

LAWRENCE GOLDBLATT, Registered Architect
ARCHITECTURE PLANNING DEVELOPMENT

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e: LawrenceGoldblatt@nationalarchitectcorporation.com

22 March, 2021

Christopher Hughey, City Planner (via ChristopherHughey@kcmo.org)
Jeffery Williams, Director of City Planning (via JefferyWilliams@kcmo.org)
Chair, City Planning Commission (via City Staff)
Sarah Baxter, City Attorney
Eddie Welsh, HALO Foundation (via e.welsh@capitalmarketsmo.com)
Joseph Rexwinkle, Planner (joseph.rexwinkle@kcmo.org)
HALO Agents (Mathew Gibbs, Rhodes, matt.gibbs@lbhc.com; Christian Arnold,
Clockwork Architects,(christian@clockwork-ad.com)
BROWN ESTATES NEIGHBORHOOD ASSOCIATION (via m-djac@juno.org)
HKC Properties, LLC (c/o Mariner Holdings, LLC, 5700 West 112th St., 500 Overland
Park, Kansas 66211)

re:

PUBLIC ENGAGEMENT PROCESS, HALO PROPOSED REZONING, 5928 East 52nd
Terrace, Kansas City, Mo Case #CD-CPC-2021-00018

Dear Parties,

As of this date, these uncontroverted facts are admitted and made a part of the record for
this case;

1. THE APPLICATION IS DEFECTIVE, AND CANNOT BE PROCESSED:

1.1 The agents who allegedly prepared and filed the rezoning application did not then nor
do not now have filed their Affidvits indicating the property owner has granted them
authority to represent the property owner in this Rezoning matter.

1.2 The Application cannot have been accepted, and granted a File number, as there is no
authority established for the Filing.

1.3 The City staff exceeded its authority when it accepted the application for filing,
assigned it a number, and proceeded with partial staff reviews.

1.4 The Transportation Committee of the staff apparently met but no findings are posted
to COMPASS KC.

1.5 Any steps taken to advance this Application other than dismissal with prejudice likely
lacks lawful authority.

1.5 The HALO President indicates he has “no knowledge of HKC Properties, LLC”.

1.6 No Notice in form or within the time allowed has been sent to at least some of the property owners within 300 feet as required by the City of Kansas City in its Public Engagement Ordinance (190502).

1.7 Staff errs in its Report. Brown Estates neighborhood boundaries clearly include the subject area.

1.8 As the application is notably deficient in how it demonstrates its (required) description of operations; additional phases; means for paying for the required offsite infrastructure costs (The HALO President states “HALO will pay for all of that, 18 March, 2021); later reporting of costs to be imposed on adjacent properties is required at the project outset, not when staff says “its too late to stop now”); the staff exceeds its authority when it denies need to amend the Area Plan when that is the Council policy for this area. The Area Plan does not call for this kind of use or overlay to allow a use not allowed in R 7.5); and the application does not explain how this use conforms to state law; nor does the Application cite any research authorities for how this model is regarded as “best practices” for homeless teens; then therefore:

2. NO PUBLIC ENGAGEMENT PROCESS CAN BE CONDUCTED:

2.1 No public Engagement Meeting was scheduled or held no later than seven days after the Application was filed (88-505-12-C) as required. City Planning Commission hearing can only be continued, indefinitely. This requirement can never be fulfilled.

2.2 Because this Application failed to conform to the Ordinance, objection is hereby filed with the City Planning Commission staff and the Commission that this case can only be continued, and not heard, as no Public Engagement Hearing was scheduled or heard before the City Planning Commission hearing was scheduled.

3. DAMAGES ACCRUE:

Signors to this communication record for the record that damages accrue as the undersigned must continue to monitor this Application for its deviation from rules.

Thank you for your consideration,

_____/s/_____
Lawrence Goldblatt, M.C.P., M.Arch.A.S
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On behalf of himself

Paula Fesenmeyer
Our Freedom Hill LLC
Tonya Offield

LAWRENCE GOLDBLATT, Registered Architect
ARCHITECTURE PLANNING DEVELOPMENT

5811 East 52nd Terrace, Kansas City, Missouri 64129 ph 816756 3633 fax: 877.354 142
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25 March, 2021

Christopher Hughey, City Planner (via ChristopherHughey@kcmo.org)
Jeffery Williams, Director of City Planning (via JefferyWilliams@kcmo.org)
Chair, City Planning Commission (via City Staff)
Sarah Baxter, City Attorney
Eddie Welsh, HALO Foundation (via e.welsh@capitalmarketsmo.com)
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Terrace, Kansas City, Mo Case #CD-CPC-2021-00018

Dear Parties,

As of this date, these uncontroverted facts are admitted and made a part of the record for
this case;

1. THE PUBLIC ENGAGEMENT MEETING AT 5:30 pm HAD NO PROPERTY
OWNERS OR NEIGHBORHOOD REPRESENTATIVES IN ATTENDANCE.

1.1 Mrs. Paula Fesenmeyer, myself, and myself representing Tonya Offield accessed the
meeting hosted by the project civil engineer.

1.2 The host for the meeting, a representative of the civil/surveying firm, asked why there
were no representatives from the property owners, or neighborhood, and was anyone
expected.

1.3 The Notices were deficient in that none were received. The Public Engagement Task
is in default for at least this reason.

Many property owners are uncomfortable with Zoom; don't have internet access; don't
have a phone; have told us they assume the rezoning was a "done deal" and that no one
would listen to them. These issues were raised in prior correspondence and conversation
with Mr. Eddie Welsh, yet the city rules were still ignored.

1.4 It was announced at the outset of the meeting that Eddie Welsh and his wife could not attend the meeting due to an emergency.

1.5 We gave an opening statement thanking the HALO development team for holding another informational meeting about the proposed rezoning. Our testimony is that our presence was not to be counted as “attending” the host’s “Public Engagement” meeting.

We were in attendance for the “informational meeting”.

1.6 The host, a representative from the civil/survey firm, interrupted our testimony, and kept us from completing it. He indicated that the memo of 22 March 2021 which set forth the deficiencies in the alleged Public Engagement process was received by him (passed on from the HALO President Eddie Welsh).

1.7 By his interruption, the Host denied our right he granted for us to make an opening statement. He attempted to divert our presentation to only his team’s presentation, saying “the staff requires it”, and away from the statements we were entering on the record about rules violations.

No one from the HALO development team or the property owner has responded.

1.8 The host, of the civil/survey firm, is not listed as an “agent” for the HALO as property owner.

1.9 HALO is not the property owner, and no agent for the property owner was present. The developer’s team was without legal authority to conduct any city required “Public Engagement” meeting.

1.10 The host of the meeting claimed that the City “requires us to give our presentation”, when in fact no one at the City has any authority to require a non-agent, without legally required notice, to present an incomplete Application, to anyone. The meeting host ignored the rules established by the City and proceeded.

1.11 As we have heard the same presentation two times, we left the meeting when the applicant began repeating his incomplete submittal.

1.12 It appears to our observation that this applicant, without written authority to represent the owner, believes that because the City has begun processing the defective Application, that the City staff can after the fact approve deficiencies in the Application.

1.13 The City staff has requested and obtained a continuance from the City Planning Commission for #CD-CPC-2021-00018, without a fee. It appears that a fee should be assessed because the Applicant has a number of deficiencies to the Application as cited from several city departments.

2. Conclusion:

2.1 The undersigned request that the City staff not proceed any further with processing this Application as it lacks the lawful authority to do so.

2.2 If the City believes it has the lawful authority to proceed, it obtain a judicial ruling that states actions by the City to process this incomplete application, lacking the owner's permission, are lawful.

2.3 Failing that, the City will pay the damages to date incurred by the undersigned to defend against this unlawful granting of an Application for rezoning to HALO or HALO Worldwide, or the property owner, HKS Properties, LLC.

Thank you for your consideration,

_____/s/_____
Lawrence Goldblatt, M.C.P., M.Arch.A.S
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On behalf of himself
Paula Fesenmeyer
Our Freedom Hill LLC
Tonya Offield

3. Appendix: Facts:

3. THE APPLICATION IS DEFECTIVE, AND CANNOT BE PROCESSED:

3.1 The agents who allegedly prepared and filed the rezoning application did not then nor do not now have filed their Affidavits indicating the property owner has granted them authority to represent the property owner in this Rezoning matter.

3.2 The Application cannot have been accepted, and granted a File number, as there is no authority established for the Filing.

3.3 The City staff exceeded its authority when it accepted the application for filing, assigned it a number, and proceeded with partial staff reviews.

3.4 The Transportation Committee of the staff apparently met but no findings are posted to COMPASS KC.

3.5 Any steps taken to advance this Application other than dismissal with prejudice likely lacks lawful authority.

3.6 The HALO President indicates he has “no knowledge of HKC Properties, LLC”, the (the lawful property owner)

3.7 No Notice in form or within the time allowed has been sent to at least some of the property owners within 300 feet as required by the City of Kansas City in its Public Engagement Ordinance (190502).

3.8 Staff errs in its Report. Brown Estates neighborhood boundaries clearly include the subject area.

3.9 As the application is notably deficient in how it demonstrates its (required) description of operations; additional phases; means for paying for the required offsite infrastructure costs (The HALO President states “HALO will pay for all of that, 18 March, 2021); later reporting of costs to be imposed on adjacent properties is required at the project outset, not when staff says “its too late to stop now”); the staff exceeds its authority when it denies need to amend the Area Plan when that is the Council policy for this area. The Area Plan does not call for this kind of use or overlay to allow a use not allowed in R 7.5); and the application does not explain how this use conforms to state law; nor does the Application cite any research authorities for how this model is regarded as “best practices” for homeless teens; then therefore:

4. NO PUBLIC ENGAGEMENT PROCESS CAN BE CONDUCTED:

4.1 No public Engagement Meeting was scheduled or held no later than seven days after the Application was filed (88-505-12-C) as required. City Planning Commission hearing can only be continued, indefinitely. This requirement can never be fulfilled.

4.2 Because this Application failed to conform to the Ordinance, objection is hereby filed with the City Planning Commission staff and the Commission that this case can only be continued, and not heard, as no Public Engagement Hearing was scheduled or heard before the City Planning Commission hearing was scheduled.