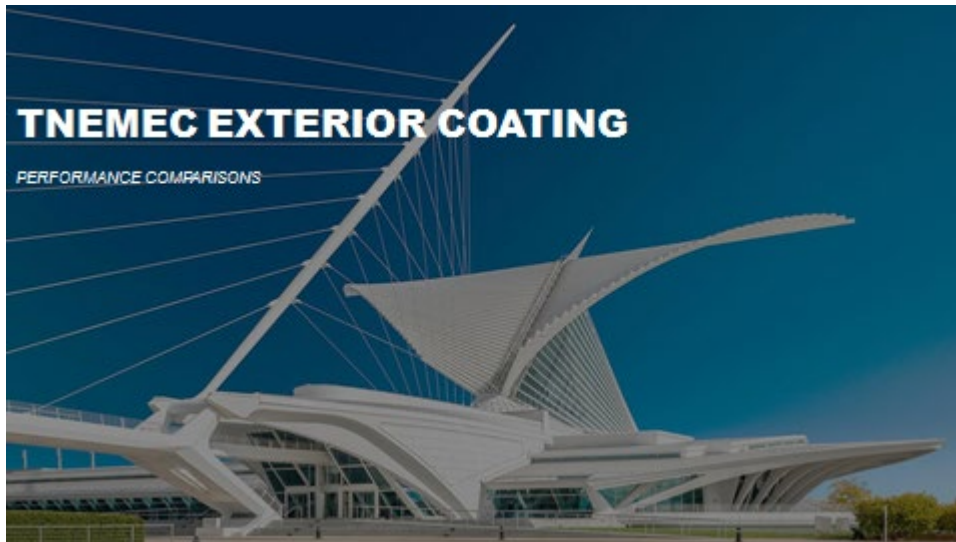
Lots of glass and lots of woods.

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Once again the strong branding statement that Bren talked about.

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I want to talk a little about the Tnemec coat because that was actually an item that we worked pretty extensively at. Rob, can I, I've got some additional samples. There was some discussion that we didn't want the building painted and the building is not painted, it's actually coated with Tnemec paint. It's a company here in Kansas City.



*Headquarters &
Manufacturing Plant*

123 W. 23rd Avenue
North Kansas City,
Missouri, 64110
816-474-3400

www.tnemec.com

Since 1921, Tnemec Company, Inc. has been a leading manufacturer of coatings and coating systems for exterior and interior environments.

Tnemec has sustained its innovation & pioneering heritage with the continual development of high-performance industrial coatings, designed for a range of applications from superior abrasion, chemical and corrosion resistance to interior linings, seamless flooring and wall systems, and fluid-applied thermal insulation.

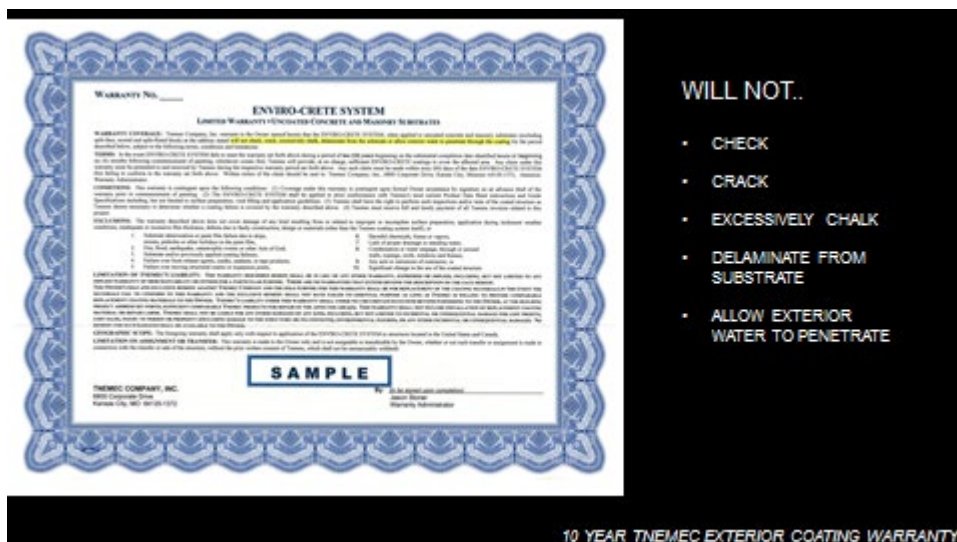
Tnemec architectural coatings are known for their unequaled aesthetic appeal, fade-resistant colors and high gloss retention.

TNEMEC COMPANY BACKGROUND & MISSION

It was established in 1921 and what Tnemec is, is actually an industrial coating that has been applied.

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Relative to the Tnemec, the strength of this when it's coated on the tilt-up panel itself, the first ASTM Standard and these are all ASTM Standards that are driven here, when it's bonded to the concrete, which after it dries, the first test is actually they adhere dowel to the material and then they begin pulling on it. The concrete sheers before the material actually does so this is not paint. You can't buy it at the store; it's something that's only purchased through the industrial coating company called Tnemec.



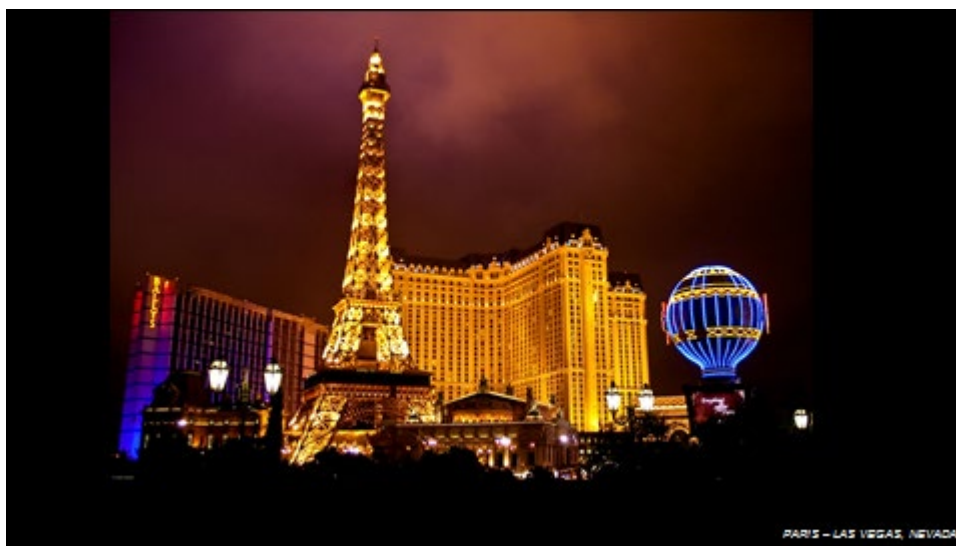
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PARX STUCCO ASSEMBLIES		
Armourflex® Flex-Matrix and Armourflex® Water-Matrix Etek Shield Assemblies		
Material & Moisture Protection	No Primer	WEP Primer
1/8" x 1/8" Mesh Reinforcing	12 Years	15 Years
1/4" x 1/4" Mesh Reinforcing	12 Years	12 Years
Reinforced Stucco	12 Years	12 Years
The Xpress System over Stucco or Cement Board	10 Years	N/A
1/4" Synthetic Insulation	5 Years	10 Years
1/4" Standard Insulation	3 Years	5 Years
Interface Specialty finishes	3 Years	N/A
Fasteners, Coating (2 coats), Armourflex 100 Only	3 Years	N/A
Reinforced Coating (2 coats), Armourflex 100 Only	3 Years	N/A
Reinforced Coating (2 coats), Armourflex 100 Only	3 Years	N/A
1/4" Coating (2 coats), Armourflex 100 Only	3 Years	N/A
1/4" Coating (2 coats) or any of the above listed assemblies, add 2 years to the warranty indicated.	3 Years	N/A
PARX STUCCO ASSEMBLIES		
Armourflex® and Armourflex® Etek Shield Assemblies		
Material Only	No Primer	WEP Primer
1/8" x 1/8" Mesh Reinforcing	12 Years	15 Years
1/4" x 1/4" Mesh Reinforcing	12 Years	12 Years
Reinforced Stucco	12 Years	12 Years
The Xpress System over Stucco or Cement Board	10 Years	N/A
1/4" Synthetic Insulation	5 Years	10 Years
1/4" Standard Insulation	3 Years	5 Years
Interface Specialty finishes	3 Years	N/A
Fasteners, Coating (2 coats), Armourflex 100 Only	3 Years	N/A
Reinforced Coating (2 coats), Armourflex 100 Only	3 Years	N/A
Reinforced Coating (2 coats), Armourflex 100 Only	3 Years	N/A
1/4" Coating (2 coats), Armourflex 100 Only	3 Years	N/A
1/4" Coating (2 coats) or any of the above listed assemblies, add 2 years to the warranty indicated.	3 Years	N/A

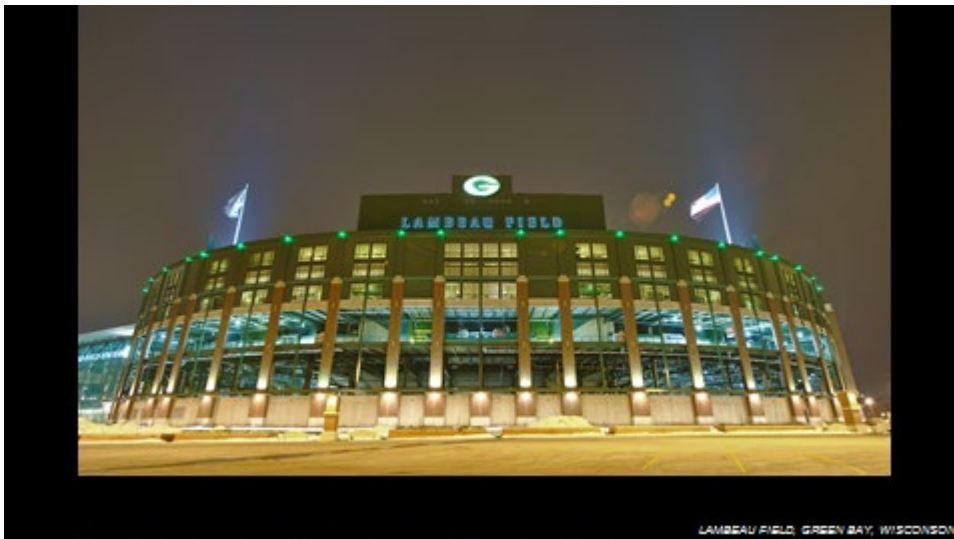
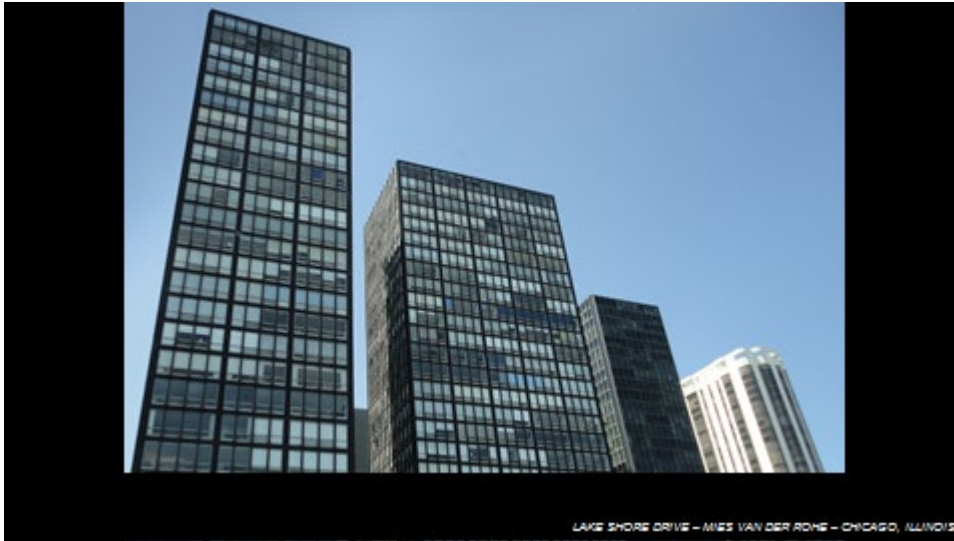
They are providing us a full ten-year warranty and that actually exceeds what you're going to find upon any other material that you're going to typically buy from paint or stucco. So a typical paint would only give you about a two to three year life span and would not be composed of any ASTM Standards. Stucco is going to get you about a three to six year warranty.



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September 29, 2016



JACOB K. JAVITS CONVENTION CENTER - NEW YORK, NEW YORK



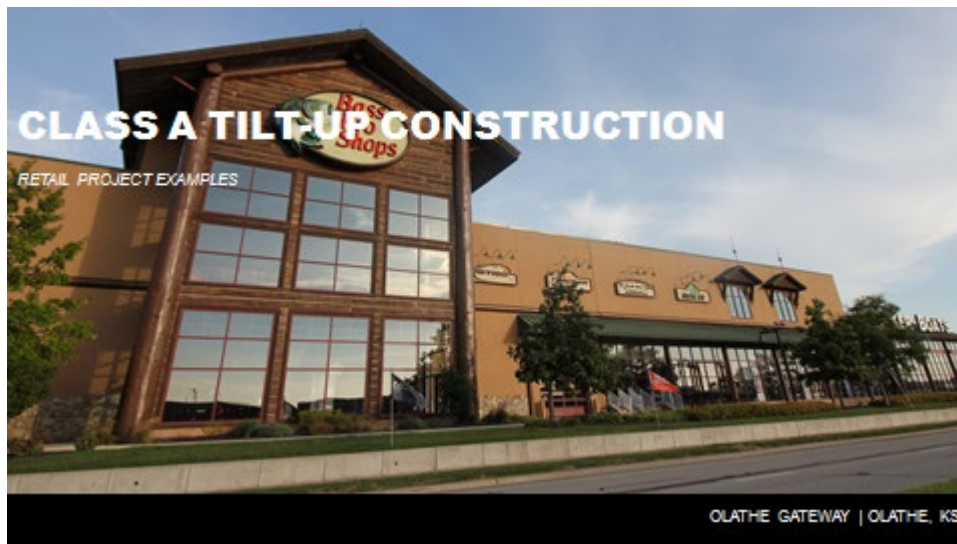
BELLAGIO - LAS VEGAS, NEVADA



NELSON ATKINS MUSEUM - SHUTTLECROCKS - KANSAS CITY, MISSOURI

September 29, 2016

Tnemec has been used on a lot of great projects around the country; Four Seasons Resort, Scottsdale, the Milwaukee Art Museum, Indiana University where the Hoosiers play, our adjacent neighbor in Nebraska Furniture Mart which has also used the textured coating on the lower level. Paris Las Vegas, couple of Me Spandaro buildings in Chicago which are obviously looking for long-range long-term durability; Lambeau Field, Javits Convention Center in New York, the Bellagio and even our wonderful Nelson Atkins shuttle cox. It's also on the water tower just north of the Legends as well.



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The other item we talked about was tilt-up as well. Tilt-ups have been used as a primary component upon retail development even here in Kansas City. Olathe Gateway which is done by Bass Pro is one, Olathe Gateway around the shops, the Avion: Briarcliff, Hendrix Lexus, the brand new ones in Merriam; Olathe Tech Park, Olathe Point, the Hendricks Toyota and Old Navy off in Zona Rosa.

Frontier Justice Tilt-Up Concrete Exterior Façade Design Summary


Tnemec is not a paint but an industrial coating designed to bond with the Concrete Substrate for a superior façade Performance which performs better than stucco.

An "Integrally Colored Concrete" panel with different colors is not possible (for Precast or Tilt Up)

Tnemec has been used on numerous Large Scale commercial architectural projects requiring the highest durability, wear ability, color fastness and longevity throughout the United States

Tilt-Up Concrete is an excepted means and methods for Class A commercial and retail projects due to its flexibility, durability, long-life and customization available.

Tilt Up Concrete with formliner/reveals & Textured Tnemec Coating will provide the highest level of design & construction method possible which meets with Frontier Justice Security & Sound Privacy Demands



FRONTIER JUSTICE

NEW FACILITY DESIGN
KANSAS CITY KANSAS

This 2nd Facility for Frontier Justice is similar in concept to the first, but incorporates substantial increases in Exterior Panel Detail, Finish & Fenestrations with a much stronger landscape and pedestrian experience.

Frontier Justice Facility Function requires sound & security envelope that Tilt Up Concrete Panels Provide (in size and width)

The new facility will coordinate seamlessly with the adjacent AutoMall Facilities in proportion & size while creating a strong Corner Identity for the Overall Legends East

We have worked diligently with staff over several months working to bridge the gap of guidelines with Frontier Justice requirements while developing the appropriate solution for the site.



I just want to make sure that everyone understood that we've worked really hard; this is really a fine balancing act. We have a material that works extremely well for this user. I think we've architecturally enhanced it to really be a wonderful retail experience. It's a strong brand, I think it's a strong building, we've fronted the corner, we've really identified that the building has all four sides and dealt with appropriately.

Mayor Pro Tem Bynum opened the public hearing and asked for those in favor.

Richard Napper, 909 Walnut, Kansas City Mo., said I'm here this evening on behalf of EPR Properties as well as SVV1 LLC. We are in essence the master plan developer for the entire 350 acres of which Frontier Justice is a component. Several team members with me tonight; Curt Petersen as well as Chuck Stites. I am the lucky one that got to wear the tie and get up to speak to you, but I wanted to acknowledge them for all the work they've done on the master plan the past three years as well. As I mentioned, about three years ago a team was developed to jump start the development of this very long stalled project, the 350 acres east of 435. I think we're all well aware of the progress we've made the past three years from US Soccer to Dairy Farmers World Headquarters to the state-of-the-art Auto and Retail Mall and there's more to come. In regards to the Frontier Justice project itself on our Master Plan, this project has the full support of my team, EPR as well as SVV1 LLC.

Over a year and a half ago we engaged conversations with Frontier Justice to make this location the next location, to bring them over from Missouri, the definition of a STAR Bond

attraction. We had to fight off neighboring communities to the south, we had to leapfrog neighboring states to the south to land them at our project and we are very pleased they're here. The design of the building from the architecture to the construction method has our full support. We think the architecture fits well in context with the auto dealers, we think it is an ecstatically pleasing building and suits the needs of safety and sound very well. We were very pleased that the Planning Commission nearly unanimously approved this 8 to 1. We would look for your approval tonight and certainly appreciate your time and consideration.

Marsh Rupp, 2816 N 46th St., said I think it is a great addition to the Legends and people who have a firearm usually have to go to Johnson County or somewhere else to practice shooting. Lord knows if you have a gun, you need to know how to shoot it.

Mayor Pro Tem Bynum asked for anyone in opposition. There were none.

Mayor Pro Tem Bynum closed the public hearing.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve Plan Review Application #PR-2016-19 as submitted by the applicant at the Planning Commission meeting and subject to stipulations..** Roll call was taken on the motion and there were seven "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

NON-PLANNING CONSENT AGENDA

Mayor Pro Tem Bynum asked if any member of the Commission or anyone in attendance tonight wish to set aside any item on the Non-Planning Consent Agenda. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 16784... AMENDMENTS: HUMAN RESOURCES GUIDE

Synopsis: Amendments to the Human Resources Guide Policy 7.1, Rules and Discipline, to include new discipline rules related to concealed carry by employees, submitted by Jenny Myers, Senior Attorney. On September 19, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 2 – 16745... RESOLUTION: BLOCK PARTY PERMIT POLICY

Synopsis: A resolution amending the UG's Block Party Permit Policy to address recent public safety and logistical concerns, submitted by Susan Alig, Attorney. On September 19, 2016, the Public Works & Safety Standing Committee, chaired by Commissioner Bynum, voted to approve and forward to full commission.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were seven “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

ITEM NO. 3 – 16804... PLAT: BUDD ESTATES III

Synopsis: Plat of Budd Estates III located at 127th Street and Quail Hollow Drive, being developed by Donald E. Budd, Jr., submitted by Brent Thompson, County Surveyor, and Wayne Moody, Interim County Engineer

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

ITEM NO. 4 – 16805... PLAT: ST. BENEDICT'S PLACE, FIRST PLAT

Synopsis: Plat of St. Benedict's Place, First Plat, located at 9th and Homer, being developed by Community Housing of Wyandotte County, submitted by Brent Thompson, County Surveyor, and Wayne Moody, Interim County Engineer.

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

ITEM NO. 5 – MINUTES

Synopsis: Minutes from regular session of August 25, 2016.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve the Minutes. Roll call was taken on the motion and there were seven "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 8 and 15, 2016.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve the Weekly Business. Roll call was taken on the motion and there were seven "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

PUBLIC HEARING AGENDA**ITEM NO. 1 – 16794... BUDGET HEARING/RESOLUTION: WYCO LIBRARY BUDGET**

Synopsis: Conduct a public hearing and consider a resolution to adopt the Wyandotte County Library 2017 Budget, submitted by Kathleen VonAchen, Chief Financial Officer. On September

19, 2016, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Doug Bach, County Administrator, said during our budget adoption process this summer when we moved forward with our normal budget adoption items, we went through and discussed the hearing for the adoption of the Library Public Budget; however, we did not publish the Library mill rate, as we went out and did all out other publications which put us in a place we need to go back and clean this item up. In doing so we need to conduct the public hearing that is in timely nature with publications we've done around this. So, we are requesting that we hold a public hearing tonight to see if we can move forward with the Library Budget as we had presented to the Commission this summer when presented to us. So at this time I would recommend we move forward with the public hearing.

Mayor Pro Tem Bynum opened the public hearing and asked if anyone would like to speak in favor.

Chuck Stites, Edwardsville, Vice Chair of Library Board, said we held a meeting, we had quorum, and it was voted on unanimously and we look for the approval.

Mayor Pro Tem Bynum asked for anyone in opposition. No one appeared.

Mayor Pro Tem Bynum closed the public hearing.

Action: **RESOLUTION NO. R-71-16**, "A resolution expressing the Property Taxation Policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2017 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2017." **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were seven "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Townsend, McKiernan.

Mayor Pro Tem Bynum adjourned as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 16774...COMMUNICATION: LAND BANK BUSINESS

Synopsis: Request approval of the following applications, submitted by Charles Brockman, Economic Development.

Applications

3826 N. 37th St. – Jose Solis, property acquisition
 3814 N. 37th St. – Jose Solis
 3820 N. 37th St. – Jose Solis, property acquisition
 3816 N. 37th St. – Jose Solis, property acquisition
 (Held over from 8/11/16 Commission meeting)

1423 New Jersey Ave. – Rosa Navarrete
 2027 N. 5th St. – William Moore
 654 Rowland Ave. – Ricardo Mogollan-Sanitlian
 600 Melville St. – Salvador Vargas
 1024 Reynolds Ave. – Charles Nutsch
 7126 Osage Dr. – Cheryl Behrens
 2947 N. 12th St. – Gregory Ross
 2 S. 23rd St. – Jorge Vasquez

2252 Lathrop Ave. – Charlotte Demming
 (Property was in Tax Sale 335 at applicant's request)

1420 New Jersey Ave. – Elizabeth Hernandez

2710 Tennyson St. – Manual Cardoza Soto
 (Property was in Tax Sale 335 at applicant's request)

5634 Roswell Ave. – Javier Madrigal
 (Donated by Wells Fargo with an improvement and subsequently razed)

308 N. James St. – Tyler Coey

Donations to Land Bank

1859 S. Tremont St. – Cindy Larison
 1022 Barnett Ave. – Patricia Mead

On September 12, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

ITEM NO. 2 – 16776...COMMUNICATION: LAND BANK POLICY UPDATE

Synopsis: Land Bank Policy update to Section 7.5, Conveyance Time Allowance, submitted by Chris Slaughter, Land Bank Manager. On September 16, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

PUBLIC ANNOUNCEMENTS

No business items

**MAYOR PRO TEM BYNUM ADJOURNED
THE MEETING AT 7:45 P.M.
SEPTEMBER 29, 2016**

Bridgette D. Cobbins
Unified Government Clerk

Mbb/dt

September 29, 2016