



Agenda

Neighborhood Planning and Development Committee

Chairperson Ryana Parks-Shaw

Vice Chair Eric Bunch

Councilmember Nathan Willett

Councilmember Melissa Patterson Hazley

Wednesday, February 21, 2024

1:30 PM

26th Floor, Council Chamber

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

Public Testimony is Limited to Two Minutes

Parks-Shaw

240197 Sponsor: Mayor Pro Tem Ryana Parks-Shaw

RESOLUTION - Directing the City Manager to develop a plan to provide additional mechanisms for City residents and visitors with non-verbal language barriers or other impairments affecting communication to access City communications and resources; to determine the budgetary costs of implementing the plan and to identify potential funding sources; and to present the findings to the City Council within 180 days.

Willett and O'Neill

240198 Sponsor: Councilmember Nathan Willett and Kevin O'Neill

Approving a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, on about 500 acres in District MPD generally located at the northeast corner of I-435 and Highway 169 to allow for the six data centers and two office buildings in District MPD. (CD-CPC-2023-00174)

HELD IN COMMITTEE

City Plan Commission and Director of City Planning & Development

[231047](#)

Sponsor: Director of City Planning and Development Department

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-305-04, Home Occupation, and enacting in lieu thereof a new section of like number and subject matter for the purpose of compliance with state law; by repealing Section 88-205-07 Documentation of Overlays, and enacting in lieu thereof a new section of like number and subject matter for the purpose of documenting the recently-adopted Westport Overlay District; by enacting Section 88-327, Communication Services Establishments to provide standards for said uses; and by repealing Section 88-110-03 Table 110-1 (Residential Districts Use Table), Section 88-120-03 Table 120-1 (Business Districts Use Table), and Section 88-130-03 Table 130-1 (Downtown Districts Use Table) and enacting in lieu thereof new tables in each section for the purposes of referencing the use standards of 88-327; by repealing Section 88-516-06-A Major Amendments to Development Plans or Project Plans, and enacting in lieu thereof a new section of like number and subject matter for the purpose of reducing the number of major amendments required. (CD-CPC-2023-00106)

Willett

[240047](#)

Sponsor: Councilmember Nathan Willett

Declaring a moratorium until October 11, 2024, on the issuance or approval of any permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed liquor store or vape shop in any locations along Barry Road between N.W. Waukomis Drive and N. Platte Purchase Drive. ***Held until 2.28.24***

Parks-Shaw

[240087](#)

Sponsor: Mayor Pro Tem Ryana Parks-Shaw

Consenting to the creation of a port improvement district overlaying Starlight Theatre for the purpose of imposing a 1% sales and use tax; directing the City Manager to support the creation of the port improvement district; and directing the City Manager to cast a ballot, on behalf of the City, in favor of the sales and use tax. ***Held until 2.28.24***

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.

2. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

3. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



File #: 240197

RESOLUTION NO. 240197

Sponsor: Mayor Pro Tem Ryana Parks-Shaw

RESOLUTION - Directing the City Manager to develop a plan to provide additional mechanisms for City residents and visitors with non-verbal language barriers or other impairments affecting communication to access City communications and resources; to determine the budgetary costs of implementing the plan and to identify potential funding sources; and to present the findings to the City Council within 180 days.

WHEREAS, the City is dedicated to providing all City residents an opportunity to participate in the public meetings of the various boards, commissions, and committees discussing the business of the City, including the meetings of the City Council; and

WHEREAS, the City seeks to provide an inclusive and equitable environment to all residents and visitors; and

WHEREAS, the Council recognizes the importance of continuing to elevate, and improve upon, the City's processes to communicate with all members of the public; and

WHEREAS, Kansas City is committed to ensuring residents and visitors with non-verbal language barriers or other impairments affecting communication have the ability to engage with City government; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to develop a plan to provide additional mechanism for City residents and visitors with non-verbal language barriers or other impairments affecting communication. Such additional mechanisms shall include, but are not limited to, plain language, visual language, tactile language, and signage.

Section 2. That the City Manager is hereby directed to present the plan and identify funding within 180 days of the passage of this resolution.

..end

**No Docket Memo
Provided for
Ordinance No.**

240197



File #: 240198

ORDINANCE NO. 240198

Sponsor: Councilmember Nathan Willett and Kevin O’Neill

Approving a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, on about 500 acres in District MPD generally located at the northeast corner of I-435 and Highway 169 to allow for the six data centers and two office buildings in District MPD. (CD-CPC-2023-00174)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, in District MPD (Master Planned Development) generally located at the northeast corner of I-435 and Highway 169, and more specifically described as follows:

[LEGAL DESCRIPTION – to be provided]

is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
2. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to a building permit. Each MPD final plan may contain up to three buildings, including office buildings.
3. Detailed landscaping, lighting, building elevations, parking layout, and pedestrian circulation shall be reviewed at the time of MPD final plan.
4. The developer shall comply with all MODOT requirements prior to receiving any building permit.
5. The developer shall align the right of way for 128th Street as and to the extent shown on the City’s Major Street Plan, as may be amended, prior to the MPD final plan.

6. The developer shall obtain approval of a deviation to the parking ratios for communications service establishment and office uses in the amount of 40 parking spaces per data center building and 8 parking spaces per 1,000 square feet of office.
7. All roof and/or ground mounted mechanical and utility equipment visible from the public right of way shall be screened in compliance with 88-425-08 and 88-425-09.
8. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
9. The developer shall construct the trail identified on the Trails KC Plan along the southern boundary of the subject site at the time of the final phase of development.
10. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
11. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
12. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
13. The developer shall dedicate the right-of-way as shown on the Major Street Plan, as amended, and to provide at least the minimum width of right-of-way required therein, prior to the MPD final plan.
14. The developer shall construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
15. The developer shall either secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division or enter into a secured deferral agreement for the installation of such improvement prior to recording the final plat.
16. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
17. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting

property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

18. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the Storm Water Pollution Prevention (SWPP) plan submitted to MDNR and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
19. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.
20. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.
21. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
22. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3) The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
23. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
24. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC 2018 § 507.5.1.1)
25. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).

- Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
26. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
 27. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
 28. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access (IFC-2018: § D104.2) Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2018: § D106.3)
 29. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to a certificate of occupancy.
 30. The traffic impact study did not include a crash analysis for the study area. There is no present crash analysis in the study as required by City Guidelines for a Traffic Impact Analysis Report for Proposed Developments in Kansas City, Missouri. There has been over 32 crashes in the study area from FY 2019-2023. A complete crash analysis is needed for the study area. Revise TIS or provide a memo from the traffic engineer stating the crash data was analyzed prior to building permit.
 31. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.
 32. No water service tap permits will be issued until the public water main is released for taps.
 33. Water/Sewer Service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
 34. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6” branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.

35. A full flow fire meter shall be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
36. The developer shall design and construct water main extension plans developed by a Missouri professional engineer and following Kansas City Water rules and regulations for water main extensions including all appurtenances such as fire hydrants. The plans shall include water mains of adequate size to serve the new development. Those mains are anticipated to be 16" transmission mains (TM) from the existing 24" TM in N.E. Cookingham Drive continuing north generally following Main Street up to N.E. 128th Street then continuing west to connect to the existing 16" TM along the 169 Highway, Frontage Road. At 128th Street and Main Street a new 12" water main shall be designed and constructed to continue north to the northern property line. A new 12" water main shall also be designed and installed to provide a looped connection to the property to the east. This east leg water main shall be shown in an easement adjacent to the I-435 northern right-of-way and extend generally from Main Street to the east property line. All water mains shall be located in either easements or right-of-way and in widths as designated in the Kansas City Water rules and regulations.
37. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
38. The developer shall obtain a floodplain development permit prior to beginning any construction activities within the floodplain.
39. The developer must show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.

Section B. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

..end

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240198

Submitted Department/Preparer: Please Select

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Approving a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, on about 500 acres in District MPD generally located at the northeast corner of I-435 and Highway 169 to allow for the six data centers and two office buildings in District MPD. (CD-CPC-2023-00174)

Discussion

The proposed plan, which serves as a major amendment to the previously approved MPD, contains six data center buildings, totaling 1.7 million square feet, two office buildings, totaling 62,000 square feet, and a secure entrance with accessory security buildings. Each data center building will have an adjacent outdoor equipment yard.

Internal circulation, landscaping, lighting, and building elevations for each building will be reviewed in-depth at the time of MPD Final Plan submission. The applicant is proposing 720 parking spaces to accommodate the approximate number of employees anticipated.

A tree preservation and mitigation plan was reviewed with this application. The plan identifies areas of tree canopy to be preserved and removed, primarily around stream corridors. Calculations per 88-424 indicate no mitigation is required.

The landscape plan includes a mix of areas designated for grassland, stormwater ponds, and ornamental landscaping. This concept is reflective of the MPD's intent to enhance natural resource areas in returning undeveloped areas of agricultural fields back to a more natively vegetated landscape..

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No fiscal impact.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

No account string to verify as this ordinance has no fiscal impact.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Inclusive Growth and Development (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Align the City's economic development strategies with the objectives of the City Council to ensure attention on areas traditionally underserved by economic development and redevelopment efforts.
 - Ensure quality, lasting development of new growth.
 - Increase and support local workforce development and minority, women, and locally owned businesses.

- Create a solutions-oriented culture to foster a more welcoming business environment.
- Leverage existing institutional assets to maintain and grow Kansas City's position as an economic hub in the Central United States.
-

Prior Legislation

Ordinance No. 220949

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
N/A
4. Does this legislation create or preserve new housing units?
Please Select (Press tab after selecting)

N/A
Click or tap here to enter text.
5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:
Click or tap here to enter text.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)



File #: 231047

ORDINANCE NO. 231047

Sponsor: Director of City Planning and Development Department

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-305-04, Home Occupation, and enacting in lieu thereof a new section of like number and subject matter for the purpose of compliance with state law; by repealing Section 88-205-07 Documentation of Overlays, and enacting in lieu thereof a new section of like number and subject matter for the purpose of documenting the recently-adopted Westport Overlay District; by enacting Section 88-327, Communication Services Establishments to provide standards for said uses; and by repealing Section 88-110-03 Table 110-1 (Residential Districts Use Table), Section 88-120-03 Table 120-1 (Business Districts Use Table), and Section 88-130-03 Table 130-1 (Downtown Districts Use Table) and enacting in lieu thereof new tables in each section for the purposes of referencing the use standards of 88-327; by repealing Section 88-516-06-A Major Amendments to Development Plans or Project Plans, and enacting in lieu thereof a new section of like number and subject matter for the purpose of reducing the number of major amendments required. (CD-CPC-2023-00106)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-305-04, Home Occupation, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-305-04 HOME OCCUPATION

88-305-04-A. GENERAL

Home occupations are accessory uses to uses in the household living category. The regulations of this section are primarily intended to ensure that home occupations in R zoning districts will not be a detriment to the character, livability, and safety of the surrounding residential neighborhood. The regulations are also intended to ensure that the home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations also recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

88-305-04-B. APPLICABILITY

Home occupations are allowed in R districts only if they comply with all the standards of this section.

88-305-04-C. EXEMPTIONS

1. **HOME-BASED DAY CARE**

Home-based day care facilities are not regulated as home occupations and are exempt from the regulations of this section.

2. **BED AND BREAKFAST**

Bed and breakfast uses are not regulated as home occupations and are exempt from the regulations of this section.

88-305-04-D. STANDARDS

A dwelling unit or accessory building may be used for one or more home occupations subject to compliance with all of the following minimum standards:

1. The home occupation must be accessory and secondary to the use of a dwelling unit for residential purposes, and the home occupation must not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.
2. The home occupation and all related activities shall be permitted within any dwelling unit and accessory building on the site as well as any yard not visible from the street.
3. No home occupation may produce or emit any noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or any other effect that unreasonably interferes with any person's enjoyment of their residence.
4. Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
5. One non-illuminated wall sign, not exceeding 80 square inches in area may be displayed.

Section 2. Amending Chapter 88, the Zoning and Development Code by repealing Section 88-205-07 Documentation of Overlays, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-205-07 DOCUMENTATION OF OVERLAYS

88-205-07-A. Once an overlay district is approved by the city council, the city planning and development department must amend the official zoning maps to identify the overlay district boundaries and designation, together with the underlying zoning designation.

88-205-07-B. The city planning and development department must maintain a list of established overlay districts by type.

88-205-07-C.

Zoning Map Symbol	District Name
CXO	Adult Entertainment Overlay
HO	Historic Overlay
NCO	Neighborhood Character Overlay
PO	Pedestrian-Oriented Overlay
Zoning Map Symbol	Special Character District Name
ICO	Independence Corridor Overlay
MCO	Main Corridor Overlay
PBO	Plaza Bowl Overlay
TCO	Troost Corridor Overlay
WHO	Wornall Homestead Overlay
WOD	Westport Overlay District

Section 3. Amending Chapter 88, the Zoning and Development Code, by enacting a new section, said section to be titled Section 88-327, Communications Service Establishments, and repealing Sections 88-110-03, Table 110-1; 88-120-03, Table 120-1; 88-130-03, Table 130-1 and enacting in lieu thereof new sections and tables of like number and subject matter, said sections to read as follows:

**Table 110-1
Residential Districts Use Table**

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT										Use Standards
	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3	
RESIDENTIAL											
Household Living	P	P	P	P	P	P	P	P	P	P	88-110-06-C & 88-323
Group Living (except as noted below)	-	-	-	-	-	-	S	S	S	S	88-350
» Group homes	-	-	-	-	-	-	P	P	P	P	88-350
» Nursing home	S	S	S	S	S	S	P	P	P	P	88-350

PUBLIC/CIVIC											
Bicycle-Sharing Facilities	P	P	P	P	P	P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	-	-	-	-	-	-	P	P	P	P	
College/University	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Day Care											
» Home-based (1—5)	P	P	P	P	P	P	P	P	P	P	
» Family (up to 10)	P	P	P	P	P	P	P	P	P	P	88-330-01
» Group (up to 20)	P	S	S	S	S	S	P	P	P	P	88-330-02
» Center (21+)	P	-	-	-	-	-	-	-	-	-	88-330-02
Detention and Correctional Facilities	S[1]	-	-	-	-	-	-	-	-	-	88-335
Halfway House	S	-	-	-	-	-	-	-	-	-	88-352
Hospital	-	-	-	-	-	-	-	-	S	S	
Library/Museum/Cultural Exhibit	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Park/Recreation	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
» Homes Association Amenities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-805-03-H
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Safety Service (except as noted below)	S	S	S	S	S	S	S	S	S	S	88-365
» Fire station	P	P	P	P	P	P	P	P	P	P	88-365

» Police station	P	P	P	P	P	P	P	P	P	P	88-365
School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S	S	S	S	S	S	S	S	S	
» Basic, minor	P	P	P	P	P	P	P	P	P	P	88-425-08-B
COMMERCIAL											
Animal Service											
» Shelter or boarding	P	-	-	-	-	-	-	-	-	-	88-315
» Stable	P	-	-	-	-	-	-	-	-	-	88-315
» Veterinary Office	P	-	-	-	-	-	-	-	-	-	
Communications Service Establishments	P/S	-	-	-	-	-	-	-	-	-	88-327
Entertainment Venues and Spectator Sports	S	-	-	-	-	-	-	-	-	-	
Funeral and Interment Service											
» Cemetery/columbarium/ma usoleum	S	S	S	S	S	S	S	S	S	S	88-345
» Crematory	S	S	S	S	S	S	S	S	S	S	88-345
» Undertaking	-	-	-	-	-	-	-	-	S	S	
Lodging											
» Bed and breakfast	S	-	-	S	S	S	S	S	S	S	88-320
» Recreational vehicle park	S[1]	-	-	-	-	-	-	-	-	-	

» Short term rental, non resident	Not permitted.										
» Short term rental, resident	Permitted in all R Districts in accordance with Chapter 56 and 88-321.										
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	S	88-360
Office, Administrative, Professional or General	-	-	-	-	-	-	S	S	S	S	
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	S	S	S	S	S	
Sports and Recreation, Participant	S	-	-	-	-	-	-	-	-	-	
INDUSTRIAL											
Mining and Quarrying	S[2]	-	-	-	-	-	-	-	-	-	
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	
» Composting facility	S[1]	-	-	-	-	-	-	-	-	-	88-328
» Demolition debris landfill	S[1]	-	-	-	-	-	-	-	-	-	88-380
OTHER											
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	* Chapter 14
Agriculture, Crop	P	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-312-01
Agricultural, Urban											
» Home Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-

											A
» Community Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	S	S	S	S	S	S	S	S	S	88-312-02-C
ACCESSORY SERVICES											
Wireless Communication Facility											
» Freestanding	P	-	-	-	-	-	-	-	-	-	88-385
» Co-located antenna	P	P	P	P	P	P	P	P	P	P	88-385

**Table 120-1
Office, Business, and Commercial Districts Use Table**

USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
	Use Category » specific use type	O	B1	B2	B3	
RESIDENTIAL						
Household Living						
» Detached houses	P	P	P	P	P	88-120-03-H.3
» In any other residential building type	-	P	P	P	P	88-323
» In mixed-use building	P	P	P	P	P	
Group Living	P	P	P	P	P[5]	
PUBLIC/CIVIC						

Bicycle Sharing Facilities	P	P	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	P	P[5 for Ground Floor Uses]	
College/University	P	P	P	P	P[5 for Ground Floor Uses]	
Day Care						
» Home-based (1—5)	P	P	P	P	P[5 for Ground Floor Uses]	
» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]	
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]	
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]	
Hospital	S	P	P	P	P[5 for Ground Floor Uses]	
Library/Museum/Cultural Exhibit	P	P	P	P	P	
Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	

Safety Service						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
School	P	P	P	P	P[5 for Ground Floor Uses]	
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425-08-B
COMMERCIAL						
Adult Business						
» Adult media store	-	-	P[1]	P[1]	P[1][4]	88-310-03
» Adult motion picture theater	-	-	-	P[1]	P[1][4]	88-310-02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310-02
Animal Service						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315
» Veterinary	-	-	P	P	P[5 for Ground Floor Uses]	88-315

Artist Work or Sales Space	-	P	P	P	P	
Building Maintenance Service	-	-	-	P	P[5]	
Business Equipment Sales and Service	-	-	P	P	P	
Business Support Service (except as noted below)	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
Communication Service Establishments	P/S	P/S	P/S	P/S	P/S[5]	88-327
Drive-Through Facility	-	-	P[2]	P[2]	P[2]	88-338 and 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	
» Tavern or nightclub	-	-	P	P	P	
Entertainment Venues and Spectator Sports						
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150—499 capacity)	-	-	S	P	P[5 for Ground Floor Uses]	
» Indoor large venue (500+ capacity)	-	-	-	S	P[5 for Ground Floor Uses]	
» Outdoor (all sizes)	-	-	-	S	P[5]	

Financial Services (except as noted below)	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1][4]	88-325
Food and Beverage Retail Sales	-	P	P	P	P	
Funeral and Interment Service						
» Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
» Cremating	-	S	S	S	S	88-345-02
» Undertaking	-	S	P	P	P[5]	88-345
Gasoline and Fuel Sales	-	S[3]	S[3]	S[3]	P[3][5]	88-323
Lodging						
» Bed and Breakfast	-	P	P	P	P[5 for Ground Floor Uses]	88-320
» Hotel/motel	-	-	-	P[2]	P[2]	88-323
» Recreational vehicle park	-	-	-	S[1]	S[1][4]	
» Short term rental, non resident	-	P	P	P	P	Chapter 56
» Short term rental, resident	-	P	P	P	P	Chapter 56
Mobile Vendor Park	-	-	-	P	P	88-358
Office, Administrative,	P	P	P	P	P[5 for	

Professional or General					Ground Floor Uses]	
Office, Medical	P	P	P	P	P[5 for Ground Floor Uses]	
» Blood/plasma center	-	-	-	S	S	
Parking, Accessory	P	P	P	P	P	88-323
Parking, Non-accessory	-	-	S[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	P	
Repair or Laundry Service, Consumer	-	P	P	P	P	
Research Service	P	P	P	P	P[5 for Ground Floor Uses]	
Retail Sales	-	P	P	P	P	
» Outdoor Retail Sales - Class A	-	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	-	-	-	P	P[4]	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	
Sports and Recreation, Participant						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	

» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
Vehicle Sales and Service						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2][5]	88-323
» Motor vehicle repair, general	-	-	-	S[2]	P[2][5]	88-323
» Vehicle storage/towing	-	-	-	-	P[1][4]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	P/S	P	P	P	88-318
» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-		
Recycling Service						

» Limited	-	-	-	-	S[1][4]	
Self-Storage Warehouse	-	-	-	-	P[2][4]	88-323, 88-369
Warehousing, Wholesaling, Storage, Freight Movement						
» Indoor	-	-	-	-	P[2][4]	88-323, 88-378
» Outdoor	-	-	-	-	-	88-378
AGRICULTURAL						
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
Agriculture, Crop	P	P	P	P	P[4]	88-312-01
Agriculture, Urban						
» Home Garden	P	P	P	P	P	88-312-02-A
» Community Garden	P	P	P	P	P[4]	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	P	P[4]	88-312-02-C
ACCESSORY SERVICES						
Wireless Communication Facility						
» Freestanding	-	-	P[1]	P[1]	P[1][4]	88-385
» Co-located antenna	P	P	P	P	P[5]	88-385

**Table 130-1
Downtown Districts Use Table**

USE GROUP (refer to 88-805 Use Groups and Categories)	Zoning District			Use Standards
	DC	DX	DR	
Use Category » specific use type				
RESIDENTIAL				
Household Living				
» Single-family home	P	P	P	
» In single-purpose residential building	P	P	P	88-323
» In mixed-use building	P	P	P	
Group Living	S	S	S	
PUBLIC/CIVIC				
Bicycle Sharing Facilities	P	P	P	88-322
Club, Lodge, or Fraternal Organization	P	P	P	
Table 130-1 Downtown Districts Use Table	P	P	P	
Day Care				
» Home-based (1—5)	P	P	P	
» Family (up to 10)	P	P	P	
» Group (up to 20)	P	P	S	
» Center (21+)	P	P	S	
Hospital	S	S	S	
Library/Museum/Cultural	P	P	P	

Exhibit				
Park/Recreation (except as noted below)	P	P	P	
» Community center	P	P	P/S	88-365
Religious Assembly	P	P	P	
Safety Service				
» Fire Station	P	P	P	88-365
» Police Station	P	P	P	88-365
» Ambulance service	P	P	P	88-365
School	P	P	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	88-425-08-B
COMMERCIAL				
Adult Business				
» Adult media store	P[1]	P[1]	-	88-310-03
» Adult motion picture theater	P[1]	P[1]	-	88-310-02
» Sex shop	P[1]	P[1]	-	88-310-02
Animal Service				
» Sales and grooming	P	P	S	88-315
» Shelter or boarding	P	P	-	88-315
» Stable	-	S	-	88-315

» Veterinary	P	P	S	88-315
Artist Work or Sales Space	P	P	P	
Building Maintenance Service	P	P	-	
Business Equipment Sales and Service	P	P	-	
Business Support Service (except as noted below)	P	P	-	
» Day labor employment agency	-	S[1]	-	
Communications Service Establishments	P/S	P/S	P/S	88-327
Drive-Through Facility	S[2]	S[2]	-	88-338 & 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	
» Tavern or nightclub	P	P	S	
Entertainment Venues and Spectator Sports				
» Indoor small venue (1—149 capacity)	P	P	S	
» Indoor medium venue (150—499 capacity)	P	P	S	
» Indoor large venue (500+ capacity)	S	S	S	
» Outdoor (all sizes)	S	S	S	
Financial Services (except as noted below)	P	P	P	
» Pawn shop	-	S[1]	-	
» Short-term loan establishment	-	P[1]	-	88-325

Food and Beverage Retail Sales	P	P	P	
Funeral and Interment Service				
» Cemetery/columbarium/mausoleum	-	-	-	
» Cremating	-	-	-	
» Undertaking	P[2]	P[2]	-	88-345
Gasoline and Fuel Sales	S[3]	S[3]	-	88-323
Lodging				
» Bed and Breakfast	P	P	P	
» Hotel/motel	P[2]	P[2]	S[2]	88-323
» Short term rental, non-resident	P	P	P	Chapter 56
» Short term rental, resident	P	P	P	Chapter 56
Mobile Vendor Park	P	P	-	88-358
Office, Administrative, Professional or General	P	P	P	
Office, Medical	P	P	P	
» Blood/plasma center	S	S	-	
Parking, Accessory	P	P	P	88-323
Parking, Non-accessory	S[1]	S[1]	S[1]	
Personal Improvement Service	P	P	P	
Repair or Laundry Service, Consumer	P	P	S	

Research Service	P	P	S	
Retail Sales	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	88-366-01
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	
Sports and Recreation, Participant				
» Indoor	P	P	S	
» Outdoor	S	S	S	
Vehicle Sales and Service				
» Car wash/cleaning service	S[1]	S[1]	-	
» Heavy equipment sales/rental	-	S[1]	-	
» Light equipment sales/rental (indoor)	S[2]	S[2]	-	88-323
» Light equipment sales/rental (outdoor)	S[1]	S[1]	-	
» Motor vehicle repair, limited	S[2]	S[2]	-	88-323
» Motor vehicle repair, general	-	S[2]	-	88-323
» Vehicle storage/towing	-	S[1]	-	88-375
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
» Artisan	P	P	P/S	88-318
» Limited	S	S	S	

» General	S	S[2]	-	88-323
Recycling Service				
» Limited	-	S[1]	-	
Self-Storage Warehouse	-	S[2]	-	88-323 88-369
Warehousing, Wholesaling, Storage, and Freight Movement				
» Indoor	S[2]	S[2]	—	88-323 88-378
» Outdoor		S[2]	-	88-323 88-378
AGRICULTURAL				
Agriculture, Animal	-	P/*	-	Chapter 14
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Urban				
» Home Garden	P	P	P	88-312-02-A
» Community Garden	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	88-312-02-C
ACCESSORY				
Wireless Communication Facility				
» Freestanding	-	-	-	
» Co-located antenna	P	P	P	88-385

88-327 COMMUNICATIONS SERVICE ESTABLISHMENTS

88-327-01 PURPOSE AND APPLICABILITY

The purpose of these standards is to permit communications service establishments in more districts due to their limited impact on adjacent properties while also acknowledging that such uses may negatively impact pedestrian-oriented areas of the city due to the relative lack of

pedestrian traffic they generate. These standards allow the uses in more districts when the impact is minimized.

88-327-02 IN DISTRICT R-80

Communications service establishments shall not exceed 50,000 square feet in floor area unless approved by special use permit in accordance with 88-525.

88-327-03 IN B & D DISTRICTS

1. Communications service establishments shall not occupy the ground floor of any building with street frontage. For the purposes of this section, a building with street frontage is any building located within 50 feet of a street right-of-way line.
2. Communications service establishments shall not exceed 100,000 square feet in floor area unless approved by special use permit in accordance with 88-525.

Section 4. Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-516-06, Amendments to Development Plans or Project Plans, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-516-06 - AMENDMENTS TO DEVELOPMENT PLANS OR PROJECT PLANS

88-516-06-A. MAJOR AMENDMENTS

1. Major amendments to approved development plans or project plans must be reviewed and approved in accordance with the development plan or project plan review procedures of this ordinance. Major amendments to development plans or project plans include one or more changes, in cumulative total (when compared to the original plan approval), that would:
 - a. increase building coverage by more than 10%;
 - b. increase the total floor area by more than 10%;
 - c. increase building height by more than 10% ;
 - d. increase the total impervious surface coverage by more than 10% ;
 - e. result in extensive site modification involving location of buildings, razing, and reconstruction of approved uses;
 - f. increase the number of dwelling units by more than 10%; or
 - g. result in any other change that the city planning and development director determines will have impacts that warrant full review of the application in accordance with the development plan review procedures.

88-516-06-B. MINOR AMENDMENTS

Any application for an amendment to an approved development plan or project plan that does not meet the criteria for a major amendment will be considered a minor amendment.

Minor amendments may be approved by the city planning and development director. A minor amendment may include a change in an approved phasing plan.

88-516-06-C. PLAN AMENDMENT - MULTIPLE OWNERS

1. In the case of a plan amendment with multiple owners, a single property owner may initiate the application to amend the plan if:
2. The amendment to the plan does not adversely affect the remaining parcels within the plan boundaries as to density, parking, setbacks, or other similar factors as provided in the rules and regulations of the city plan commission; and
3. The applicant property owner has notified all other property owners within the plan boundaries, in the form and manner adopted by the city plan commission and by certified mail, and has received no written objection to such amendment within 30 days after the date such notice is mailed.

Section 5. That the Council finds and declares before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

..end

I hereby certify that as required by Chapter 88, Code of Ordinances, the forgoing ordinance was duly advertised and public hearings were held.

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Assistant City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 231047

Submitted Department/Preparer: City Planning

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

This ordinance amends Chapter 88 of the Code of Ordinances, commonly referred to as the Zoning and Development Code. The amendments were identified by staff as part of a work program known as periodic review, where staff discuss issues or questions raised during the prior quarter while applying the code in their daily work. Topics discussed are either determined to require an amendment to the code or not. Those issues requiring an amendment are then researched for best practices in the field of urban planning and development policy and draft language is prepared. Once prepared, it is posted to the department's webpage for approximately 30 days preceding a public hearing before the City Plan Commission. After the Commission holds its hearing it makes a recommendation to City Council.

Discussion

The amendments proposed in this periodic review cycle are:

1. Home Occupations
This amendment would bring the zoning and development code into alignment with state law, which recently changed, greatly restricting cities' ability to regulate home-based businesses.
2. Documentation of Overlays
This amendment is correcting an error where reference to the Westport Overlay District in a table of overlay districts was left out when the WOD was adopted last summer.
3. Communication Services Establishments
This amendment is responding to changing conditions where it is becoming more common for these uses to have a smaller building footprint, and therefore possibly making them more appropriate in other areas of the city (currently they are allowed primarily in industrial zoning districts). The amendment proposes use standards to ensure that the use is compatible in the districts it will now be permitted in.

4. Major Amendments to Approved Plans

This amendment is responding to the high volume of major amendments to approved plans that come before City Plan Commission and City Council. The code provides criteria for staff, developers, and design professionals to use to determine when an amendment to an approved plan warrants City Plan Commission and Council Council approval (as opposed to staff-level approval). The criteria state that any increase in impervious area or building floor area by more than 10% or 2,000 square feet WHICHEVER IS LESS triggers such an amendment. The square foot area cap is low and unfairly targets large users (say a 50,000 square foot building, already approved, adding 2,200 square feet). Staff proposes retaining the percentages as triggers, but omitting the caps.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Not applicable.
3. How does the legislation affect the current fiscal year?
Not applicable.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
The state law regarding home based businesses prohibits cities from requiring any license, including a business license. The modification to the major amendment criteria may reduce administrative costs for the city.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

There is no account string to verify as this ordinance has no fiscal impact.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Inclusive Growth and Development (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Align the City's economic development strategies with the objectives of the City Council to ensure attention on areas traditionally underserved by economic development and redevelopment efforts.
 - Ensure quality, lasting development of new growth.
 - Increase and support local workforce development and minority, women, and locally owned businesses.
 - Create a solutions-oriented culture to foster a more welcoming business environment.
 - Leverage existing institutional assets to maintain and grow Kansas City's position as an economic hub in the Central United States.
 -

Prior Legislation

None.

Service Level Impacts

None expected.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Health impacts have not been analyzed.
2. How have those groups been engaged and involved in the development of this ordinance?
The proposed amendment was posted to the city's website for a month and two public hearings will be held. Since regulatory amendments have citywide application, the stakeholder group includes the entire city and thus it is not feasible to meet with individual stakeholders.
3. How does this legislation contribute to a sustainable Kansas City?
It responds to changed conditions.

4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

This is an amendment to the zoning and development code and applies to development of private property.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
No(Press tab after selecting)



File #: 240047

ORDINANCE NO. 240047

Sponsor: Councilmember Nathan Willett

Declaring a moratorium until October 11, 2024, on the issuance or approval of any permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed liquor store or vape shop in any locations along Barry Road between N.W. Waukomis Drive and N. Platte Purchase Drive. ***Held until 2.28.24***

WHEREAS, Barry Road between N.W. Waukomis Drive and N. Platte Purchase Drive is an area that is largely undeveloped; and

WHEREAS, the City wishes to undertake a community planning process in the Barry Road area, one of the outcomes which will be to define acceptable development standards and other requirements along Barry Road, including studying the possibility of adoption of a zoning overlay district that would establish special land use regulations, standards and procedures for future development along Barry Road; and

WHEREAS, the community planning process will include studying whether liquor and vape-based businesses are the most aesthetically pleasing for new development on street frontage along Barry Road, and whether such uses are a detriment to the economic vitality of the area and the health, safety and general welfare of the community; and

WHEREAS, approval of new liquor store and vape-based businesses in the middle of a community planning process has the potential to undermine and frustrate the process; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council hereby declares that there is a moratorium until October 11, 2024, on the issuance or approval of any permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed liquor store or vape-based businesses in any locations along Barry Road, between N.W. Waukomis Drive and N. Platte Purchase Drive.

Section 2. That the City Manager is directed to initiate a community planning process in the Barry Road area between N.W. Waukomis Drive and N. Platte Purchase Drive, and to review and recommend any appropriate changes to the zoning and other relevant regulatory controls over the uses subject to the moratorium and to report back in 60 days.

..end

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

**No Docket
Memo Provided
for Ordinance
No. 240047**



File #: 240087

ORDINANCE NO. 240087

Sponsor: Mayor Pro Tem Ryana Parks-Shaw

Consenting to the creation of a port improvement district overlaying Starlight Theatre for the purpose of imposing a 1% sales and use tax; directing the City Manager to support the creation of the port improvement district; and directing the City Manager to cast a ballot, on behalf of the City, in favor of the sales and use tax. ***Held until 2.28.24***

WHEREAS, the Port Authority of Kansas City, Missouri is authorized by the Port Improvement District Act, Sections 68.200 et seq., RSMo, (“Act”) to petition the circuit court for the creation of a special taxing district (“PID”); and

WHEREAS, Starlight Theatre’s Board of Directors seeks to overlay the theater with a PID for the purpose of generating revenues to fund the theater’s capital improvements campaign and ongoing capital reinvestments; and

WHEREAS, the Act requires that any petition to create a PID have the consent of the relevant property owners; and

WHEREAS, upon court approval of the PID, the City, in its capacity as the property owner, will have the right to cast a ballot in support of the 1% sales and use tax; and

WHEREAS, the creation of the PID will impose no monetary obligations on the City and will assist in generating revenues that will enhance and maintain a publicly owned asset; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That pursuant to Section 68.210.2, RSMo., the City consents to the filing of a petition for approval of a port improvement district that overlays Starlight Theatre and would be authorized to seek voter approval for a 1% sales and use tax.

Section 2. That the City Manager is directed to support the petition on behalf of the City.

Section 3. That the City Manager is directed to cast a ballot, on behalf of the City, in support of the sales and use tax after the court approves the creation of the PID and certifies the tax question.

..end

Approved as to form:

Eluard Alegre
Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240087

Submitted Department/Preparer: Mayor/Council's Office

Revised 10/23/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Consenting to the creation of a port improvement district overlaying Starlight Theatre for the purpose of imposing a 1% sales and use tax; directing the City Manager to support the creation of the port improvement district; and directing the City Manager to cast a ballot, on behalf of the City, in favor of the sales and use tax.

Discussion

The Port Authority of Kansas City, Missouri is authorized by the Port Improvement District Act, Sections 68.200 et seq., RSMo, ("Act") to petition the circuit court for the creation of a special taxing district ("PID"). Starlight Theatre's Board of Directors seeks to overlay the theater with a PID for the purpose of generating revenues to fund the theater's capital improvements campaign and ongoing capital reinvestments. The Act requires that any petition to create a PID have the consent of the relevant property owners, and upon court approval of the PID, the City, in its capacity as the property owner, will have the right to cast a ballot in support of the 1% sales and use tax. The creation of the PID will impose no monetary obligations on the City and will assist in generating revenues that will enhance and maintain a publicly owned asset.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
The fiscal impact of this legislation is indeterminable at this time.
3. How does the legislation affect the current fiscal year?
N/A

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Finance and Governance (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Reform the City's economic incentives to meet the policy objectives of the City Council
 - Ensure the resiliency of City government
 - Engage in workforce planning including employee recruitment, development, retention, and engagement
 - Ensure a responsive, representative, engaged, and transparent City government
 -
 -

Prior Legislation

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
N/A
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

Please Select (Press tab after selecting)

N/A

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

N/A

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
No(Press tab after selecting)