



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

March 7, 2023

Project Name
Westport Commons

Docket # 2

Request
CD-CPC-2022-00222
Residential Development Plan

Applicant
Will Dubois, AIA
Davidson AE

Owner
HP Development Partners LLC

Location 300 E. 39th Street
Area About 2.5 acres
Zoning MPD
Council District 4th
County Jackson
School District KCMO 110

Surrounding Land Uses

North: Residential, zoned R-1.5
South: Mixed Use, zoned MPD
East: Open Space (Gillham Park)
West: Residential, zoned R-1.5

Major Street Plan

Warwick Boulevard is identified on the City's Major Street Plan as a Boulevard. Gillham Road is identified as a Parkway and E. 39th Street is identified as an established arterial.

Land Use Plan

The Midtown/Plaza Area Plan recommends Residential Low/Medium Density, Residential High Density and Mixed Use Neighborhood.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 12/19/2022. Scheduling deviations from 2023 Cycle C have occurred as the applicant revised the building elevations and continued dialogue with community stakeholders.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. The applicant hosted a meeting on January 24th, 2023 with the Old Hyde Park Historic District Neighborhood Association. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

The proposed residential development will be located on what was once the recreational field for the former Westport Middle School. Cultivate KC has been using the field as an urban farm since 2015.

SUMMARY OF REQUEST + KEY POINTS

A request to approve a major amendment to the approved MPD (Master Planned Development District) to allow for the construction of 100 residential units in district MPD on about 2.5 acres generally located at Warwick Boulevard and E. 38th Street.

CONTROLLING + RELATED CASES

Case No. 14560-MPD was approved by the City Plan Commission on July 21, 2015 and Council approved **Ordinance No. 150834** on October 8, 2015. The plan approved a mixed use development and urban agriculture.

Case No. 14560-MPD-2 was approved by the City Plan Commission in 2017 to allow for improvements related to Cultivate KC.

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation

2 APPROVAL WITH CONDITIONS

PLAN REVIEW & HISTORY

The preliminary development plan and rezoning to Master Planned Development (MPD) for Westport Middle was approved by City Council on October 8, 2015 (Ordinance No. 150834). The original MPD plan called for mixed uses on lots 2 and 3 (parking garage and former school) and for an urban agriculture facility on lot 1 (former athletic field). There was a private agreement between the developer and school district; on January 28, 2014 a Property Use Restriction Agreement (PUR Agreement) was filed which identified the detailed uses agreed upon between the master developer and School District of Kansas City, Missouri. The PUR was amended on July 11, 2015 and filed on July 20, 2015. On July 24, 2019 the school district terminated and released the PUR Agreement; all related documentation of the agreements made between the developer and KCPS are attached to this staff report.

The developer is proposing to construct 100 residential units on lot 1 of the approved MPD where the Cultivate KC farm is currently located. The controlling MPD plan permitted 100 residential units to be constructed within the existing structures (lots 2 and 3). The proposed plan to construct two buildings on lot 1 triggered a major amendment to the approved MPD plan according to 88-520-04-B of the Zoning and Development Code. The Code states that Council approval is required to amend a plan if it:

“increases the proposed gross residential density by more than 2% or involves a reduction of 2% or more in the area set aside for open space, recreation area or other similar non-development area, or the substantial relocation of such areas;...

increases by more than 5% the total ground area covered by buildings;...

represents a material change to the preliminary development plan that creates a substantial adverse impact on surrounding property owners.”

Chapter 88 (the Zoning and Development Code) requires that any property within an MPD zoning district obtain City Plan Commission approval prior to the issuance of any building permit by applying for an MPD Final Plan. This application is only seeking approval to revise the previously approved preliminary development plan; the developer will be required to submit an additional plan with more details related to landscaping and architectural materials to the City Plan Commission prior to the issuance of any building permit.

The controlling plan was approved in 2015 prior to the establishment of the Boulevard and Parkway Standards (88-323). This application request to approve a major amendment for the construction of two residential buildings shall comply with the Boulevard and Parkway Standards or the developer can seek relief to the standards by asking Council for deviations. The site is bounded by a Boulevard (Warwick) on the west and a Parkway (Gillham) on the east. The developer held meetings with staff from City Planning & Development and Parks to discuss the Boulevard and Parkway Standards and staff has agreed to support two deviations to allow for the proposed setback from Gillham and to permit the location of the existing parking area abutting Warwick.

PLAN ANALYSIS

The MPD (Master Planned Development) zoning district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. The developer is proposing to construct two residential buildings for a total of 100 residential units. The MPD zoning district permits the proposed density, orientation and setbacks that are being proposed. Long Range planning staff asked the developer to use materials and colors that complement the surrounding area. The proposed elevations illustrate that the developer is attempting not to mimic a historical structure (Westport Middle) but to provide a building style that is modern and still complementary. Within the immediate area there are a variety of building types and styles and the proposed design has taken this context into account. Staff supports the proposed building height of 38' as several existing buildings in the immediate area have a similar height. As stated in the plan review section of this report the developer will be required to submit an MPD Final Plan and obtain the approval from the City Plan Commission prior to the issuance of any building permit. The MPD Final Plan will allow for more dialogue between the developer and community related to the building materials being proposed.

Public Works has reviewed this project and determined that a traffic impact study (TIS) is not required based on the intensity of the use. Traffic impact studies are typically required when a proposed development contains more than 300 units. The developer did provide a pedestrian impact analysis which was also reviewed and approved by Public Works. The developer has been conditioned to coordinate with RideKC (KCATA) to improve pedestrian safety and potential improvements to the nearby bus stops. The developer is proposing to keep the existing vehicular use area and will install seven additional parking stalls. MPD zoning does not require a parking minimum but the developer is complying with what would be required in a standard residential zoning district of one parking space for each unit; there will be a total of 103 parking spaces.

The developer also worked with staff from KC Water to ensure that the stormwater plan complies with City standards as this project is located within a combined sewer overflow area. The existing vehicular use area was constructed to comply with City standards and includes a bio-swale that can store 12,000 cubic feet of stormwater. The developer will construct additional green solutions between the proposed buildings and two detention areas along the northern perimeter of the site (behind the retaining wall).

As stated earlier the Boulevard and Parkway Standards (88-323) are applicable to this project. The site is bounded by a Boulevard and a Parkway which each have their own design standards. Due to the vehicular use area being constructed prior to the establishment of 88-323 staff supports a deviation to permit the existing parking along Warwick Boulevard as it would be environmentally unsustainable to remove the recently constructed impervious surface. Staff also supports the setback deviation from Gillham Road due to the southeasterly configuration of the long-established parkway.

***indicates adjustment/deviation**

Standards	Applicability	Meets	More Information
Boulevard and Parkway Standards (88-323) *	Yes	Yes, subject to conditions	Staff supports the requested deviations to 88-323.
Parkland Dedication (88-408)	Yes	Yes, subject to conditions	
Parking and Loading Standards (88-420)	Yes	Yes	
Landscape and Screening Standards (88-425)	Yes	Yes, subject to conditions	
Outdoor Lighting Standards (88-430)	Yes	Yes, subject to conditions	
Sign Standards (88-445)	Yes	Yes, subject to conditions	
Pedestrian Standards (88-450)	Yes	Yes, subject to conditions	

SPECIFIC REVIEW CRITERIA**Development Plans, Project Plan, or Site Plan (88-516-05)**

In order to be approved, a development plan, project plan, or site plan must comply with all of the following criteria:

A. The plan must comply with all standards of the Zoning and Development Code and all other applicable City ordinances and policies;

The proposed plan complies with the Zoning and Development Code as the applicant is seeking deviations from the Boulevard and Parkway Standards (88-323) which were not codified when the original plan was approved by the City Plan Commission in 2015.

B. The proposed use must be allowed in the district in which it is located;

The applicant is requesting to amend the controlling MPD plan to allow for the two residential buildings to be constructed.

C. Vehicular ingress and egress to and from the site, and circulation within the site must provide for safe, efficient, and convenient movement of traffic not only within the site but on adjacent roadways;

The project will maintain the use of the existing ingress and egress from E. 38th Street and does not propose any additional points of vehicular ingress and egress. Public Works reviewed the traffic impact of the proposed use and recommended approval of the current vehicular circulation plan.

D. The plan must provide for safe, efficient, and convenient non-motorized travel opportunities, being pedestrian and bicycle movement, on the subject site;

The applicant provided a walkability plan with their submittal. The plan provides for safe, efficient and convenient non-motorized travel opportunities.

E. The plan must provide for adequate utilities based on City standards for the particular development proposed.

All proposed utilities comply with City standards.

F. The location, orientation, and architectural features, including design and material, of buildings and other structures on the site must be designed to be compatible with adjacent properties.

The adjacent properties vary in style and size. Staff supports the location and orientation of the proposed buildings. Staff is aware that the site is adjacent to a historic district but is not located within it. The proposed design may be changed prior to the approval of the MPD Final Plan which is required prior to the developer receiving any building permits.

G. Landscaping, berms, fences, and/or walls must be provided to buffer the site from undesirable views, noises, lighting, or other off-site negative influences and to buffer adjacent properties from negative influences that may be created by the plan.

The landscape plan (88-425) and lighting plan (88-430) comply with the Zoning and Development Code. The retaining wall which runs along Warwick Boulevard will continue to screen the vehicular use area from the Boulevard. The change in topography along the eastern perimeter of the site will provide a buffer from negative influences that may be created. The retaining wall and proposed landscaping along the northern perimeter of the site will also provide a physical and natural buffer from any negative influences.

H. The design of streets, drives, and parking areas within the project should result in a minimum of area devoted to asphalt or other impervious surfaces consistent with the needs of the project and City code requirements.

The applicant is not proposing a change to the existing vehicular use area. The existing landscape and vehicular use area incorporates stormwater solutions as this project is located within a combined sewer overflow area.

I. The plan must identify trees to be removed and trees to be preserved during the development of the subject property with the goal of saving trees that are not required to be removed for the development of the property.

No trees have been identified to be removed. This application is seeking the approval of a preliminary development plan, the applicant will be required to submit a more detailed landscape plan prior to the approval of the MPD Final Plan before any building permit can be issued.

Master Planned Developments (88-520-03-G)

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

A. The preliminary development plan's consistency with any adopted land use plans for the area;

The Midtown/Plaza Area Plan recommends Residential Low/Medium Density, Residential High Density and Mixed Use Neighborhood. The proposed use does comply with the Midtown/Plaza Area Plan and was reviewed and approved by the Long Range Planning and Preservation Division.

B. The preliminary development plan's consistency with the MPD district provisions of 88-280; and

The proposed preliminary development plan does comply with the MPD district provisions as the residential component with the existing uses promotes a mixed-use development. The development is also characterized by street patterns and neighborhood amenities commonly found in urban neighborhoods that were platted or created before the 1950s.

C. The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.

The developer will be required to submit an MPD Final Plan for review and approval to ensure that the terms and conditions proposed protect the interest of the public and residents of the MPD. Additionally, the proposed project provides additional housing options and addresses stormwater runoff.

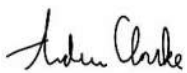
ATTACHMENTS

1. Conditions Report
2. Applicants Submittal
3. Public Engagement Materials
4. Additional documents:
 - Written public testimony and cover sheet
 - Agreement information provided by Kansas City Public Schools

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **APPROVAL WITH CONDITIONS** as stated in the conditions report.

Respectfully Submitted,



Andrew Clarke, AICP
Planner

Village at Westport Commons

300 E 39th St PRKG LOT
Kansas City, Missouri

a redevelopment for

date: 12.19.2022
drawn by: OMS
checked by: TJM
revisions:

sheet number:
AS.01
Site Plan
drawing type:
Final Plan MPD
project number:
22170

Project Synopsis	
Governing Municipality:	Kansas City, Missouri
Governing Code:	2018 IBC 2018 IFGC 2018 IPC 2018 IMC 2017 NEC 2012 IECC
Construction Type:	R2
Zoning:	MDP
Fire Protection:	Yes, NFPA 13R
Total Site Area:	107,045 sf. (2.457 acres)
Total Building Area:	33,008 sf. (.76 acres)
Units Per Acre:	41
Total Impervious Area:	73,579.02 sf. (1.689 acres)
Total Pervious Area:	33,465.98 sf. (0.768 acres)
Building Height:	38'-5"
Number of Stories:	3
Total Gross Building Area: 99,024 sf.	
Gross Area - Building 1: 16,504 sf./floor	Total: 49,512 sf.
Gross Area - Building 2: 16,504 sf./floor	Total: 49,512 sf.

Parking	
Parking Spaces:	103 Spaces
Short-term Bicycle Parking: (at least 10% of off-road vehicle parking)	11 Spaces
Long-term Bicycle Parking: (1 per 3 dwelling units)	34 Spaces

*Long-term bicycle parking provided in breezeways.

Project Totals						
Unit Mix	S1-Studio	S2-Studio	A1-1br	B1-2br	B2-2br	total
Actual	6	16	36	36	6	100
	22	36	42			
	22.00%	36.00%	42.00%			

Unit Areas	S1-Studio	S2-Studio	A1-1br	B1-2br	B2-2br	total
Unit Gross	528	587	720	1,073	851	3,759
Unit NRSF	492	532	669	1,006	787	3,486

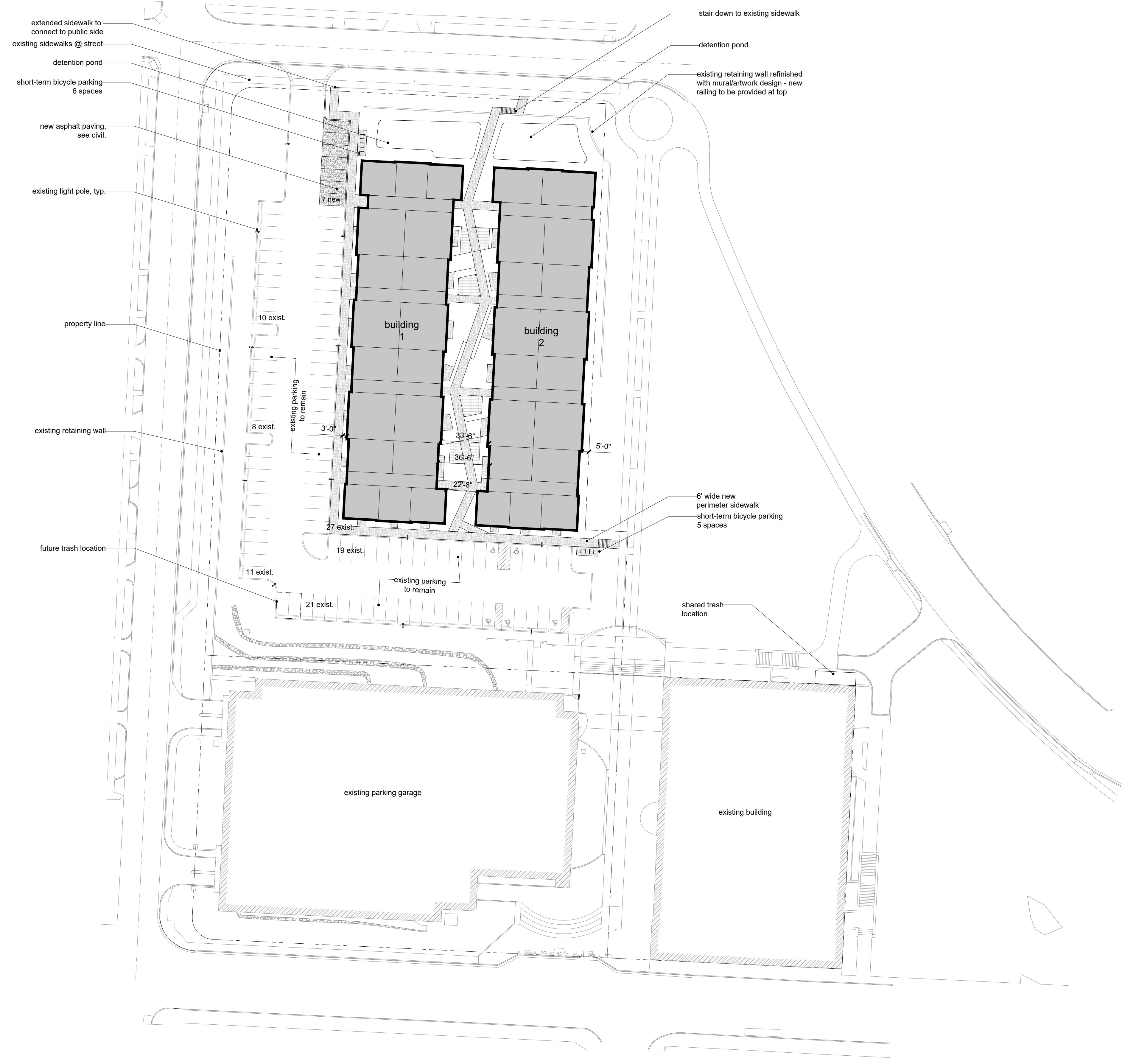
Bldg. #	S1-Studio	S2-Studio	A1-1br	B1-2br	B2-2br	total
Bldg. #1						0
1st floor		2	6	6		14
2nd floor	2	4	6	6		18
3rd floor	2	4	6	6		18
bldg. total	4	10	18	18		50
Bldg. #2						0
1st floor		2	6	6	2	16
2nd floor	1	2	6	6	2	17
3rd floor	1	2	6	6	2	17
bldg. total	2	6	18	18	6	50

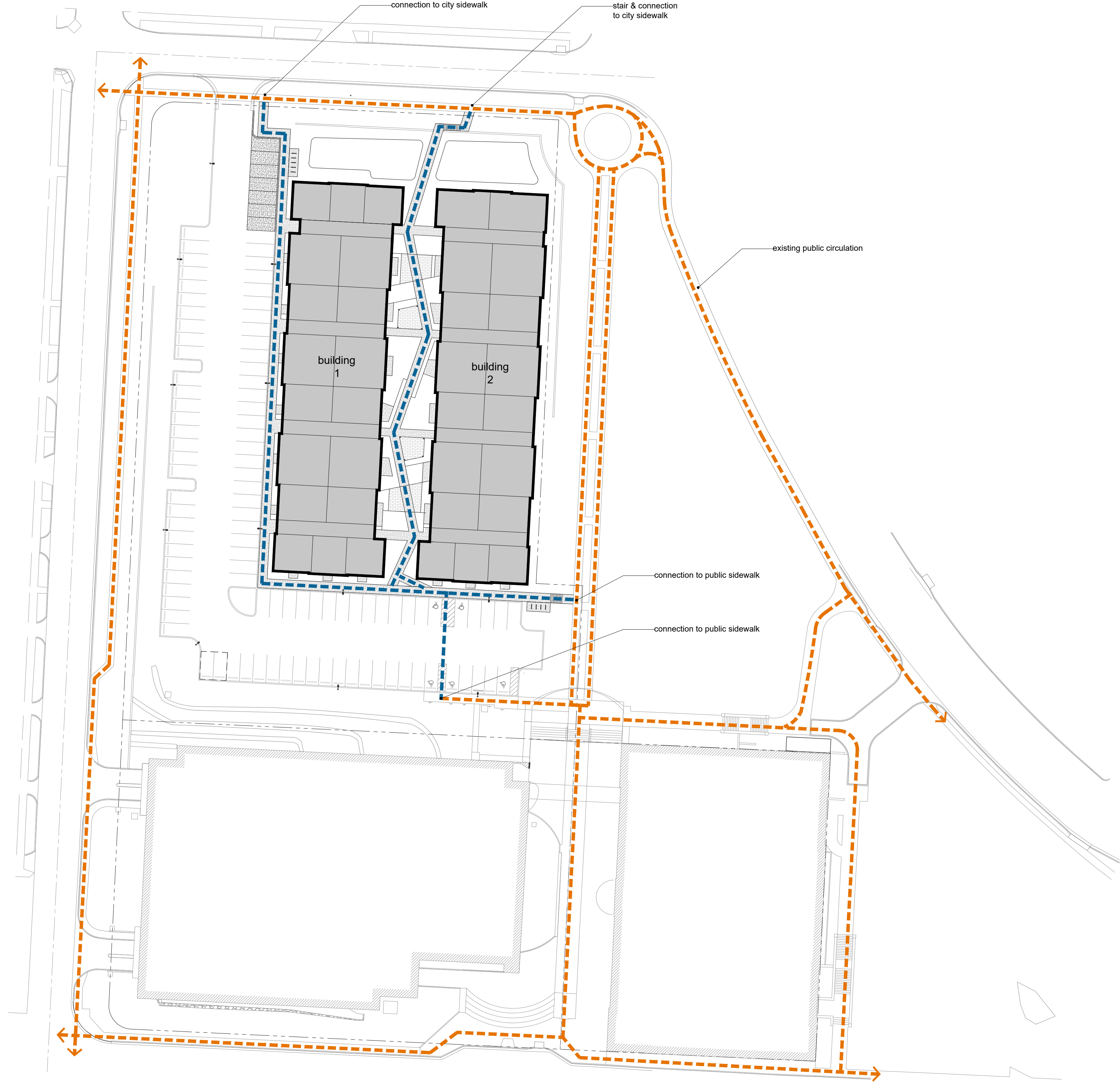
Gross Building Areas						
	Dwelling Units	Breezeways	Leasing / Club	Maint	Fitness	total
Bldg #1						
1st	11,984	2,290	1,702	528		16,504
2nd	14,214	2,290				16,504
3rd	14,214	2,290				16,504
Bldg #1 Total	40,412	6,870	1,702	528		49,512
Bldg #2						
1st	13,686	2,290			528	16,504
2nd	14,214	2,290				16,504
3rd	14,214	2,290				16,504
Bldg #2 Total	42,114	6,870	0	0	528	49,512
Project Total Gross Area	82,526	13,740	1,702	528	528	99,024

Net Rentable Area						
	S1	S2	A1	B1	B2	total
Unit Area	492	532	669	1,006	787	
Bldg #1						
1st	0	1,064	4,014	6,036	0	11,114
2nd	984	2,128	4,014	6,036	0	13,162
3rd	984	2,128	4,014	6,036	0	13,162
Bldg #1 Total NRSF	1,968	5,320	12,042	18,108		37,438
Bldg #2						
1st	0	1,064	4,014	6,036	1,574	12,688
2nd	492	1,064	4,014	6,036	1,574	13,180
3rd	492	1,064	4,014	6,036	1,574	13,180
Bldg #2 Total NRSF	984	3,192	12,042	18,108	4,722	39,048
Project Total Net Rentable Area (NRSF)						76,486

*Gross Building Area = Area measured to exterior face of sheathing on exterior walls, breezeways walls, and centerline of tenant separation walls

*Unit Net Rentable Area (NRSF) = Area measured to interior face of unit perimeter walls





a redevelopment for
Village at Westport Commons
 300 E 39th St PRKG LOT
 Kansas City, Missouri

date
 12.19.2022
 drawn by
 OMS
 checked by
 TJM
 revisions

sheet number
AS.02
 Site Connection Plan
 drawing type
 Final Plan MPD
 project number
 22170



General Info
 Warwick considered Boulevard.
 Gillham considered Parkway.

Condition 8 88-323-03-B (4)
 Setback for a multi-unit residential structure located on a boulevard shall not exceed the maximum required front yard setback as stated by Table 110-2: Lot and Building Standards.

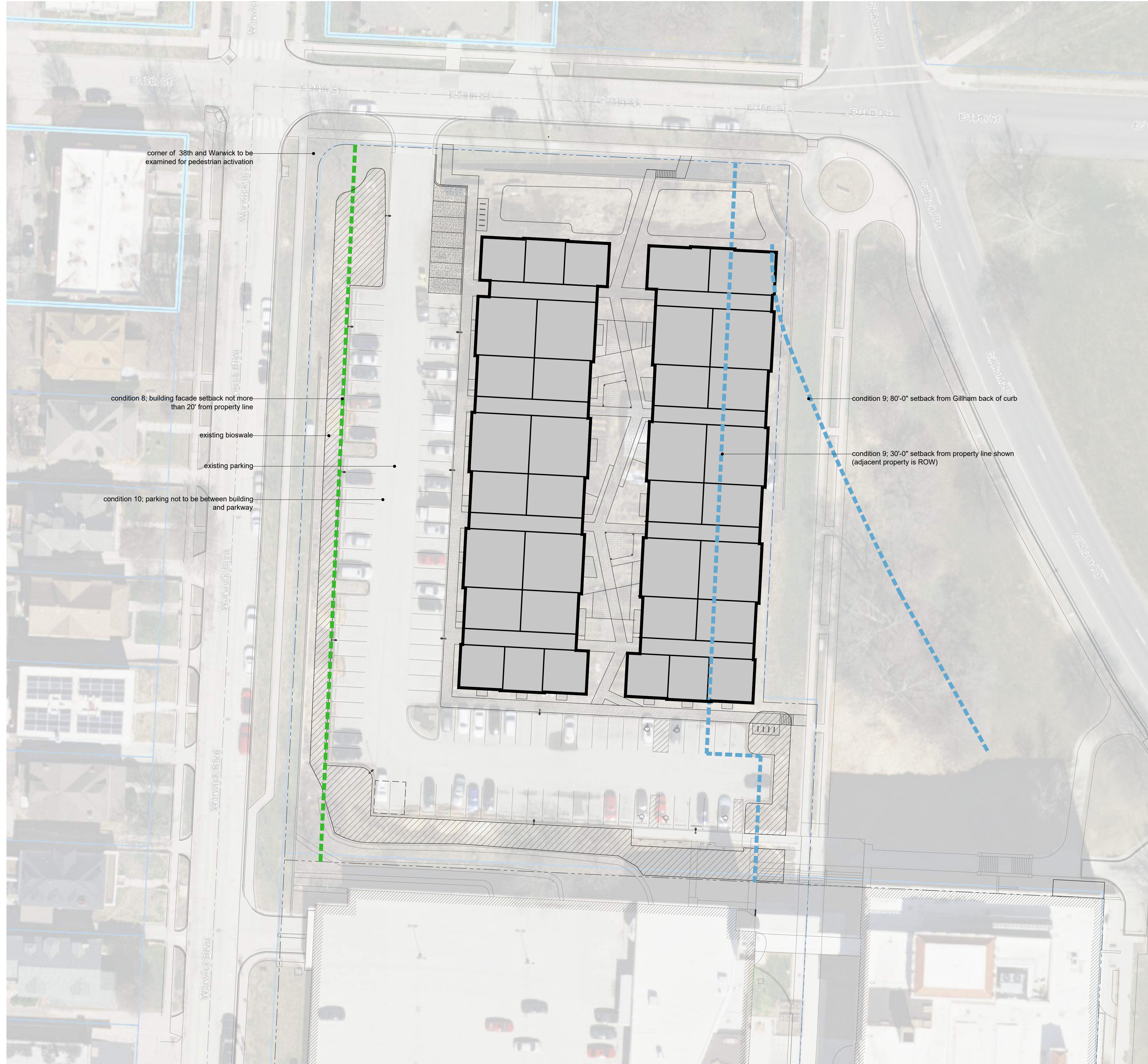
This parcel is zoned MPD, but R-1.5, R-0.75, R-0.5, R-0.3 all permit multi-unit buildings. Maximum required setback for those R-series zones are 20'-0"

Condition 9 88-323-03-B (5)
 A multi-unit residential structure located on a parkway must be set back a minimum of 30 feet from the parkway right-of-way line. A multi-unit structure siding onto a parkway must be set back a minimum of 80 feet from the parkway right-of-way line.

The proposed building is almost completely set back 80' from the back-of-curb along Gillham road. A 80' or even 30' setback from the east property line would essentially eliminate one of the apartment buildings and severely restrict the buildable area.

Condition 10 88-323-03-B (6)
 No vehicular use areas may be located between the structure and the boulevard or parkway. Parking shall be located on the side or rear of the structure and set back a minimum of 10 feet from the front building line. When the structure sides upon a parkway (not permitted on a boulevard), parking must be set back a minimum of 80 feet from the parkway right-of-way line.

The parking is pre-existing. The development proposes 100 units and a similar number of parking stalls. Moving the parking between the two buildings not only would eliminate the re-use of the already constructed parking but it would reduce the parking counts and cause difficulty connecting to 38th street.



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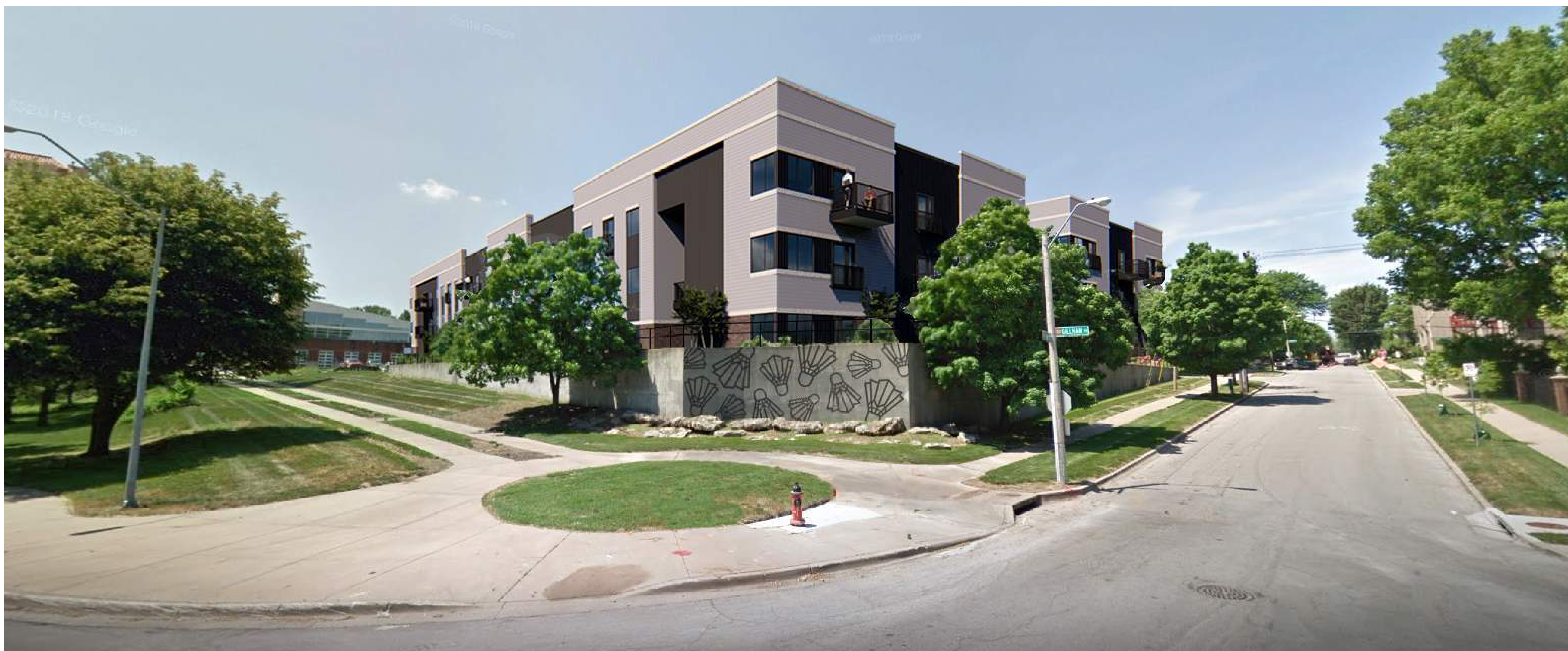
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 revisions

sheet number
A1
 Typical Building/Floor Concept
 Plan
 drawing type
 Final Plan MPD
 project number
 22170

1 Typical Building/Floor Concept Plan
 scale: 3/32" = 1'-0"

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1 NE Corner Perspective from Gillham Rd. & E 38th St.
 scale: NTS



2 SW Corner Perspective from Parking Lot
 scale: NTS



3 SW Corner Perspective from Parking Garage
 scale: NTS



4 NW Corner Perspective from E 38th St.
 scale: NTS

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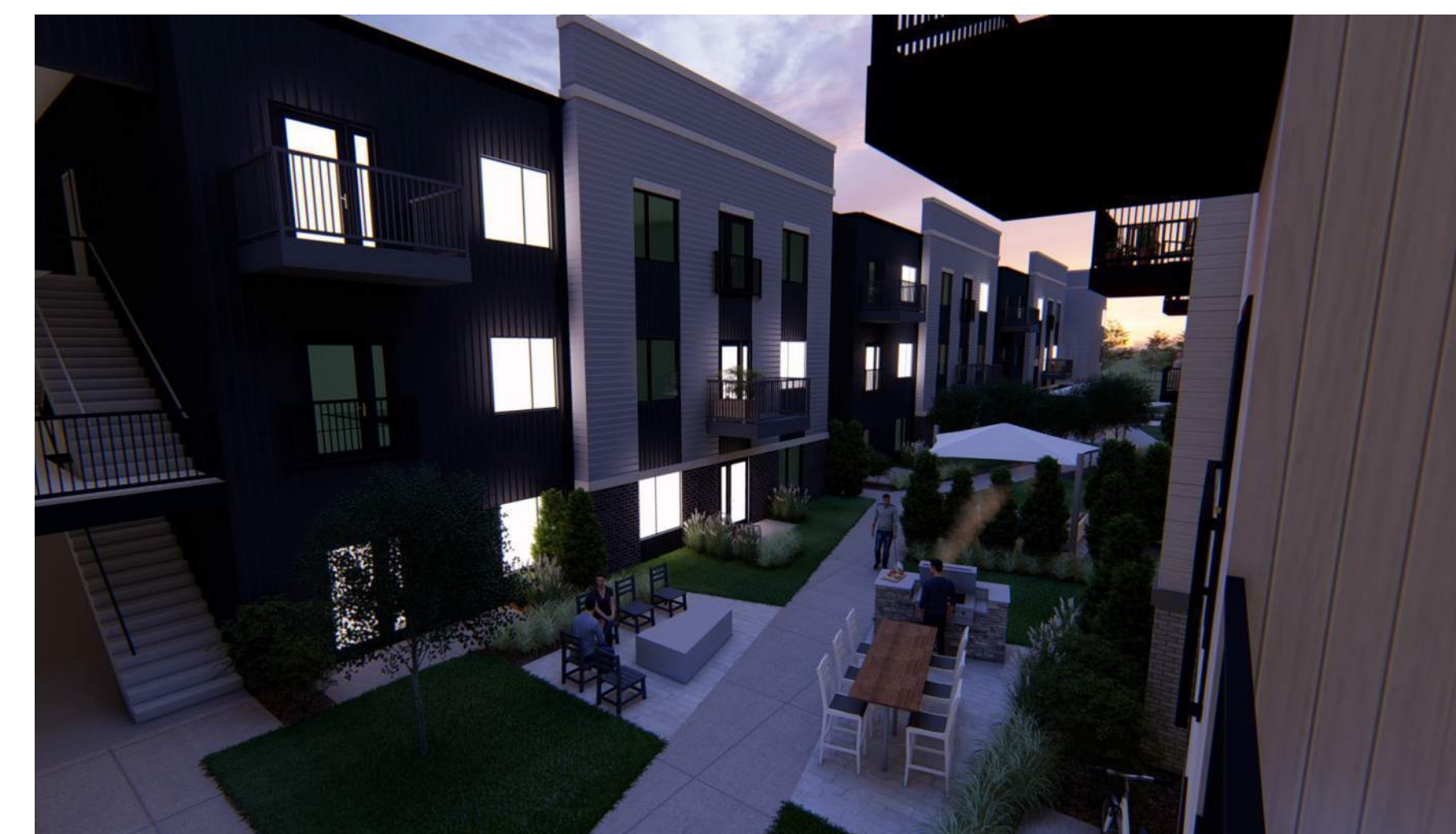
1 SW Corner Perspective from Warwick Blvd.
 scale: NTS



2 Courtyard Perspective
 scale: NTS



3 Courtyard Perspective
 scale: NTS



4 Courtyard Perspective
 scale: NTS

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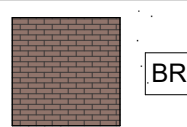
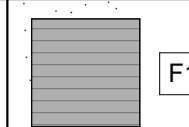

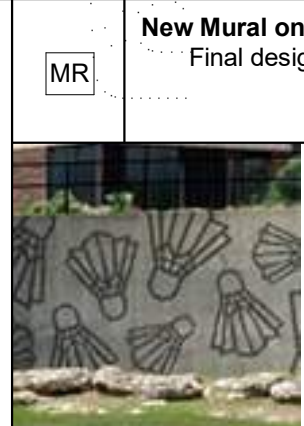
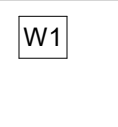
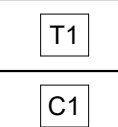
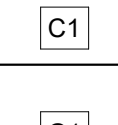
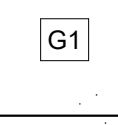
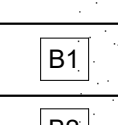
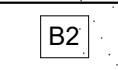
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 Renderings

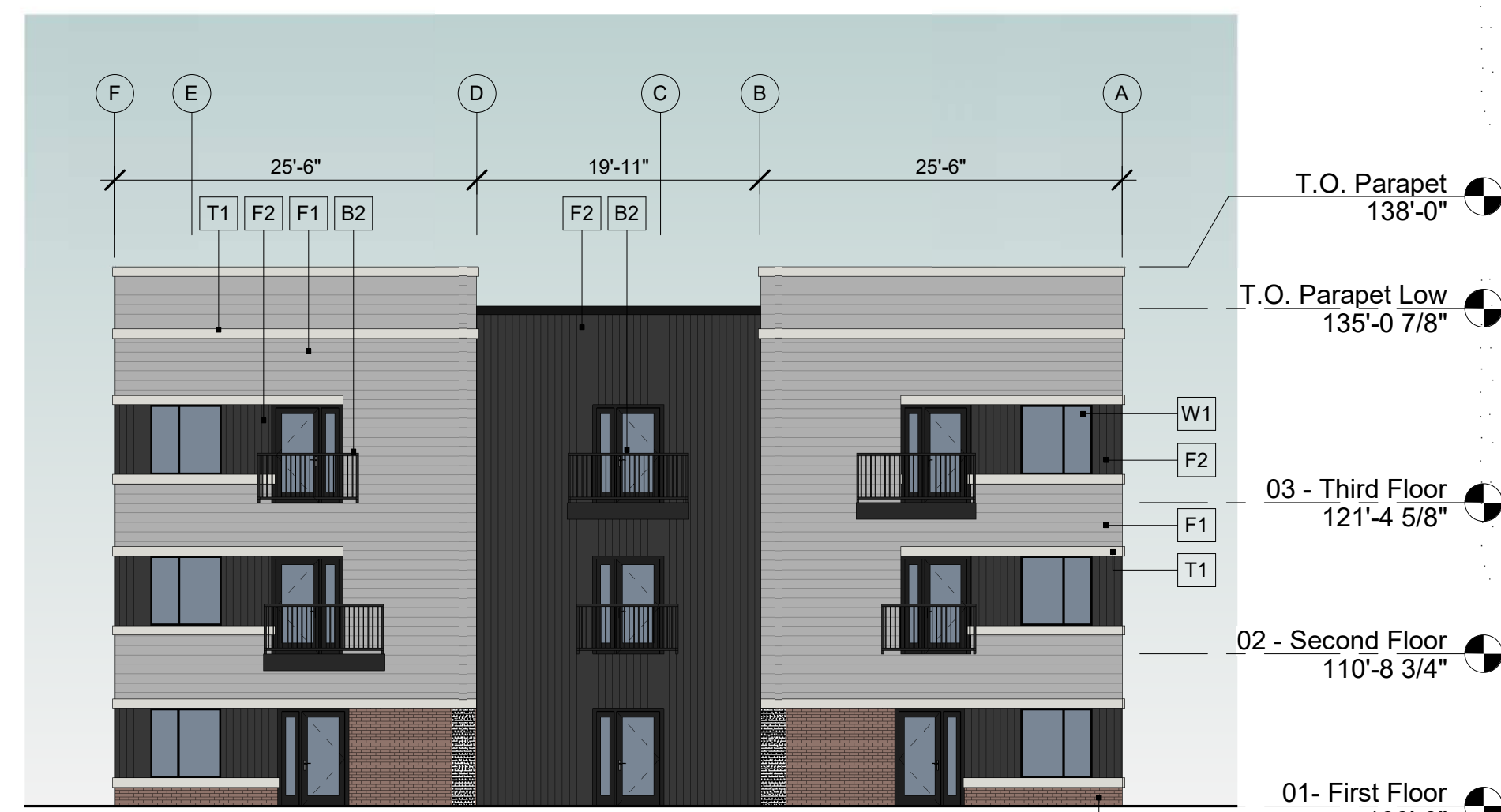
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Exterior Material Finish Legend

 BR Thin Brick Type 01 Color: Red/Brown Mortar: Light Grey	 F1 Fiber Cement Siding - Horizontal or Vertical Lap Siding Color: Light/ Medium Gray	 F2 Fiber Cement Siding - Horizontal or Vertical Panel Siding Color: Dark Gray	 MR New Mural on Existing Northeast Retaining Wall Final design and layout to be determined.	 W1 Vinyl Windows - Horizontal Sliding - Type 02 Exterior Color: Black Interior Color: White Glazing Tint: Clear Insulated Low-E *All operable windows where window sill is greater than 72" above grade, and less than 36" above finish floor to receive window opening control device compliant with ASTM F2090 *At window locations with a sliding door directly adjacent, the sliding door shall match the window color.	 T1 Trim Piece Color: Light Stone/ Light Architectural terra cotta	 C1 Pre-finished Metal Coping Color: to match adjacent panel	 G1 Gutters & Downspouts Size: 6" x 8" Open Faced Color: Black	 B1 Pre-finished Balconies & Railings - Walk Out Style Color: Black	 B2 Pre-finished Balconies & Railings - Juliet Style Color: Black
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3 Building 01 - South Elevation
scale: 3/32" = 1'-0"



4 Building 01 - North Elevation
scale: 3/32" = 1'-0"



2 Building 01 - East Elevation (interior courtyard side)
scale: 3/32" = 1'-0"



1 Building 01 - West Elevation
scale: 3/32" = 1'-0"

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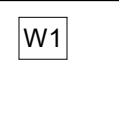
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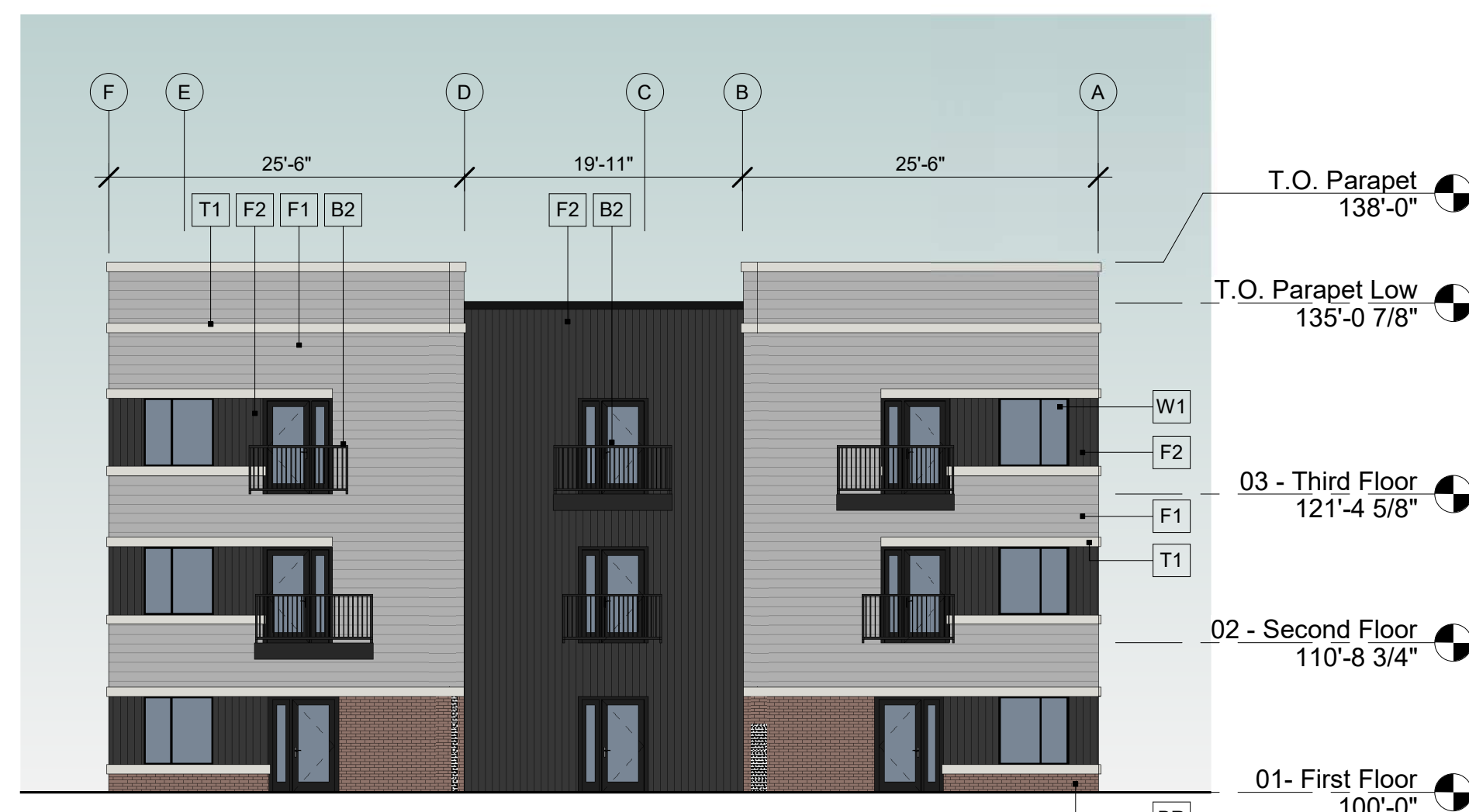
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Bldg '01' - Exterior Elevations.

drawing type
Final Plan MPD
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22170

Exterior Material Finish Legend

 BR Thin Brick Type 01 Color: Red/Brown Mortar: Light Grey	 F1 Fiber Cement Siding - Horizontal or Vertical Lap Siding Color: Light/ Medium Gray	 F2 Fiber Cement Siding - Horizontal or Vertical Panel Siding Color: Dark Gray	 MR New Mural on Existing Northeast Retaining Wall Final design and layout to be determined.	 W1 Vinyl Windows - Horizontal Sliding - Type 02 Exterior Color: Black Interior Color: White Glazing Tint: Clear Insulated Low-E *All operable windows where window sill is greater than 72" above grade, and less than 36" above finish floor to receive window opening control device compliant with ASTM F2090 *At window locations with a sliding door directly adjacent, the sliding door shall match the window color.	 T1 Trim Piece Color: Light Stone/ Light Architectural terra cotta	 C1 Pre-finished Metal Coping Color: to match adjacent panel	 G1 Gutters & Downspouts Size: 6" x 8" Open Faced Color: Black	 B1 Pre-finished Balconies & Railings - Walk Out Style Color: Black	 B2 Pre-finished Balconies & Railings - Juliet Style Color: Black
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4301 Indian Creek Parkway
Overland Park, KS 66207
phone: 913.451.9390
fax: 913.451.9391
www.davidsonae.com

a redevelopment for
Village at Westport Commons
300 E 39th St PRKG LOT
Kansas City, Missouri

date
02.20.2023
drawn by
DAE
checked by
DAE
revisions

sheet number
A2.2
Bldg '02' - Exterior Elevations
drawing type
Final Plan MPD
project number
22170

© 2/20/2023 2:06:30 AM C:\Users\daed\OneDrive\Documents\2023\22170 Westport HS\22170 Westport_Central Model-01_Color Test_Building Option B w changas render local 2.rvt

Utility Legend

	existing
	proposed

Linetypes

	sanm	sanitary main
	sans	sanitary service
	stmx	storm sewer (existing)
	stmp	storm sewer (solid wall, proposed)
	stmf	storm sewer (perforated, proposed)
	wtrm	water main
	wtrf	water service (fire)
	wtrd	water service (domestic)
	wtri	water service (irrigation)
	gasm	natural gas main
	gass	natural gas service schematic
	elpu	underground primary electric
	elso	underground secondary electric
	elpo	overhead electric
	datu	underground cable/phone/data
	datsu	underground cable/phone/data service
		fence-chainlink
		fence-wood
		fence-barbed wire
		treeline

Symbols

	sanitary manhole
	service cleanout
	force main release valve
	rectangular structure
	circular structure
	fire hydrant
	water valve
	water meter
	backflow preventer
	natural gas meter
	service transformer (pad mount)
	primary switch gear
	light pole
	cable/phone/data junction box
	street light
	pedestrian street light
	electric pole
	guy wire
	end section

Construction Legend

	concrete pavement
	standard asphalt
	heavy duty asphalt
	concrete sidewalk
	standard curb & gutter
	standard dry curb & gutter
	temporary asphalt curb

Property Legend

	right of way
	property lines
	easements
	setbacks

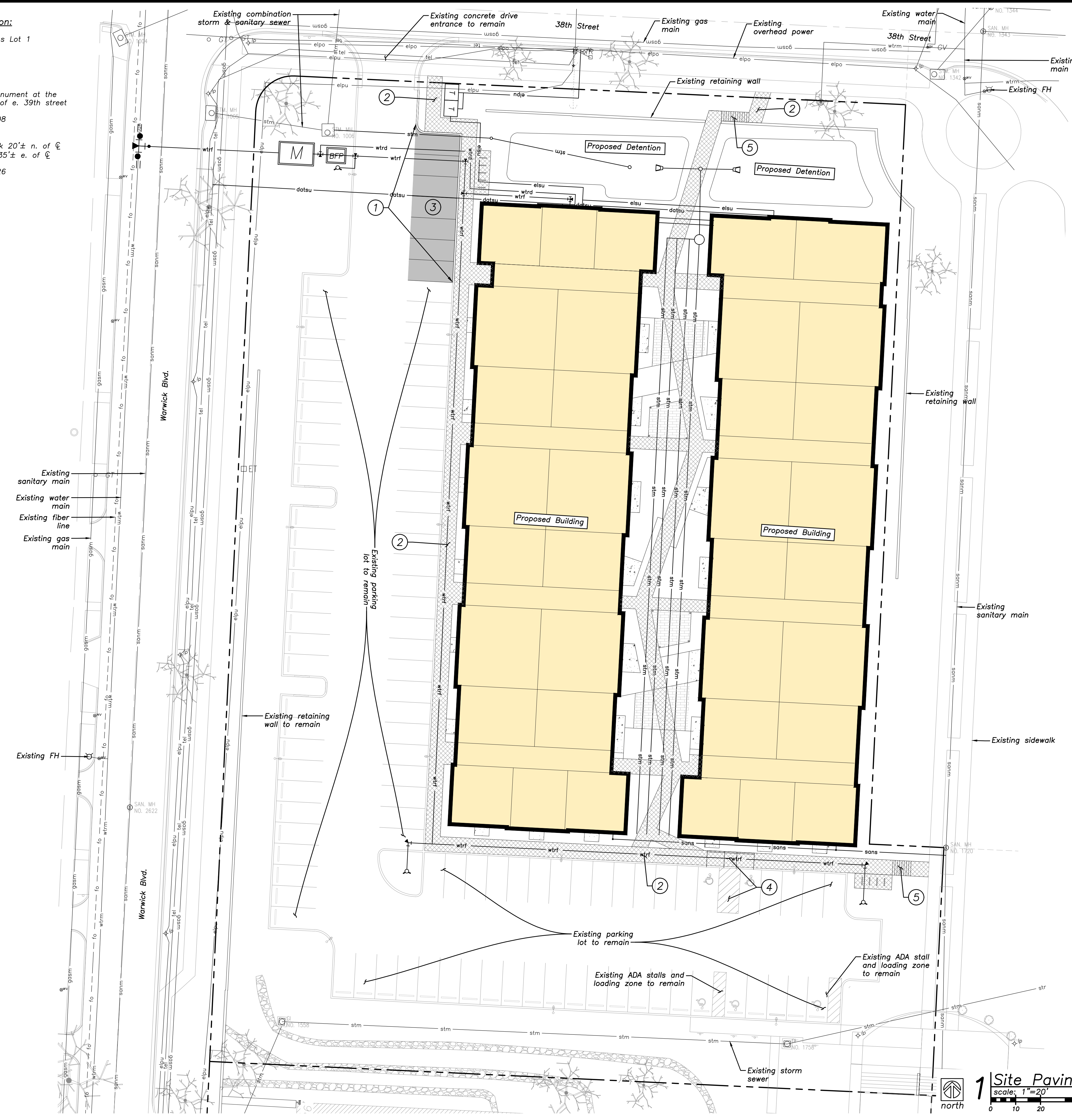
Grading Legend

	existing minor contour
	existing major contour
	proposed minor contour
	proposed major contour

- Site Plan Notes:**
- Proposed type CG-1 curb & gutter standard/dry where indicated (see legend).
 - Proposed concrete sidewalk per KCMO standard details.
 - Proposed standard duty asphalt pavement.
 - Proposed ADA ramps, parking stalls, striping and signage.
 - Proposed concrete stairs.

Legal Description:
Westport Commons Lot 1

Benchmarks:
TBM "JA-106" metro control monument at the northeast corner of e. 39th street and warwick blvd. elevation = 924.08
TBM "CP #100" cut "1" in sidewalk 20'± n. of E 38th street and 35'± e. of E warwick blvd. elevation = 905.26



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1 Site Paving Plan
scale: 1"=20'
north

Utility Legend

— sanm	existing sanitary main
— wtrm	existing water main
— stm	existing storm sewer
— gasm	existing gas main
— elpu	existing underground electric
— elpo	existing overhead electric
— datu	existing underground data
— sanm	proposed sanitary main
— sans	proposed sanitary service
— wtrm	proposed water main
— wtrf	proposed fire line
— wtrd	proposed water service
— stm	proposed storm sewer
— gasm	proposed gas main
— goss	proposed gas service
— elpu	proposed underground primary electric
— elsu	proposed underground secondary electric
— elpo	proposed overhead electric
— datu	proposed underground data

Symbols

⊙	sanitary manhole
∅	service cleanout
∅ ^{fmv}	force main release valve
□	rectangular structure
○	circular structure
⊕	fire hydrant
∅ ^{wv}	water valve
⊙	water meter
⊙	backflow preventer
⊙	natural gas meter
⊙	service transformer (pad mount)
⊙	primary switch gear
⊙	light pole
⊙	cable/phone/data junction box
⊙	street light
⊙	pedestrian street light
⊙	electric pole
⊙	guy wire
∇	end section

Property Legend

—	right of way
- - -	property lines
- · - · -	easements
- · - · -	setbacks

Grading Legend

---	existing minor contour
- - -	existing major contour
- · - · -	proposed minor contour
- · - · -	proposed major contour

Utility Plan Notes:

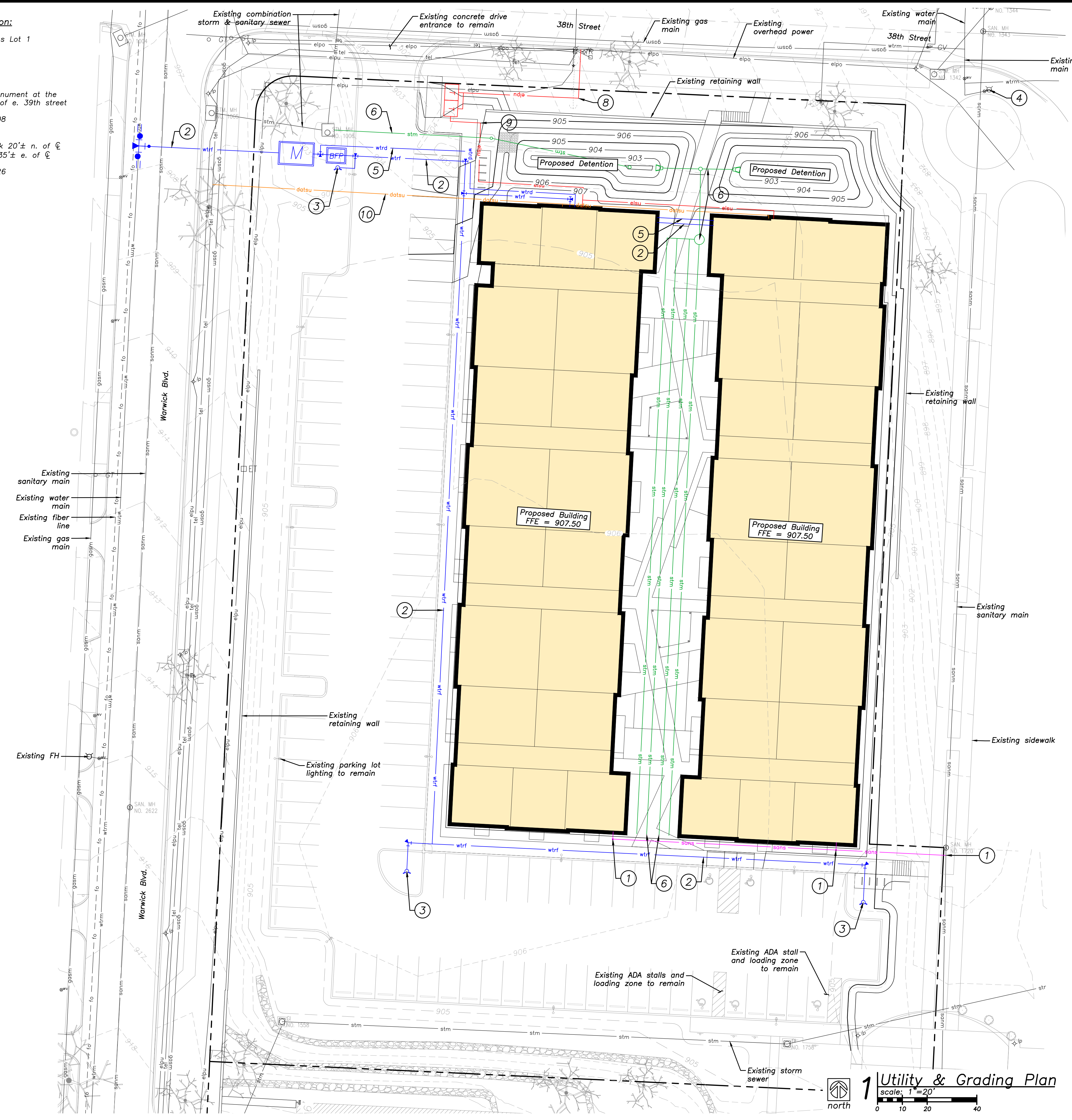
1. Proposed sanitary sewer service line.
2. Proposed fire service line.
3. Proposed private fire hydrant.
4. Existing public fire hydrant.
5. Proposed domestic service line.
6. Proposed private storm sewer system.
7. Not used.
8. Proposed primary underground electrical service.
9. Proposed secondary underground electrical service.
10. Proposed data/communications service.

Legal Description:

Westport Commons Lot 1

Benchmarks:

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TBM "CP #100" cut "1" in sidewalk 20'± n. of ∅ 38th street and 35'± e. of ∅ warwick blvd. elevation = 905.26



1 Utility & Grading Plan
scale: 1" = 20'
0 10 20 40

a redevelopment for
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300 E 39th St PRKG LOT
Kansas City, Missouri

date 12.16.2022
drawn by DAE
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revisions

sheet number
C1.3
drawing type Final Plan MPD
project number 22170

Utility Legend

	existing
	proposed

Linetypes

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	stms	storm sewer (existing)
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Legal Description:
 Westport Commons Lot 1

Benchmarks:
 TBM "JA-106"
 metro control monument at the northeast corner of e. 39th street and warwick Blvd.
 elevation = 924.08

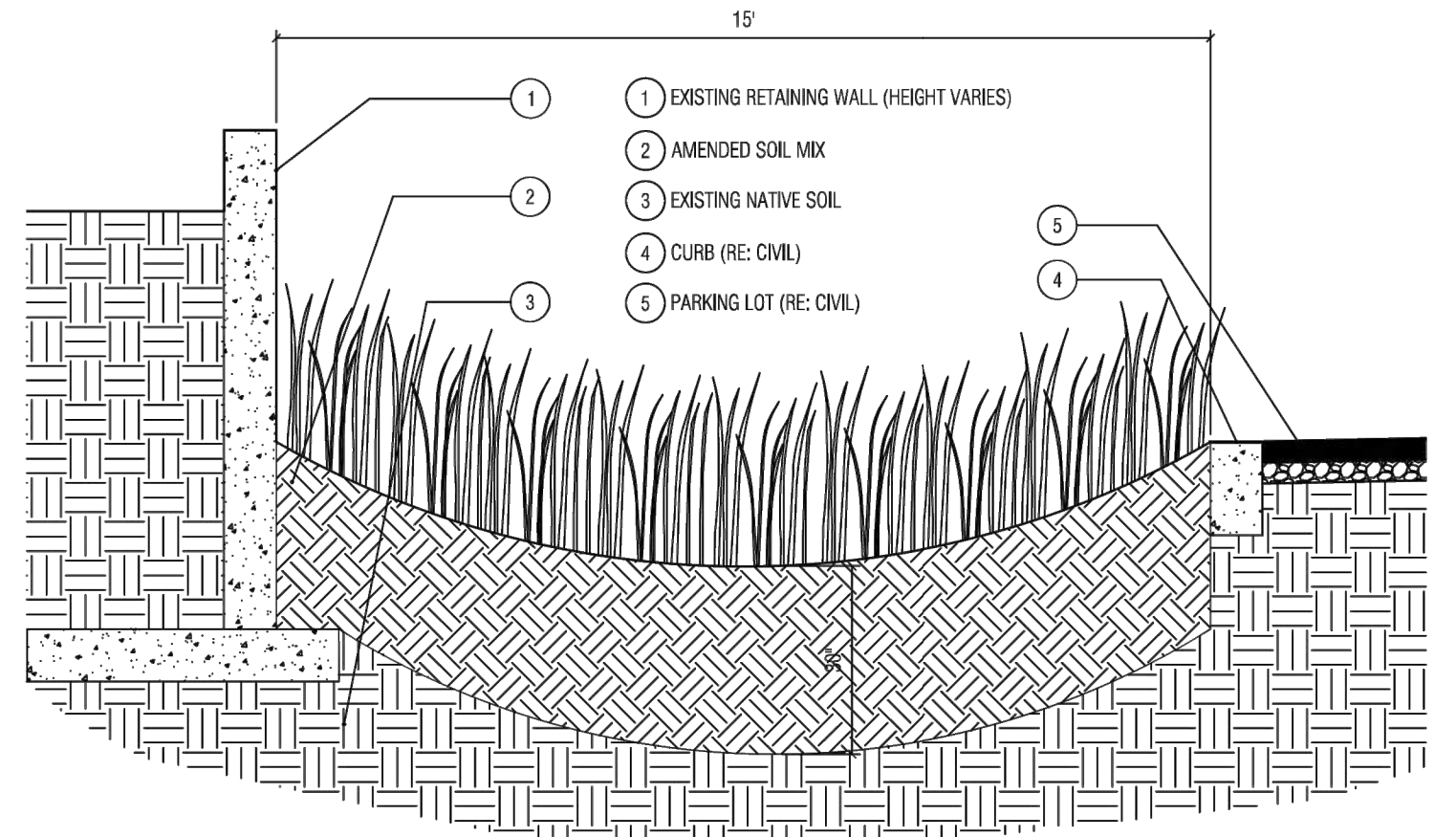
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Symbols

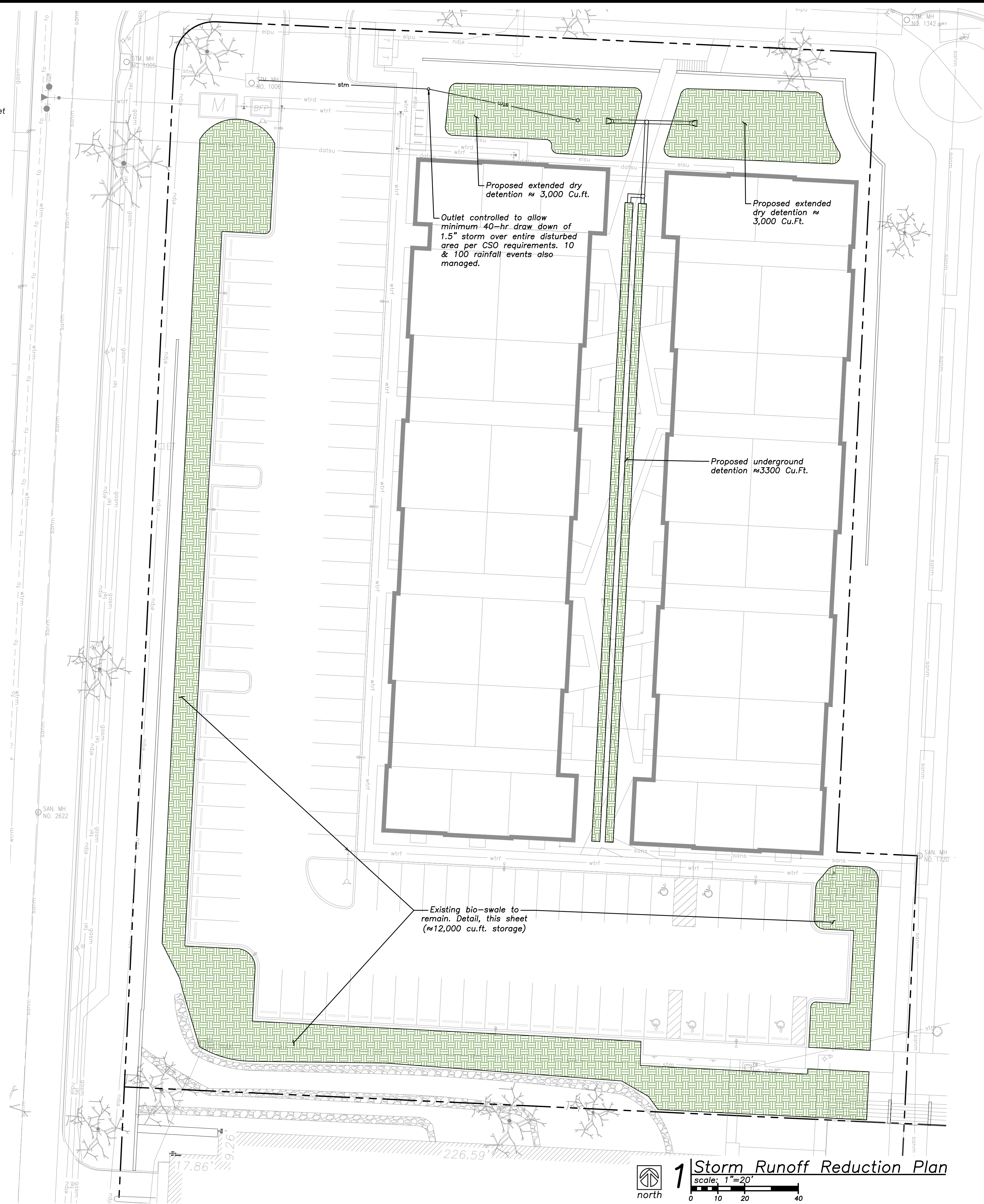
	sanitary manhole
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Property Legend

	right of way
	property lines
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2 Existing Bio-Swale Section Detail
 not to scale



1 Storm Runoff Reduction Plan
 scale: 1"=20'

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 Kansas City, Missouri

date: 12.16.2022
 drawn by: DAE
 checked by: DAE
 revisions:

sheet number
C1.4
 drawing type: Final Plan MPD
 project number: 22170

PLANT SCHEDULE

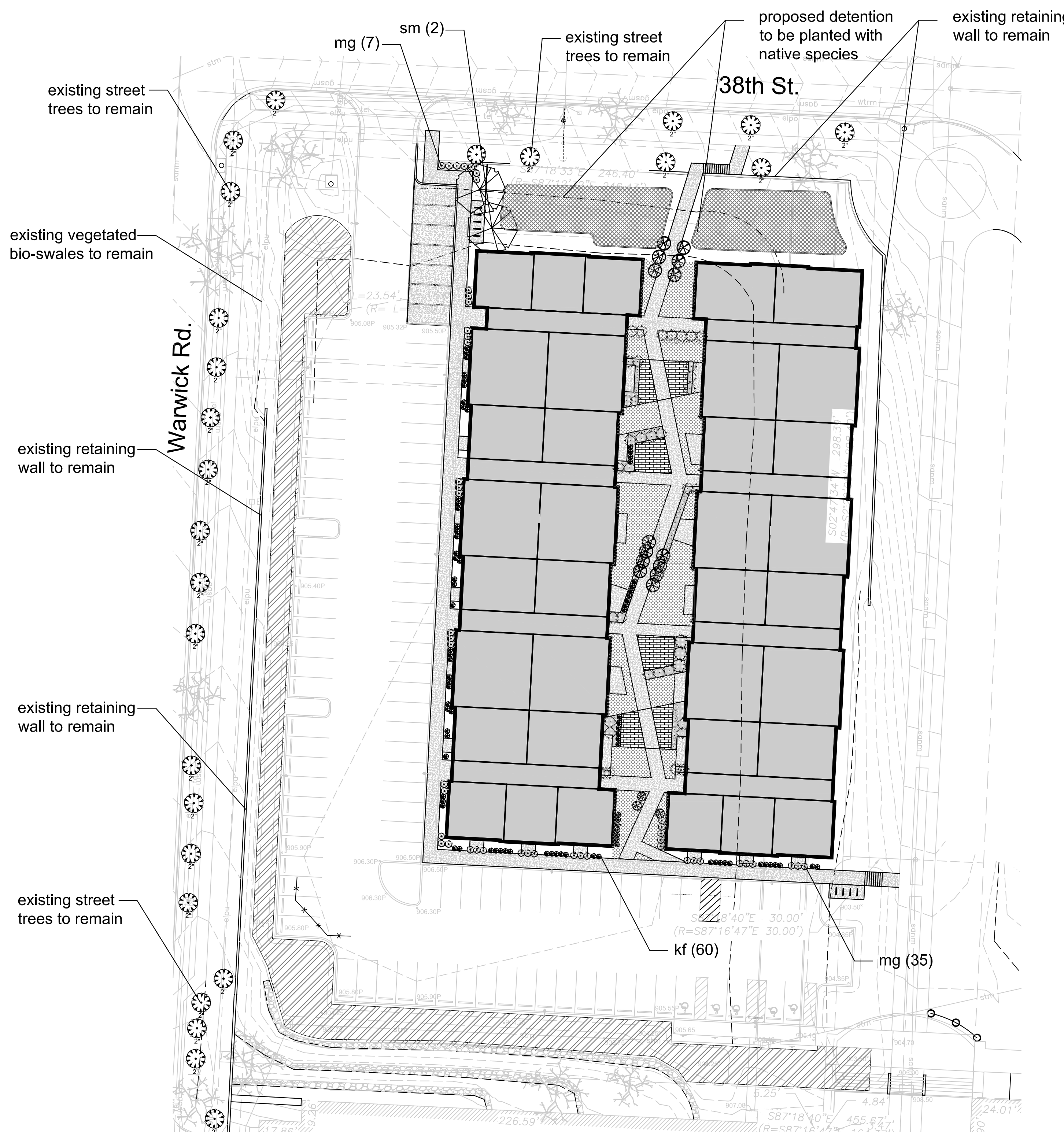
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS / EVERGREEN TREES					
SM	2	<i>Acer Saccharum</i>	Sugar Maple	2' cal. b & b	per plan
GB	17	<i>Carpinus betulus 'Fastigiata'</i>	European Hornbeam	2' cal. b & b	per plan
SHRUBS / GRASSES					
SG	28	<i>Juniperus x pfitzeriana 'Sea Green'</i>	Sea Green Juniper	3 gal.	per plan
MG	59	<i>Miscanthus sinensis</i>	Malden Grass	3 gal.	per plan
KF	96	<i>Calamagrostis x acutiflora 'Karl Foerster'</i>	Karl Foerster Feather Reed Grass	3 gal.	per plan
OH	3	<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	3 gal.	per plan
JF	24	<i>Hakonechloa macra</i>	Japanese Fountain Grass	3 gal.	per plan

LANDSCAPE CALCULATIONS:

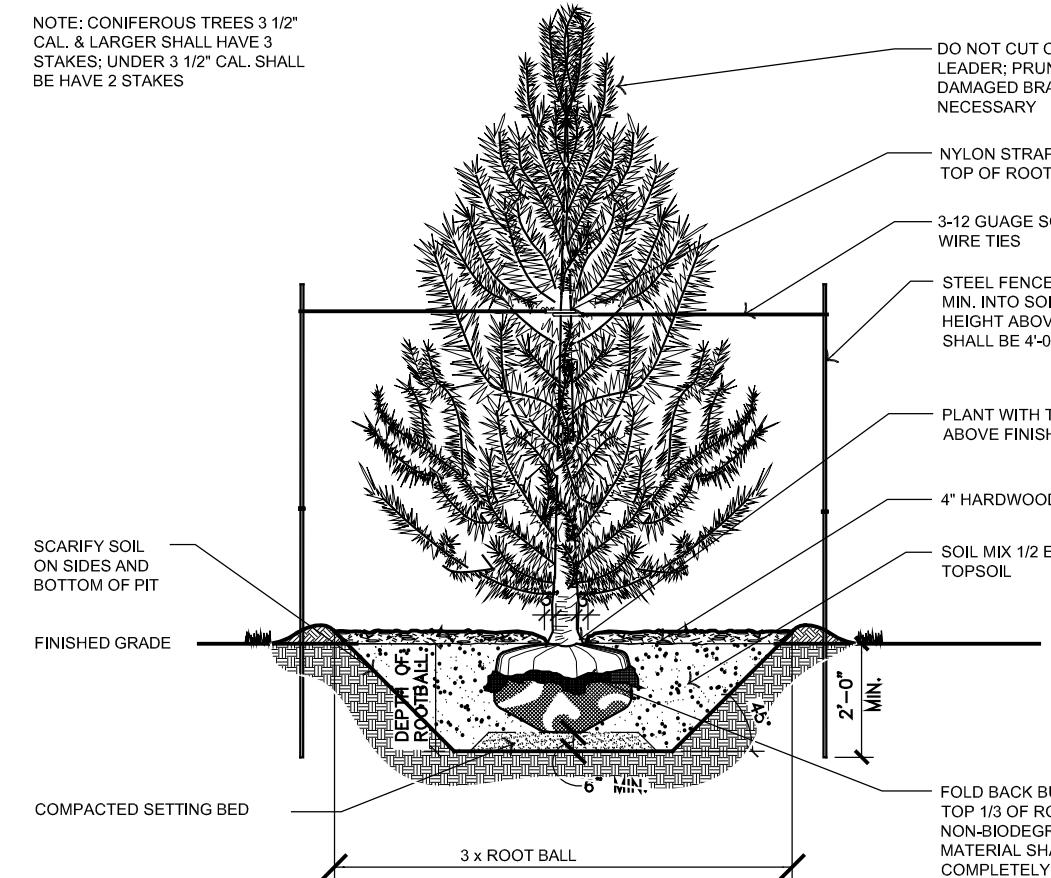
LANDSCAPE ITEM	CODE REQUIREMENT	AS IT APPLIES TO THIS SITE	PROVIDED ITEMS
88-425-03 Street Trees	1 Tree per 30'	Warwick Rd. 450 L.F. / 30 = 15 Street trees req.	22 Existing Provided
88-425-03 Street Trees	1 Tree per 30'	38th St. 310 L.F. / 30 = 11 Street trees req.	12 Existing Provided
88-425-06-B Min. Interior landscape area	35 S.F. of landscape area per parking space	7 (parking spaces) X 35 = 245 S.F. req.	950 S.F. Provided
88-425-06-E Interior parking plant material	1 Tree for every 5 parking spaces	7 / 5 = 2 Trees req.	2 Trees provided
88-425-06-E Interior parking plant material	1 Shrub for every parking space	7 Shrubs req.	7 Shrubs provided
88-425-06-E Interior parking plant material	Ground cover to cover all landscape areas	Covered	Covered
88-425-09-B Screening of mechanical equipment and utility cabinets	Any cabinet visible from the right-of-way must be screened from public view with landscaping	Continuous screen	Covered
88-425-05-C Perimeter landscaping of parking	Continuous evergreen screen to be 4' in ht. after the first growing season	Continuous evergreen screen	7 Ornamental grasses provided

LANDSCAPE NOTES:

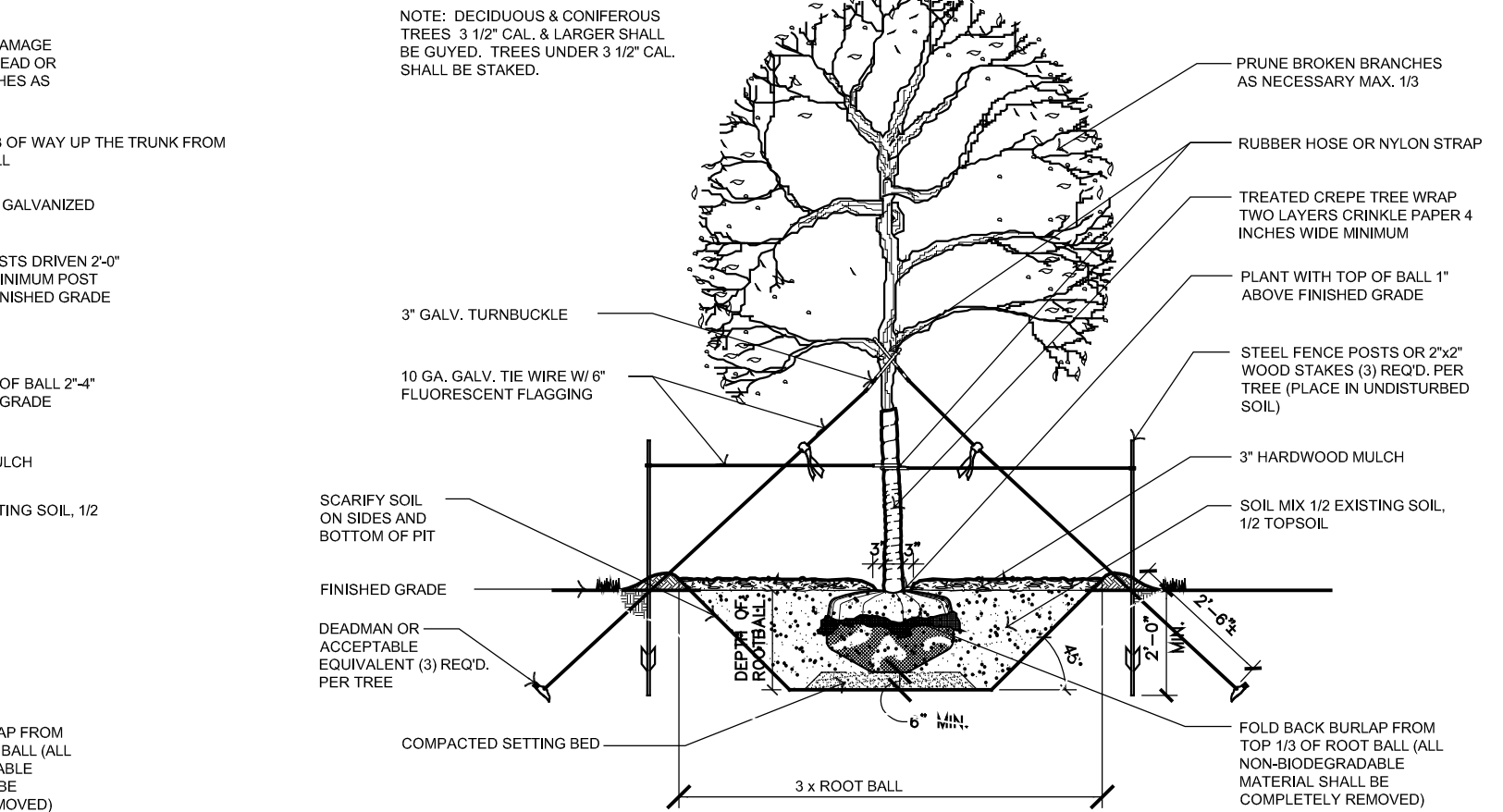
- LANDSCAPE NOTES SHALL APPLY TO ALL LANDSCAPE DRAWINGS.
- LOCATION OF ALL UTILITIES ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION OPERATIONS.
- LIMITS OF CONSTRUCTION ARE THE PROPERTY LINES, UNLESS OTHERWISE NOTED ON THE PLANS, EXCEPT WHERE ACCESS BEYOND IS REQUIRED FOR CONSTRUCTION RELATED TO UTILITY INSTALLATION AND EQUIPMENT ACCESS TO THE SITE.
- REFER TO CIVIL DRAWINGS FOR ALL GRADING AND BERMING, EROSION CONTROL, STORM DRAINAGE, UTILITIES AND SITE LAYOUT.
- THE CONTRACTOR SHALL ARRANGE AND CONDUCT A PRE-CONSTRUCTION MEETING ONSITE WITH LANDSCAPE ARCHITECT PRIOR TO ALL WORK.
- PLANT QUANTITIES ARE FOR INFORMATION ONLY. DRAWING SHALL PREVAIL IF CONFLICT OCCURS. CONTRACTOR IS RESPONSIBLE FOR CALCULATING OWN QUANTITIES AND BID ACCORDINGLY.
- THE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT AFTER STAKING IS COMPLETED AND BEFORE PLANT PITS ARE EXCAVATED.
- THE CONTRACTOR SHALL PLACE SHREDDED HARDWOOD BARK MULCH AROUND ALL TREES TO A DEPTH OF 3" AND IN ALL PLANTING BEDS TO A DEPTH OF 2". WALNUT PRODUCTS ARE PROHIBITED.
- TREE LOCATIONS IN AREAS ADJACENT TO DRIVES, WALKS, WALLS AND LIGHT FIXTURES MAY BE FIELD ADJUSTED AS APPROVED BY THE LANDSCAPE ARCHITECT.
- KIND, SIZE AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, ANSI-260-2004, OR MOST RECENT EDITION.
- THE CONTRACTOR SHALL REPORT SUBSURFACE SOIL OR DRAINAGE PROBLEMS TO THE LANDSCAPE ARCHITECT.
- THE PLAN IS SUBJECT TO CHANGES BASED ON PLANT SIZE AND MATERIAL AVAILABILITY. ALL CHANGES OR SUBSTITUTIONS MUST BE APPROVED BY THE CITY OF NORTH KANSAS CITY, MO AND THE LANDSCAPE ARCHITECT.
- PLANTING OF TREES, SHRUBS, SODDED AND SEEDED TURFGRASS SHALL BE COMMENCED DURING EITHER THE SPRING (APRIL 15-JUNE 15) OR FALL (SEPTEMBER 1-NOVEMBER 15) PLANTING SEASON AND WITH WATER AVAILABLE FOR IRRIGATION PURPOSES.
- STEEL EDGING TO BE USED ON ALL LANDSCAPE BEDS ABUTTING SODDED AREAS.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR WATERING ALL PLANT MATERIALS UNTIL THE TIME THE PERMANENT IRRIGATION SYSTEM IS FULLY FUNCTIONAL AND ACCEPTANCE OF THE PROJECT HAS TAKEN PLACE. ANY MATERIAL WHICH DIES, DEFOLIATES (PRIOR TO ACCEPTANCE OF THE WORK) WILL BE PROMPTLY REMOVED AND REPLACE.
- THE CONTRACTOR SHALL SHOW PROOF OF PROCUREMENT, SOURCES, QUANTITIES AND VARIETIES FOR ALL SHRUBS, PERENNIALS, ORNAMENTAL GRASSES AND ANNUALS WITHIN 21 DAYS FOLLOWING THE AWARD OF THE CONTRACT.
- ALL TREES SHALL BE CALLIPERED AND UNDERSIZED TREES SHALL BE REJECTED. ALL PLANT MATERIAL SHALL BE NURSERY GROWN, SOUND, HEALTHY, VIGOROUS AND FREE FROM INSECTS, DISEASE AND INJURIES. WITH HABIT OF GROWTH THAT IS NORMAL FOR THE SPECIES. SIZES SHALL BE EQUAL TO OR EXCEEDING SIZES INDICATED ON THE PLANT LIST. THE CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITY AS SHOWN ON THE DRAWINGS.
- STAKE OR PLACE ALL PLANTS IN FIELD AS INDICATED ON THE DRAWINGS OR AS DIRECTED BY THE LANDSCAPE ARCHITECT FOR APPROVAL BY THE OWNER PRIOR TO PLANTING.
- ALL DISTURBED AREAS, INCLUDING RIGHTS OF WAY, NOT OTHERWISE COVERED BY BUILDING, PAVEMENT AND LANDSCAPE BEDS SHALL BE SODDED WITH TURF TYPE TALL FESCUE AND IRRIGATED UNLESS OTHERWISE INDICATED BY THE OWNER.
- ALL EXTERIOR GROUND OR BUILDING MOUNTED EQUIPMENT, INCLUDING BUT NOT LIMITED TO MECHANICAL EQUIPMENT AND UTILITY METER BANKS SHALL BE SCREENED FROM PUBLIC VIEW WITH EVERGREEN LANDSCAPING THAT IS 6" TALLER THAN THE EQUIPMENT BEING SCREENED AT THE TIME OF PLANTING.
- PREPARE PLANTING BEDS BY INCORPORATING AN APPROVED COMPOSTED ORGANIC SOIL INTO EXISTING SOIL FOR ALL SHRUB, PERENNIAL AND ANNUAL PLANTING BEDS AT A MINIMUM DEPTH OF 6". THOROUGHLY MIX ORGANIC MATERIAL INTO THE EXISTING SOIL BY ROTOTILLING OR OTHER APPROVED METHOD TO A MINIMUM DEPTH OF 12".
- APPLY A COMMERCIAL ROOT STIMULATOR (APPROVED BY LANDSCAPE ARCHITECT PRIOR TO USE) TO ALL SHRUBS AND GROUND COVERS AT RATES RECOMMENDED BY MANUFACTURER DURING FIRST PLANT WATERING FOLLOWING INSTALLATION.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH A HIGH EFFICIENCY AUTOMATIC IRRIGATION SYSTEM ACHIEVING 100% EVEN COVERAGE OF ALL LANDSCAPE AREAS. IRRIGATION SYSTEM SHALL BE DESIGN-BUILD TO MEET ALL CITY REQUIREMENTS.
- TREE PROTECTION FENCING SHALL BE INSTALLED AND APPROVED BY THE CITY FORESTER PRIOR TO ANY LAND DISTURBANCE. TREE PROTECTION FENCING SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE ON THE PROJECT. NO PARKING OF VEHICLES, MATERIAL STORAGE, WASHOUTS OR GRADING ARE ALLOWED WITHIN THE FENCING. IF THE FENCING MUST BE REMOVED OR RELOCATED, THE CITY FORESTER SHALL BE CONTACTED FOR PRIOR APPROVAL.
- A CERTIFIED ARBORIST SHALL PRUNE ALL EXISTING TREES TO REMAIN. TREES CONFLICTING WITH BUILDING OR OVERLAPPING LANDSCAPE BEDS SHALL BE PRUNED UP TO ALLOW FOR 12' OF CLEARANCE UNDER CANOPY.
- ALL LAWN AREAS SHALL RECEIVE A MINIMUM OF 6-INCH DEPTH TOPSOIL COMPACTED TO 85% MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT.
- THE ENTIRE SURFACE TO BE SODDED SHALL BE REASONABLY SMOOTH AND FREE FROM STONES, ROOTS, OR OTHER DEBRIS.
- SOD SHALL BE MACHINE STRIPPED AT A UNIFORM SOIL THICKNESS OF APPROXIMATELY ONE INCH (PLUS OR MINUS 1/4 INCH). THE MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH, AND SHALL BE DETERMINED AT THE TIME OF CUTTING IN THE FIELD. PRECAUTIONS SHALL BE TAKEN TO PREVENT DRYING AND HEATING. SOD DAMAGED BY HEAT AND DRY CONDITIONS. SOD CUT MORE THAN 18 HOURS BEFORE BEING INCORPORATED INTO THE WORK SHALL NOT BE USED.
- HANDLING OF SOD SHALL BE DONE IN A MANNER THAT WILL PREVENT TEARING, BREAKING, DRYING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DEHYDRATION. DO NOT DELIVER MORE SOD THAN CAN BE LAID WITHIN 24 HOURS.
- MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOD. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE INSTALLING SOD. FERTILIZE, HARROW OR RAKE FERTILIZER INTO TOP 1-1/2-INCHES OF TOPSOIL, AT A UNIFORM RATE OF ONE POUND OF NITROGEN PER 100 SF.
- SOD SHALL BE CAREFULLY PLACED IN THE DIRECTION PARALLEL WITH THE SLOPE OF THE AREA TO BE SODDED. SOD STRIPS SHALL BE BUTTED TOGETHER BUT NOT OVERLAPPED WITH THE SEAMS STAGGERED ON EACH ROW.
- FERTILIZER SHALL BE 10-10-5 COMMERCIAL FERTILIZER OF THE GRADE, TYPE AND FORM SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE OF KANSAS DEPARTMENT OF AGRICULTURE. FERTILIZER SHALL BE IDENTIFIED ACCORDING TO THE PERCENT N, P, K, IN THAT ORDER.
- SATURATE SOD WITH FINE WATER SPRAY WITHIN TWO HOURS OF PLANTING. DURING FIRST WEEK AFTER PLANTING, WATER DAILY OR MORE FREQUENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A MINIMUM DEPTH OF FOUR INCHES BELOW SOD.
- CONTRACTOR SHALL PROVIDE FULL MAINTENANCE FOR SODDED TURF GRASS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF FINAL ACCEPTANCE. AT THE END OF THE MAINTENANCE PERIOD, A HEALTHY, WELL-ROOTED, EVEN-COLORED, VIABLE TURF MUST BE ESTABLISHED. THE TURF GRASS SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS AND SURFACE IRREGULARITIES.
- IN THE EVENT OF WORK IN OR ON THE JOV SANITARY MAIN INCLUDING RIGHTS-OF-WAY AREAS, ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE-OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
- LANDSCAPE ADJACENT TO THE FIRE DEPARTMENT CONNECTION AND FIRE HYDRANT SHALL ALLOW FOR UNOBSTRUCTED VISIBILITY AND ACCESS, WITH NO SHRUBS OR TREES WITH IN A 3' RADIUS OF THE FIRE DEPARTMENT CONNECTION OR FIRE HYDRANT.



1 Landscape Plan
scale: 1" = 30'-0"

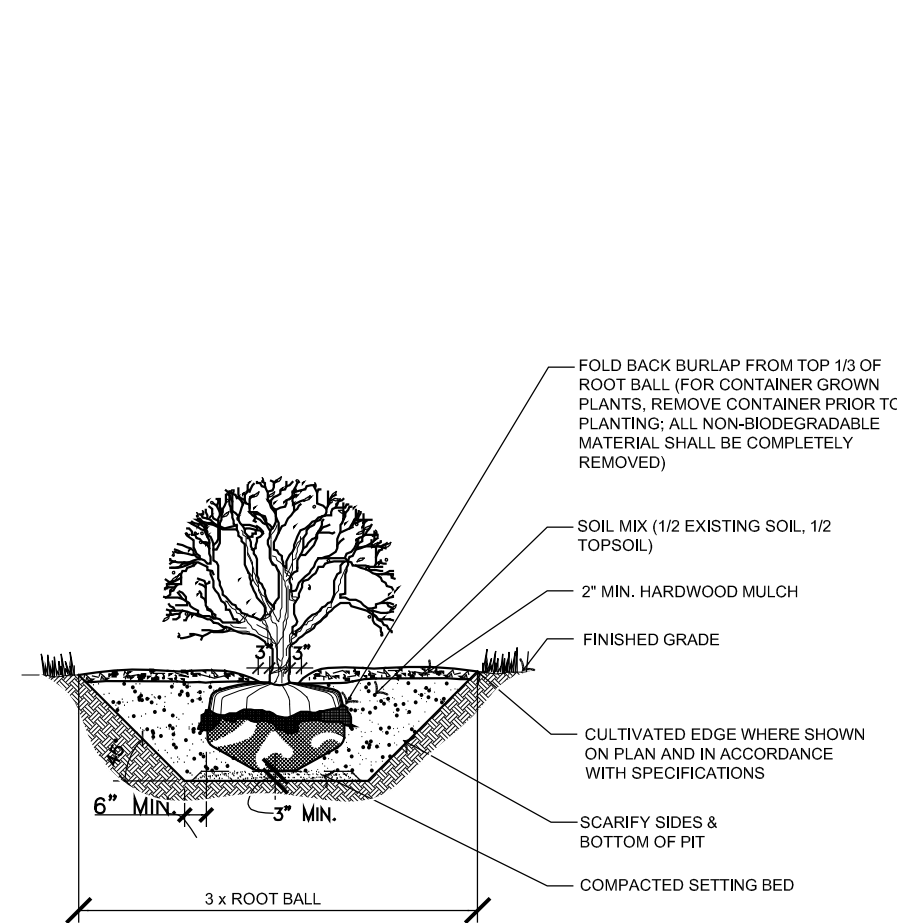


3 Evergreen Tree Detail
scale: 3/16" = 1'-0"



4 Deciduous Tree Detail
scale: 3/16" = 1'-0"

2 Courtyard Plan
scale: 1" = 20'-0"



5 Shrub Detail
scale: 3/16" = 1'-0"



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FLOOR PLAN NOTES

- EXISTING SITE LIGHTING CIRCUIT INSTALLED UNDER PREVIOUS WORK PHASE. CIRCUITS ROUTED THROUGH AND CONTROLLED VIA EXISTING LIGHTING RELAY PANEL LCPD ON BASEMENT LEVEL.
- EXISTING RECESSED 12"x12" CONCRETE POLYMER JUNCTION BOX WITH CONTROLLED SITE LIGHTING CIRCUIT FOR TIE-IN. FIELD VERIFY EXACT LOCATION.
- (3) #6-AWG IN 1" CONDUIT - MINIMUM. MAKE ALL REQUIRED CONNECTIONS.

Westport Junior High (Westport Middle School) Adaptive Reuse

300 E 39th St
Kansas City, MO 64113 Project No: 15008.00

PERMIT DRAWINGS

Issued: 11 JUNE, 2015

Rev. #	Description	Date Issued
1	PERMIT DRAWING SET UPDATE /	10/23/15
	DEFERRED PACKAGE SUBMITTAL	
2	REVISED SITE PACKAGE	02/08/16
9	SITE PACKAGE	03/14/16
14	PR 006	04/08/16
26	CHANGES TO APPROVED PLANS	07/20/16
28	PR 006.1	07/25/16
45	CHANGES TO APPROVED PLANS	11/23/16
46	OWNER CHANGES	06/16/17

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc. Zone #1	+	0.6 fc	3.9 fc	0.0 fc	N/A	N/A
Stat. Zone #1	X	2.4 fc	3.9 fc	0.5 fc	7.8:1	4.8:1

SITE PLAN-ELECTRICAL

E001

SITE PLAN-ELECTRICAL

SCALE: 1"=40'-0"



MCCREE STREET

39th STREET

CITY OF KANSAS CITY
HYDE PARK

BUILDING A (RE: PROJECT DESCRIPTION)
EXISTING MIDDLE SCHOOL BUILDING

BUILDING B (RE: PROJECT DESCRIPTION)
EXISTING PARKING GARAGE

CITY OF KANSAS CITY
HYDE PARK

FUTURE URBAN
AGRICULTURE FACILITY 49,895 SF

WARWICK BOULEVARD

WARWICK ARMS
CONDOMINIUMS

38th STREET



Plan Conditions

Report Date: March 02, 2023

Case Number: CD-CPC-2022-00222

Project: Westport Commons

Condition(s) by City Planning and Development Department. Contact Andrew Clarke at (816) 513-8821 / Andrew.Clarke@kcmo.org with questions.

1. All mechanical equipment and dumpsters shall be screened pursuant to 88-425-08.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy.
3. That the developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to Certificate of Occupancy.
4. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to Certificate of Occupancy.
6. The developer shall secure approval of an MPD Final Plan from the City Plan Commission prior to building permit.
7. The developer shall coordinate with the KCATA to resolve pedestrian level lighting and ADA compliant bus stop on Warwick Boulevard prior to approval of an MPD Final Plan.
8. The developer shall seek the required deviations to the Boulevard and Parkway Standards prior to Council approval (88-323).

Condition(s) by City Planning and Development Department. Contact Terry Thomas at (816) 513-2510 / Terry.A.Thomas@kcmo.org with questions.

9. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted prior to issuance of any building permits, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.
10. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
11. The developer must grant a city approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
12. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
13. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

Condition(s) by City Planning and Development Department. Contact Terry Thomas at (816) 513-2510 / Terry.A.Thomas@kcmo.org with questions.

14. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

Condition(s) by Fire Department. Contact Michael Schroeder at (816) 513-4604 / michael.schroeder@kcmo.org with questions.

15. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
16. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
17. Fire hydrant distribution shall follow IFC-2018 Table C102.1

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 -2013 § 8.7.2)
18. 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)
19. A required fire department access roads shall be an all weather surface (IFC-2012: § 503.2.3) and 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 designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
20. Dead end fire department access road(s) in excess of 150 feet shall be provided with an approved turn around feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a "phased" project shall provide an approved temporary turn around feature (i.e., cul-de-sac, hammerhead). (IFC-2018: § 503.2.5) The turning radius for fire department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)

Condition(s) by Parks & Recreation. Contact Justin Peterson at (816) 513-7599 / Justin.Peterson@kcmo.org with questions.

21. The developer shall submit a letter to the Parks and Recreation Department from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Parks and Recreation Department, prior to recording the plat/issuance of any certificate of occupancy permits including temporary certificate occupancy permits
22. The developer shall submit plans to Parks & Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements, pedestrian and street lighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per Parks & Recreation Department Standards
23. The developer shall install and/or replace any dead or missing street trees along roadways adjacent to this project.
24. The developer shall pay money-in-lieu of parkland dedication in the amount of \$202.89 per unit per approved ordinance #150834 and Case No. 14560-MPD.
25. The developer shall comply with the Parkway & Boulevard Standards of 88-323 unless certain waivers granted by the City Council.

Condition(s) by Parks & Recreation. Contact Justin Peterson at (816) 513-7599 / Justin.Peterson@kcmo.org with questions.

26. The developer shall continue to work with Parks and City Planning staff to enhance the pedestrian experience at the northwest corner of the site. Enhancements to the pedestrian experience at this location shall be incorporated as part of the Final MPD plan.
27. The developer shall work with Parks and City Planning staff to enhance the retaining wall and railing along Warwick Blvd as part of the Final MPD plan submission.

Condition(s) by Water Services Department. Contact Heather Massey at (816) 513-2111 / heather.massey@kcmo.org with questions.

28. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations. Prior to C of O. 3. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations. Prior to C of O.
<https://www.kcwater.us/wp-content/uploads/2022/05/2022-Rules-and-Regulations-for-Water-Service-Lines-Final.pdf>

Condition(s) by Water Services Department. Contact Jerald Windsor at (816) 513-0413 / Jerald.Windsor@kcmo.org with questions.

29. The developer shall submit an analysis by a registered Professional Engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to the issuance of the final Plat. Depending on adequacy of the existing water mains systems, making other improvements may be required. (it is recommended to move the Water connection to the 8" main on Gillham Road.)



View from 38th street south onto site.



View from Warwick east to parking garage for Plexpod (which is hosting the public engagement meeting)

NOTICE OF APPLICATION

To whom it may concern,

This letter serves as notice of our intent to file an application with the City Planning and Development Department in the City of Kansas City, Mo. The application is for consideration of a

Permit
Preliminary plat
Development plan Master Planned Development Major Ammendment
Rezoning from District to District

Project Description:

City Code Engagement Requirements:

You are receiving this letter since city code requires a public meeting be held regarding our application(s) and that all contacts associated to any registered neighborhood or civic organization whose boundaries include the project property address are notified. We are contacting you and all other registered contacts for your neighborhood organization to initiate a dialogue about a public meeting. This meeting may be hosted by your organization or ours, and we would like to discuss this with you. Please consult with your neighborhood organization and then contact us (contact information provided below) as soon as possible to discuss meeting details. After discussion, please select one member from your organization to email the City of Kansas City, Mo. at publicengagement@kcmo.org with written confirmation of who is hosting the meeting.

Name:

Email:

Phone:

Title/Role:

Company/Employer:

Representing:

If we do not receive the confirmation email referenced above within ten calendar days, we will host the meeting ourselves. And, as a registered contact, you will be invited. Our application requires approval from the Board of Zoning Adjustment or City Council following a recommendation from the City Plan Commission. After this meeting, the City Plan Commission will hold a public hearing at City Hall. If and when our application is docketed for City Plan Commission consideration, a notice of this hearing will be mailed to all property owners within 300 feet of our project address, as well as contacts with your organization that have provided a mailing address.

Sincerely,

Will Dubois

From: Chip Walsh <efwalsh@kcsdp.com>
Sent: Thursday, December 22, 2022 12:56 PM
To: nkarpilow@oldhydparkkcmo.org; board02@oldhydparkkcmo.org; board03@oldhydparkkcmo.org; board04@oldhydparkkcmo.org; board05@oldhydparkkcmo.org; board06@oldhydparkkcmo.org; board07@oldhydparkkcmo.org; board08@oldhydparkkcmo.org
Cc: Aaron Schlagel
Subject: Notice of Application for Final Plan to Rezone Westport Commons
Attachments: Westport Commons_NOTICE OF APPLICATION 2022-12-22[SIGNED].pdf

This sender is trusted.

Nadja and all,

Good afternoon. I am a partner with HP Development Partners, the developer and owner of Plexpod Westport Commons property at 300 E. 39th Street. We recently filed a plan amendment application (Plan Number: CD-CPC-2022-00222) and wanted to give you notice of this action as required by city ordinance (please see the attached PDF). The plan amendment pertains to the portion of the property currently occupied by the CKC Farm and would permit the development of this area for 100 units of multi-family housing. We will need to hold a public meeting in advance of appearing before the City Planning Commission. We would be happy to host this meeting at Plexpod Westport Commons. Our first thought, subject to your input and the coordination of schedules, would be to hold this meeting sometime during the week of January 23. We are also aware that the OHP Board has a meeting on January 18th and would be pleased to meet with the Board then to preview the public meeting presentation.

Please review and let us know your thoughts here.

Thank you.

Chip Walsh

Direct: 816.808.2956

efwalsh@kcsdp.com

www.kcsdp.com

[in](#)



CASE NUMBER _____

ADDRESS OR LOCATION _____

AFFIDAVIT OF SIGN POSTING

STATE OF MISSOURI)

COUNTY OF PLATTE)

I, Andrew Brain being duly sworn upon my oath and being of sound mind and legal age state:

That I am the agent (agent, owner, attorney) of the lot, tract or parcel of land for which the application was filed and did not later than fifteen (15) days prior to the date of first hearing scheduled for the above-referenced case at the above-referenced location, place a sign upon said lot, tract or parcel of land in compliance with the applicable Notice of Hearing procedures in the Zoning and Development Code.

Andrew Brain
(Print Name)

[Signature]
(Signature)



Subscribed and sworn to before me this 23RD day of JANUARY, 20 23.

Tracy Walton
Notary Public

My Commission Expires 1.9.2023

Said sign shall be furnished by the City to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame. The sign shall be posted in a fashion visible from a public right-of-way or public place, shall not be further than ten (10) feet from the property line exclusive of the public right-of-way and shall be posted in a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. The applicant shall file an affidavit prior to the public hearing stating that said sign has been posted according to these regulations.

Public Meeting Notice

Please join HP Development Partners LLC

for a meeting about The Village at Westport Commons

case number CD-CPC-2022-00222

proposed for the following address: 300 E 39th St PRKG LOT

Kansas City, MO 64111

Meeting Date: January 24, 2023

Meeting Time: 6:00 PM

Meeting Location: Plexpod Westport Commons, 300 E 39th Street KCMO

Project Description:

Rezoning to District UR/ MPD for a multi-unit residential in a MPD zoned parcel.

If you have any questions, please contact:

Name: Chip Walsh

Phone: 816.808.2956

Email: efwalsh@kcsdp.com

You are receiving this notice in accordance with city code that requires a public meeting with neighborhoods for certain types of development projects. You can read more about the process requirements at kcmo.gov/publicengagement



If you would like further information on this proposed project, please visit the city's planning and permitting system, Compass KC, at Compasskc.kcmo.org. You may search by project type and address/case number to find project details.

Sincerely,

Edward F. (Chip) Walsh

Meeting Sign-In Sheet

Project Name and Address

Village at Westport Commons

300 E 39th St PKG LOT, Kansas City MO 64111

Name	Address	Phone	Email
Aaron Schlagel	300 E 39th St	913-609-9424	aschlagel@centerpropertyop.com
John Orscheln	300 E 39th St	816-281-5900	jorschein@braingroup.com
Alicia Alferman		816-665-3349	alicia@themayfly.com
Nadja Karpilow	3820 Baltimore		akarpilow@oldhydeparkkcmo.org
Debra Robinson	3705 Warwick	816-931-2717	debrarobinson53@gmail.com
Angie Phillips	3814 Warwick	816-682-5681	mrsphillips3@hotmail.com
John Phillips	3814 Warwick	816-349-3972	phillipsjohn@gmail.com
Aaron Fightmaster	3741 Central	816-708-8421	aaronfightmaster@gmail.com
Adam Hollingmore	1104 W 40th	913-201-6872	amhollin@gmail.com
Sami Dowd	4215 Locust		dowdsami@gmail.com
Dianna Atkinson	3701 Wyandotte		hairdi47@yahoo.com

Betsy & Jacob Ambrose	3724 Central	913-549-8227	board04@oldhardpark kcmo.org
Bill Dickinson	3867 Holmes	913-558-1461	bill99d@gmail.com
Brien Darby	3216 E. 30th	303-859-0169	brien@cultivatekc.org
Valerie Andruss	3620 Walnut	816-853-0231	andruss-valerie@ yahoo.com
Nik Lewer	3734 Gillham	660-988-6874	nlewer@lewer.com
John Granda	3740 Gillham	816-305-5619	grandajohn49@gmail. com
Brian Haggard & Hilary Becker	3715 Warwick	816-665-2957	bmhaggard@gmail.com
Don Hall & Patty Craft	3744 Walnut	917-903-6900	plcraft@sbcglobal.net
Vincent Nguyen	300 E 39th Street	816-716-3705	vince@cultivatekc.org
Juila Garvard	3831 Baltimore	415-760-4376	juliagarvard@gmail.com
Reid Vilbig	3604 Baltimore, 2N	636-236-	vilbigr@gmail.com
Mary Dollins	3824 Walnut	816-225-3934	marydollins@gmail.com



CITY PLANNING & DEVELOPMENT

Public Meeting Summary Form

Project Case # 300 E 39th St PKG LOT, Kansas City MO 64111

Meeting Date: 1/24/2023

Meeting Location: Plexpod Westport Commons (300 E 39th St, Kansas City MO)

Meeting Time (include start and end time): 6:00pm - 7:30 pm

Additional Comments (optional):

Village At Westport Commons Community Engagement Meeting

Held at Plexpod Westport Commons Auditorium

January 24, 2023

An introduction was provided by Nadja Karpilow, President of the Old Hyde Park District Neighborhood Association. The development team, consisting of Chip Walsh (HP Development Partners), Aaron Schlagel (Center Property Group LLC), and Chris Hafner (Davidson Architecture & Engineering) gave a presentation touching initially on the Westport Commons development overall and then in more detail on the subject site and proposed apartments.

The topics generating most of the discussion were:

- Building aesthetics. Several questions were taken the building shape, proposed color scheme and material selection. Some raised concerns about its cohesiveness with the rest of the Old Hyde Park District. While the strength of opinion varied, attendees generally did not like the colors or composition of materials. The development team indicated that these items were a work in progress and updates will seek to incorporate community and City Staff feedback. The development team also indicated that existing site conditions impacted the building's shape and layout.
- Relocation of Cultivate KC. Questions were taken on the Cultivate KC's current status and use of the site. Development team noted that Cultivate KC's lease always contemplated a right of relocation and that relocation discussions were ongoing with Cultivate KC and would continue on their own timeline.
- Parking. Concerns were raised both that there might not be enough parking and that there is too much parking. The development team noted that the parking is existing and there is a balance between current and future needs. The parking counts meet KCMO development requirements. There was discussion about parking overflow and during events at the adjacent Plexpod Westport Commons and it was indicated that the parking lot (previously used by KCATA) to the south of 39th was available for overflow use and should also alleviate concerns. As to sufficient parking for residents at the proposed development, development team members indicated that overflow use of the adjacent PWC garage would be made available for tenants if needed. Some attendees also expressed a desire for traffic calming at several streets and intersections around the site. The development team indicated a willingness to work with neighbors on this issue.

Other topics discussed included the planning process, rental rates, affordable housing and gentrification, building design facing out to the community rather than inward, local composition of ownership and development group, short term rentals, and future development across the larger Westport Commons campus.

The meeting began shortly after 6:00 pm and ended around 7:30 pm. Fox 4 News was present and videotaped the meeting in its entirety.



CITY PLAN COMMISSION
 City of Kansas City, Missouri
 City Planning & Development Department
www.kcmo.gov/cpc

Attachment #3 – Communications Received

Name	Stance	Format of Receiving
Nathan Young	Opposition	Email
Taylor Fourt	Opposition	Email
Ben Kuhn	Opposition	Email
Alicia Ellingsworth	Opposition	Email
Matt Riggs	Opposition	Email
Bill Dickinson	Opposition	Email
Jessica Best Stewart	Opposition	Email
Emily Schaeffer	Opposition	Email
Gloria Carson	Opposition	Email
Alma Fetahovic	Opposition	Email
Jasmin Moore	Opposition	Email
Andrea Shores	Opposition	Email
John and Angela Phillips	Opposition	Email
Mary T. Nguyen	Opposition	Email
Reese Bentzinger	Opposition	Email
Nik and Shelby Lewer	Opposition	Email
Nik and Shelby Lewer (Second Letter)	Opposition	Email
John and RoseAnn Granda	Opposition	Email
John and RoseAnn Granda (Second Letter)	Opposition	Email
Andrew Johnson	Opposition	Email
Amanda Quance	Opposition	Email
Annalise Winter	Opposition	Email
Rachael McGinnis Millsap & Andrea Clark	Opposition	Email
Sierra Walsh	Opposition	Email
Raymond Forstater	Opposition	Email
Ellen Pajor	Opposition	Email
Carl Schwendinger- Schreck	Support	Email
Daniel Dermitzel	Opposition	Email
Stacey Kenyon	Opposition	Email

Ashley Williamson & Erica Kratofil	Opposition	Email
Lydia Nebel	Opposition	Email
Old Hyde Park Historic District Board	Impartial	Email
Hannah Rogg	Opposition	Email

Clarke, Andrew

From: Carl Schreck <carlschreck213@gmail.com>
Sent: Monday, February 27, 2023 4:47 PM
To: Public Engagement
Subject: Support CD-CPC-2022-00222

Hello,

I am writing to support plan number CD-CPC-2022-00222. I live in the South Hyde Park neighborhood, and would very much like to see midtown become a neighborhood where it is possible to live without depending on a car. I think that the Westport School is a great area for the development of dense housing, in order for midtown to achieve the density necessary to support transit options other than personal vehicles. With the Gillham Park bike trail, soon-to-be streetcar, and bus on 39th Street, this site has ample transit options which would benefit from increased density.

Best,
Carl Schwendinger-Schreck
903 E 42nd St, Kansas City, MO



Old Hyde Park Historic District

February 27, 2023

Case # CD-CPC-2022-00222

At this time the Old Hyde Park Historic District Board is impartial on the project as presented due to the varied concerns neighbors have expressed. We would like the developers to collaborate further with the neighbors on the architecture and mural plans.

These project designs take time and engagement. Sustainable Development Partners (SDP) listened to the feedback provided by neighbors and made some adjustments. We did not get the latest renderings until the Friday before the Monday deadline for letters, and even if we'd received them sooner, still we would have needed more time to digest and discuss.

Generally, the concerns on the project are regarding the architecture of the building. The site is in a historic district neighborhood and is surrounded by 100-plus year-old buildings, including the Westport Middle School and the Westport High School, currently being restored. We know that SDP values historic preservation as they have invested significantly into the restoration of these two fine buildings.

The general footprint and parking arrangements for the project is reasonable and the board does not have a particular issue with those components.

Many neighbors are disappointed that the lease agreement with Cultivate KC will end. The farm, once public land as school grounds, provides open space, urban agriculture, and is a valuable community asset. The Kansas City Public School District has a rigorous application process for the sale of their school buildings and involves community input to ensure plans for the property are a good fit for the neighborhood. Cultivate KC and Plexpod have been great neighbors.

The Old Hyde Park Historic District board respectfully requests at least one more month to collaborate with the developers further. We appreciate their efforts and are confident that we can continue to work together for an agreeable plan for the site and neighborhood.

Old Hyde Park Historic District Board:

Nadja Karpilow, President
Angie Phillips, Vice President
Dianna Atkinson, Treasurer
Betsy Ambrose, Secretary
Jacob Ambrose, Director
Matthew Browning, Director
Aaron Fightmaster, Director
Tabitha Judson, Director

Clarke, Andrew

From: Alma Fetahovic <alma.fetahovic4@gmail.com>
Sent: Monday, February 27, 2023 10:48 AM
To: Public Engagement
Cc: cc 1
Subject: CD-CPC-2022-00222

Follow Up Flag: Follow up
Flag Status: Completed

Alma Fetahovic
411 NE 55th Street, Kansas City, MO 64118
alma.fetahovic4@gmail.com
KCMO Council District 1

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

As a supporter of urban farming and community engagement, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,
Alma Fetahovic

Clarke, Andrew

From: Andrew Johnson <andrewjohnsonkc@gmail.com>
Sent: Monday, February 27, 2023 3:02 PM
To: Public Engagement
Cc: cc 1
Subject: Comments on Westport Commons development --- CD-CPC-2022-00222

From: Andrew Johnson
3423 Baltimore Avenue, KCMO 64111
andrewjohnsonkc@gmail.com
816-718-9916
Resident of the 4th district

To the members of the City Plan Commission:

I am writing to express my frustration and disapproval of plan number CD-CPC-2022-00222, Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel, put forth by Sustainable Development Partners Kansas City, which would replace the Westport Commons Farm.

When I attended the original community meetings for redeveloping Westport Middle School and Westport High School in 2013, I was blown away by the amazing proposal from the Sustainable Development Partners. I sat through numerous community meetings alongside hundreds of my neighbors to learn the details of several proposals. So many of us in the surrounding neighborhoods were increasingly in support of the Sustainable Development Partners plan. Bob Berkebile's vision of a community hub focused on building a more resilient, inclusive, and sustainable midtown neighborhood included a number of commitments to residents when it came to how these properties would be redeveloped. In particular, the Sustainable Partners worked closely with neighbors to offer listening sessions and brainstorming sessions to ensure that their plan would actually serve the needs of the surrounding community. One of the most exciting elements of their proposal was for a working community farm operated by Cultivate KC.

Over the past decade since those community meetings, I've watched Cultivate KC build upon this vision and honor the integrity of their commitments to the community. Cultivate KC continued to hold up their commitment even when the district inexplicably tried to split the two campuses and award each one to different developers, fully aware that the full vision of the Sustainable Partners plan relied on acquiring BOTH campuses. Cultivate KC continued to hold up their commitment even when the partners chose to take half of the land promised for the farm in order to add more parking spaces. Cultivate KC continued to hold up their commitment even after the Sustainable Development Partners brought in Plexpod, which significantly increased the rent for all tenants and priced out most of the other nonprofit partners originally committed to the vision. Cultivate KC continued to hold up their commitment in spite of the rest of the project's vision gradually falling apart.

I understand that the Westport Commons project as it exists today is very different from what the community was promised ten years ago. I understand that developers and investors often change course to deal with realities, financial or otherwise. I understand that this property is now privately owned and the owners are not obligated to do something that is not in their self-interest.

However, I think it is important to remember the history and context of the specific request that is now before City Plan Commission to rezone the site. Up until the Sustainable Partners acquired the property, it was a public school, paid for by our tax dollars and invested in over the years by the people who live in the neighborhood. When KCPS sold it to Sustainable Partners, they only did so because they had the support of the community. Office space and infill housing

could be built in so many places, but this property was uniquely situated for a different vision. That's why the community was in such strong support of the Sustainable Development Partners. This decision is not as simple as a developer dropping Cultivate KC as a tenant to make way for more housing. This decision is about KCPS making the original sale to the developer based on promises made to the community, and whether the City will now support those promises being broken.

Thank you for considering my perspective. Please feel free to contact me with any questions. I encourage you to decline the request for rezoning and to instead encourage the developer to honor the integrity of their commitments and promises.

- Andrew

Clarke, Andrew

From: Gmail <bill99d@gmail.com>
Sent: Saturday, February 25, 2023 4:03 PM
To: Shields, Katheryn; Bunch, Eric; Public Engagement; cc 1
Subject: Rezoning Request CD-CPC-2022-00222 for Westport Farms

City Planning Commission
Cc: Eric Bunch, 4th District Councilman
Katheryn Shields, 4th District-At-Large
Re: Rezoning Request **CD-CPC-2022-00222 for Westport Farms**

My name is Bill Dickinson. I reside at 3867 Holmes Street about one quarter mile from Westport Farms. I am writing to express my dissatisfaction with the development plans and rezoning request CD-CPC-2022-00222. This plan calls for the re-zoning of the Westport Commons Farm to replace the farm with two apartment buildings (100 apartments).

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment. It has served as a model for others wishing to grow food in their community and teaches farming skills to those who wish to learn.

Cultivate KC's farm adds diversity and a unique dimension to our neighborhood and community. When the land was purchased from the school district in 2016, we were promised green space. Operating with the security of a 25-year lease, many neighbors and friends have invested their time, skills and love into developing the farm into a vibrant and productive facility.

Now, after only 5 years, that promise is being broken and replaced with something the community is not asking for. A cynic might wonder if Sustainable Development Partners ever planned to fulfill their commitments to this community or if they were just keeping property taxes minimized until the time was right to build apartments.

Our neighborhood community has lots of apartments but only one farm. Help us say no to these profiteers who ignore community value.

Please deny the re-zoning request.

Sincerely,

Bill Dickinson
3867 Holmes Street, KCMO 64109
913-558-1461
Bill99d@gmail.com

Bill Dickinson
913-558-1461

Clarke, Andrew

From: Carl Schreck <carlschreck213@gmail.com>
Sent: Monday, February 27, 2023 4:47 PM
To: Public Engagement
Subject: Support CD-CPC-2022-00222

Hello,

I am writing to support plan number CD-CPC-2022-00222. I live in the South Hyde Park neighborhood, and would very much like to see midtown become a neighborhood where it is possible to live without depending on a car. I think that the Westport School is a great area for the development of dense housing, in order for midtown to achieve the density necessary to support transit options other than personal vehicles. With the Gillham Park bike trail, soon-to-be streetcar, and bus on 39th Street, this site has ample transit options which would benefit from increased density.

Best,
Carl Schwendinger-Schreck
903 E 42nd St, Kansas City, MO

Mary T. Nguyen
3315 Harrison St.
Kansas City, MO 64109
816.739.9538
Mtnguyen127@gmail.com
Council District 3

To the members of the City Plan Commission:

I am writing to express my dissatisfaction and disapproval with plan number CD-CPC-2022-00222, Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel.

Put forth by Sustainable Development Partners Kansas City, the plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm, which has been operated by Cultivate KC since 2018.

For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

The farm is an attraction and asset to the community and city in so many ways. Here are just a few:

- Many farmers rely on the space for their livelihoods, either for its resources (land and greenhouse for starting seeds) or as an education space managed by Cultivate KC
- Before growing food for sale, Cultivate KC spent several years growing healthy soil in a way that actually contributed to addressing the climate crisis by sequestering carbon and land that would retain water that would otherwise flood the surrounding streets.
- It helps address the growing heat island conditions that are rapidly affecting our city.
- The farm serves as a collection site for food waste, which helps divert it out of landfills.
- The farm grows food which is sold to neighbors as well as donated to pantries and other hunger-addressing agencies.
- The green space is beautiful and invites the community to interact and engage with how food is grown.

Add to all that the value of having food-growing spaces during a time where we can see and feel the consequences of disrupted food and supply chains. The farm is one of many that allows our city to sustain itself in food crisis. What the partners are proposing not only counters every benefit of the farm but also reverses any contribution to the environment it has had since its groundbreaking. We have seen in Hyde Park how the extreme temperature strain our power grid and infrastructure. Inviting more residents without addressing how to contribute resources to balance it all is harmful and foolish to the land and to the residents.

As a neighbor, former Cultivate KC employee/current volunteer and social and climate activist, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community.

When the land was purchased from the school district in 2016, the tenants and the neighborhood residents were promised green space. It is disappointing that in 5 years, that promise is being broken and replaced with something the community did not ask for nor desires.

In addition, the Sustainable Development Partners have not demonstrated its ability to attract or retain tenants or businesses. The two businesses that have occupied their restaurant space performed poorly and then sat vacant for years. The facilities inside the current Plexpod Westport Commons aren't always in operation or maintained to a level that makes the space accessible or reasonably habitable. They have not shown reason to believe that any project is truly in the interest of sustainability or to the benefit the community, rather only for the partners' own profit and their own personal economic prosperity.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Mary T. Nguyen
Resident, North Hyde Park
Member of MARC's Climate and Environment Council



Jasmunder Str. 16
13355 Berlin, Germany
+49 163 1389929
stadtbauer@gmail.com

February 27, 2023

To the members of the City Plan Commission:

I'm writing today to express my surprise and sadness about the possibility that the land currently occupied by Cultivate Kansas City's Westport Commons Farm is being considered for the construction of residential housing units under plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City.

As you make your decision, please consider the tremendous commitment, tenacity, idealism, sweat and sacrifice that made Westport Commons Farm (and other urban farms like it) possible. Please consider the signal a displacement of the farm would send to all those who are working hard to build a more sustainable Kansas City, who are following the call heard in cities around the world to reconnect urban residents to fresh, organic vegetables and to the Earth upon which all life depends. Please consider the effects of uprooting the farm and its caretakers after five years of building the soil, setting up infrastructure, training staff and nourishing neighborhood relationships.

After nearly 20 years in urban agriculture, I worry when I hear about displacing urban farms to make room for more buildings. I fear that we may be taking for granted the resilience and strength of those talented entrepreneurs and nonprofits who are so diligently preparing the ground for a new, more sustainable urban design, a design we all know is urgently needed. Rather than putting this resilience to the test by asking them to find a new home for the farm, wouldn't it be time to send these urban farmers a sign of appreciation and encouragement by affirming their continued access to their existing farmland for years to come?

"Make a city to touch the people's hearts." This was the admonition given by urban farmer Ima Kamalani of Honolulu to landscape architect Randolph Hester, quoted in Hester's deeply compelling book "Design for Ecological Democracy". It is excellent advice.

Thank you very much for considering this brief input.

Kindly,

Daniel Dermitzel
Co-Founder and former Associate Director, Cultivate Kansas City
Former adjunct professor, UMKC Department of Architecture, Urban Planning + Design

Lydia Nebel
317 Cypress Avenue East, KC, MO 64124
417.399.4872; lydia.rachel.nebel@gmail.com
KCMO Council District 4

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I started my farming career journey 9 years ago with Cultivate KC. The Farm Crew position I had for two seasons with the organization changed my life as I began the trajectory into small-scale, diversified vegetable production and got involved with the community development of climate-action farming. Since then, I have farmed around the world, holding management positions in New York City, rural New York, and Melbourne, Australia.

I have trained dozens of young farmers and hosted thousands of volunteers. I am active in the National Young Farmers Coalition and have lobbied for several successful bills in local, state, and federal legislatures. I now continue as the Farm Director for KC Farm School, growing food for Kansas City and teaching folks about food production.

All of this started with and would not have happened without the work of Cultivate KC and their commitment to building a strong, resilient food shed in the KC metro. Citizens have started to recognize the necessity of a robust food economy, and enjoy the benefits of the hard work of organizations like Cultivate KC. We farmers cannot continue this work without the support of our City and its decision makers. Urban farming takes commitment, perseverance, and harder work than most folks even know. If we want KC to be all it can be, we need urban farms and community organizations like Cultivate KC, and we need them to have actual, tangible, ongoing support. Our councils can be part of creating a City where all folks can thrive, not only wealthy “developers;” a City where local food is accessible and cherished; a City where neighbors get to decide what is best for their community and are supported in enacting it. Green space, prairie protection, local food, and community-led economy are not only nicer to live with, they are vital if KC is to be resilient in the face of climate chaos.

As a farmer and supporter, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for. As real estate development continues to flourish in Midtown, urban agriculture must be valued and not overlooked as an important current and future land use.

Ever growing,

Lydia R. Nebel

Jessica Best Stewart
2107 Grand Blvd, #902
Kansas City, MO 64108
816-898-0206
bestofjess@gmail.com
KCMO Council District 4

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because it has not only educated me on ways much smaller farms can specialize and contribute to our food supply in Kansas City, but how much more seasonally (local seasons) I could be eating. It's also been a supporter of the Roots for Refugees program's oversight education, which I think is just one of the best supports for transports TO Kansas City that I've seen at work in KC.

As a neighbor and supporter of Cultivate KC's work, I would like to see the land continue to be used as a farm rather than an apartment. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for and may not need.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Thank you for hearing my concerns,

Jessica Best Stewart

Sierra Walsh
8830 Richards Dr
Raytown, MO 64133
913-207-9072
Sierra.walsh@thekcfoodhub.com

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because of the bountiful opportunities it provides to community members in terms of access to fresh, sustainably grown produce and education on growing and sourcing such food. There is a place for everyone on this farm, and losing the years of hard work and passion for growth sowed into the soil will deeply affect the community.

As an employee of a partnering organization who works closely with the staff who call this plot home, and utilize it to invest in the community, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Sierra Walsh

Andrea Shores
Previous (2017-2022): 808 E 33rd St; KCMO 64109
646.378.9885
andreabshores@gmail.com

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because of its contributions to the health, safety and neighbors in the immediate area of midtown/Hyde Park, Kansas City, Missouri, and beyond.

As a supporter and former neighbor and board member, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Andrea B. Shores

Matt Riggs
610 Tam-O-Shanter Dr.
Kansas City, MO 64145
(816) 682-0196
ecoelvisrocks@gmailcom
6th KCMO Council District

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because it has not only increased the strength, health and sustainability of our Midtown community, but served as an outstanding model for the rest of the Kansas City metro area to follow.

As a supporter, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

A handwritten signature in black ink that reads "Matt Riggs". The signature is written in a cursive, slightly slanted style.

Matt Riggs

Clarke, Andrew

From: Ellen Pajor <ellenpajor@gmail.com>
Sent: Monday, February 27, 2023 4:36 PM
To: Public Engagement; cc 1
Subject: Keep the Cultivate KC Farm!

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because with the increase in food prices and recent disaster in Ohio, we need accessible and healthy food in our community now more than ever!

Thanks,
Ellen

Clarke, Andrew

From: Emily Schaeffer <emilykschaeffer@gmail.com>
Sent: Monday, February 27, 2023 9:52 AM
To: Public Engagement
Cc: cc 1
Subject: CD-CPC-2022-00222

Emily Schaeffer

10900 E 82nd Ter. Raytown, MO 64138

816-627-9367

emilykschaeffer@gmail.com

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because for many this is the only opportunity they have to be connected to the food they eat. Rarely do many city dwellers think of where their food comes from or how it is grown. This offers the opportunity to experience the process by witnessing, working with the soil/plants, and eating fresh produce. This makes more informed consumers and helps them to make better decisions regarding their health and the local food system. This green space offers immeasurable benefit to the surrounding residents and students for its contribution of healthy food, educational learning experiences, and environmental benefits.

As the farm manager of the Westport Commons Farm, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Emily Schaeffer

Clarke, Andrew

From: Gloria Carson <gloria.hope.c@gmail.com>
Sent: Monday, February 27, 2023 11:05 AM
To: Public Engagement
Subject: Concerns about CD-CPC-2022-00222

Hello, my name is Gloria, I am a student, activist, community organizer, and future educator who lives here in Kansas City. I would like to voice my disappointment that the Cultivate KC farm, and urban farming in general, is being displaced in favor of a development that does not have the support of the neighborhood. The impact of Westport Commons Farm and the value of urban agriculture in communities is indispensable. Please consider the negative consequences of this development and the reality of putting profit over people destroying real growth and resilience in our communities.

Thank you,
Gloria Carson

Clarke, Andrew

From: Hannah Rogg <hanidy785@gmail.com>
Sent: Tuesday, February 28, 2023 4:24 PM
To: Public Engagement
Subject: CD-CPC-2022-00222

To the members of the City Plan Commission:

I am writing to express my frustration and disapproval of plan number CD-CPC-2022-00222, Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel, put forth by Sustainable Development Partners Kansas City, which would replace the Westport Commons Farm.

I am a resident of the Hyde Park neighborhood and a proud member of the Midtown community. It has been an honor living in such a historical district full of legacy and stories. I know myself and fellow neighbors have enjoyed watching our neighborhood take pride in its status in the city. I have enjoyed showing friends and family the historical charm and significance of the houses, architecture, and landmarks within this areas. It is one of the reasons living here was so important to me and my family; to uphold the historical importance. That is why I am saddened and angered to learn that we may lose such a point of beauty in my neighborhood in place of a cookie cutter apartment building. While I understand the desire to utilize the space, it is distressing to know that this community garden will be replaced by building which will stick out like a sore thumb and disregard the historical importance of the plot of land it will demolish. It is reminiscent of when the history of our neighborhood was disregarded when the beautiful church on Walnut St. was quickly demolished; a hastily made decision which was received poorly by the community.

In addition, it is also sadden and frustrating to know that this land will not only been taken over by outsiders who wish to make a quick building which will take away from the historical importance, but that the residential unit will be highly priced and continue to promote the pushing out of residents who have made the Midtown area their home for years.

I implore the members of the City Plan Commission to consider the duty of preserving our city's history and decline the request for rezoning. Thank you for considering my perspective. Please feel free to contact me with any questions.

- Hannah

Clarke, Andrew

From: Jasmin Moore <jasmin.moore@gmail.com>
Sent: Monday, February 27, 2023 1:08 PM
To: Public Engagement
Cc: cc 1
Subject: comment on CD-CPC-2022-00222

Follow Up Flag: Follow up
Flag Status: Completed

Members of the City Plan Commission,

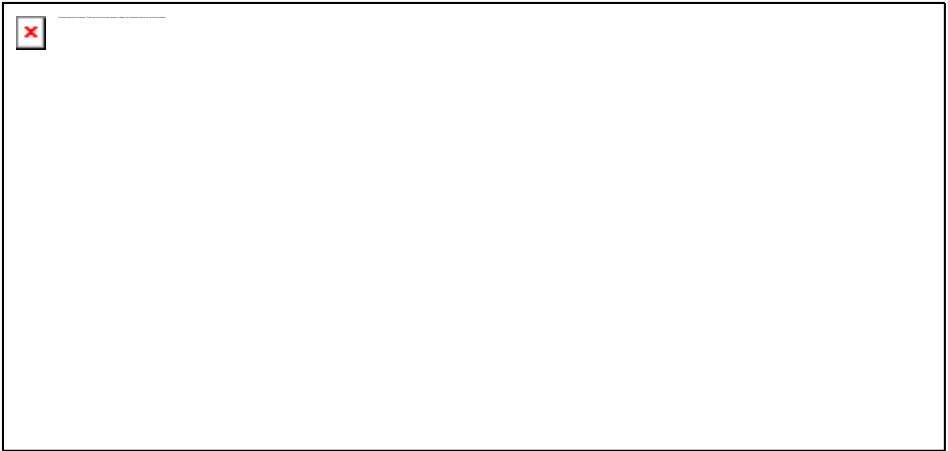
I am writing today to express my disappointment with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm. As a neighbor, former Plexpod Member, sustainability professional, climate activist, and forth district resident, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community.

My family and I have lived on the 3900 block of McGee (about 500 feet from the site) for over 10 years. In the last decade, we have seen promises made and broken about this site and the high school site directly across the street (same developer). When the land for both schools was purchased from the school district in 2016, we were promised green space. In less than 5 years, that promise is being broken and replaced with something the community is not asking for. In the case of the high school site, we see everyday that the green view of a community asset we once had is now a brown expanse of dirt, which will soon become a black expanse of surface parking lot. During the multiple redesigns and reconfigurations of the high school project, we were told multiple times that green space would be retained. Each time the greenspace footprint shrunk. We are disappointed, but not surprised to hear the same developers are doing the same at the middle school site.

Until last week, I was a member of Plexpod Westport Commons. One of the reasons I liked being a part of this co-working site was the access to green space and being able to witness the growth of food onsite. It was refreshing to walk outside and see flowers, crops, and pollinators. After I heard that the farm was going to be turned into apartments, I decided to find another site to work from. I am not interested in watching soil that has been transformed over five years being scraped up for an apartment building.

It seems counterintuitive that a development group with sustainability in its name is proposing to eliminate a land use that can help combat climate change, improve food access, decrease stormwater run off and flooding, and ultimately inspire and educate the community to be more sustainable. I remember when the development group first pitched their vision for this site, which prominently included urban food production. They made the case for why having a place to grow food in the heart of the city in a sustainable way was so important. Now, the land that has been cultivated for almost five years because of their vision is at risk because the same people who wanted it there in the first place decided that an apartment building is more lucrative. More broken promises.

Finally, the [KC Climate Protection and Resiliency Plan](#) was adopted in August 2022 and identifies **Food, Growing and Sharing Local and Nutritious Food** as one of six key elements of how to address the climate crisis. Application CD-CPC-2022-00222 is an opportunity for the Planning Commission to align your work with this important plan by rejecting the rezoning application and retaining an important urban agriculture asset. Short-term actions to encourage food production in the adopted city plan are included below:



Sincerely,

Jasmin Moore
3936 McGee St, KCMO
City Council District 4

Clarke, Andrew

From: Angie Phillips <mrsphillips3@hotmail.com>
Sent: Monday, February 27, 2023 1:25 PM
To: Public Engagement
Cc: cc 1; aschlagel@centerpropertygroup.com; EF Walsh
Subject: CD-CPC-2022-00222

Regarding Case Number: CD-CPC-2022-00222

To Whom It Concerns:

As neighbors directly to the west of the proposed project and within 300ft of the project, John Phillips and I (Angela Phillips) are not in support of this project and the associated rezoning as proposed. When presented at the Public Meeting held 24Jan2023, the undertaking for this development was presented as a singular development as an addition to The Westport Commons. As we have subsequently learned, this area is a very small part of the 16 acre, \$250million development now called the Park 39 campus. Had HP Development Partners LLC provided this information at the city-required Public Meeting or during follow up communication after the Public Meeting, a meaningful dialog could have been possible specific to the actual scope and available resources regarding this case.

To their credit, the developers have continued some communication with community members and with the Old Hyde Park Historic District Board following the Public Meeting. Of note, Angela is a member of the board, however, this communication is provided as that of individuals/neighbors directly impacted by this zoning change and not as a member of the board. Certainly, that communication has included clear dissatisfaction from individuals, neighborhoods and groups with the Davidson renderings provided. The branding for Park 39 leans heavily on historic restoration "while preserving and retaining the neighborhood's character and deep historical roots" per their website. Although colors have been muted from the original renderings, the current design does not fulfill on the promise of preserving and retaining the neighborhood's character and deep historical roots".

Given the rushed timeline for review of updated plans, the obvious change in scope for the bigger picture of the development and an expressed interest by the developers in neighborhood communication and input we ask that the rezoning be denied until further information is provided with ample time for review and community input.

We appreciate your consideration.

Sincerely,
John and Angela Phillips
3814 Warwick Blvd
Kansas City, MO 64111

Angela Phillips
mrsphillips3@hotmail.com



February 24, 2023

To the members of the City Planning Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in an MPD-zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate Kansas City since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I was actually on staff at Cultivate Kansas City during the early phases of their negotiations with the property owners. It was very clear that the property owners had recruited Cultivate Kansas City and were using their impending activities as a way to attract additional occupants to the building and to sell the idea of their planned purchase to leaders in the surrounding neighborhoods. Those first discussions happened back in 2014. Since then, Cultivate Kansas City has moved location to occupy that site and has developed the area from scratch in good faith with continuous improvement.

Our organization considers Cultivate Kansas City especially in its current location a valuable community asset. Cultivate Kansas City benefits the neighbors and serves many urban farmers that grow food within a few miles of the farm. As partners and as a peer farming organization, we would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs or the means of the surrounding community.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

A handwritten signature in black ink, appearing to read "Alicia Ellingsworth".

Alicia Ellingsworth
Co-Founder and Executive Director
KC Farm School at Gibbs Road

Clarke, Andrew

From: Shelby Lewer <shelbyblewer@gmail.com>
Sent: Tuesday, February 28, 2023 4:37 PM
To: Public Engagement
Cc: Nik Lewer; grandajohn49@gmail.com; Roseanngranda@gmail.com
Subject: CD-CPC-2022-00222

City Plan Commission:

This testimony is on behalf of Nik and Shelby Lewer, who own and live at 3734 Gillham Road, and John and RoseAnn Granda, who own and live at 3740 Gillham Road. As property owners in very close proximity to the development of the Village at Westport Commons, we would like to share our concerns and feedback for consideration. The four of us have collaborated on this response and we approve its content.

Our earlier submission to the City Plan Commission was based on the premise that the developers had full and complete approval from the city for a 100 unit apartment building as proposed. We had come to that previous conclusion after information provided at the community meeting, and believed that our ability to influence the project laid in the realm of aesthetics and design. While ensuring the exterior appearance of the development will reflect the character of the neighborhood is still of serious concern to us, the purpose of this testimony is specific to the request for a variance to rezone the property.

After reviewing their submission to the city more closely, it appears that they cannot build the proposed development without exemption from the current zoning and setback requirements. In light of this, we would like to clarify our stance as home owners and residents who will be directly affected by these exemptions. Our primary preference for the land is that it remains in use as was initially allowed and presented to the community - for urban agricultural purposes. We believe the presence of Cultivate KC, a local non-profit organization, provides a positive and meaningful service to the neighborhood and surrounding community. Their mission of "working to grow food, farms, and community in support of an equitable, sustainable and healthy local food system for all" is compelling. It would be a shame to lose it.

If a multi-unit residential structure is to be constructed on that site, we cannot support these proposed exemptions and can only support a development which complies with existing setback and zoning requirements. The developer's intent to establish a precedence of building patterns by comparing an existing greenhouse with an approximate height of 10-12' to the proposed 3-story multi-unit buildings is false equivalency. We believe that the City Planning Commission should evaluate this project relative to current zoning and setback requirements, independent of their comparison.

We appreciate your consideration,

Nik and Shelby Lewer
3734 Gillham Road
Kansas City, MO 64111

John and RoseAnn Granda
3740 Gillham Road
Kansas City, MO 64111

Clarke, Andrew

From: Public Engagement
Sent: Friday, February 24, 2023 2:14 PM
To: Clarke, Andrew
Subject: FW: Potential Rezoning Plan

Follow Up Flag: Follow up
Flag Status: Flagged



Genevieve Kohn *AICP Candidate*

Planner

City Planning and Development

Development Management Division

City of Kansas City, Mo.

Cell: (816) 513-8808

Email: genevieve.kohn@kcmo.org

City Hall, 15th Floor

414 E. 12th Street, Kansas City, Missouri 64106

KCMO.gov

****I am working remotely on Thursdays. If you need to contact me, please send me an email.**

From: Nathan Young <nateayoung55@gmail.com>
Sent: Friday, February 24, 2023 1:13 PM
To: Public Engagement <publicengagement@kcmo.org>
Subject: Potential Rezoning Plan

Nathan Young
785 979-9091
nateayoung55@gmail.com

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because equitable access to healthy food is human right. Farms like Westport not only provide that access, but teach the community the joy and reward of growing food for yourself and others and as a result, improves community engagement, pride, and fellowship.

As a supporter and board member of Cultivate KC, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Nathan Young

Clarke, Andrew

From: Raymond Forstater <rforstater@gmail.com>
Sent: Monday, February 27, 2023 3:57 PM
To: Public Engagement; cc 1
Subject: Opposing CD-CPC-2022-00222 - PROTECT URBAN FARMING

Raymond Forstater
4017 Harrison St. Kansas City, MO
913-219-5427
rforstater@gmail.com
KCMO Council District 4

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because food access is a critical issue to Kansas City residents that will only get more important in the future. Many around the city already have to choose between paying utilities, getting groceries, paying rent, medical expenses and other costs to survive. Equipping our communities with the tools needed to sustain ourselves is critical in ensuring access to quality food for all. City Council recently passed the Climate Protection and Resiliency Plan. This plan highlighted food access as a key issue as we face the impacts of the climate crisis over the coming 10-20 years. Creating resilient communities that can withstand disruptions imported food supplies will be critical for the safety and survival for the people of Kansas City. Make no mistake: these are not future issues. Impacts to our food systems are already playing out in inflation and other areas. Combine that with the food apartheid experienced by many in Kansas City already lacking access to affordable, healthy food and we will be setting ourselves up for even greater disaster. Food is a human right and we shouldn't be forced to sacrifice years of urban farming development for more unaffordable housing.

As a community member who lives just a few blocks from the site and leader with Sunrise Movement KC, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Raymond Forstater

Midtown Resident and Sunrise Movement KC Leader

Clarke, Andrew

From: Reese Bentzinger <reesehbentzinger@gmail.com>
Sent: Monday, February 27, 2023 2:19 PM
To: Public Engagement
Cc: cc 1
Subject: CD-CPC-2022-00222

To the Members of the City Plan Commission,

I'm writing to you today to express my disappointment with plan number CD-CPC-2022-00222, which calls for 100 residential units to be built on top of the Westport Common Farms.

This farm increases healthy food supply and community engagement. Its model shouldn't be diminished but replicated throughout the city. I support this farm because it promotes physical, mental, and community health.

As a Westport resident, I ask that this farm and its mission continue rather than demolish it for something residents didn't ask for. I hope that as Kansas City grows, more green spaces such as this will grow.

Thank you,

Reese Bentzinger

Clarke, Andrew

From: Stacey Kenyon <stacey.kenyon@gmail.com>
Sent: Monday, February 27, 2023 5:07 PM
To: Public Engagement; cc 1
Cc: Shields, Katheryn; Bunch, Eric; Iden, Marissa
Subject: CD-CPC-2022-00222

Follow Up Flag: Follow up
Flag Status: Completed

To the members of the City Plan Commission:

I am asking for your support in refusing the rezoning request submitted by "Sustainable Development Partners Kansas City" at 300 East 39th Street (Westport Commons).

This property was sold to the original Sustainable Development Partners in 2014 after a careful vetting process by Kansas City Public Schools with guidance by the public. SDP was awarded based on their pitch to create a campus of nonprofits, including space for Children's Mercy Hospital, Truman Medical Center, and other treasured Kansas City organizations.

One of those nonprofits, Cultivate Kansas City, signed a 25-year lease before SDP changed their financial focus, resulting in lease rates that couldn't accommodate nonprofits. While the structure ended up being utilized in a for-profit coworking situation, nonprofit CKC stayed the course, put physical and emotional toil into the site, and fulfilled the exterior vision that community members helped KCPS choose. Rezoning the MPD to place apartments on the farm site would be the final nail in the coffin of the nonprofit will of the people.

Please ensure that the partners remain SUSTAINABLE and refuse this request to commercialize the green space on this site. Decline the MPD application.

Thank you,

Stacey Kenyon
816-490-6163
3420 West Coleman Road
KCMO District 4

Clarke, Andrew

From: Public Engagement
Sent: Friday, February 24, 2023 2:15 PM
To: Clarke, Andrew
Subject: FW: Plan Number CD-CPC-2022-00222 -- DO NOT REZONE

Follow Up Flag: Follow up
Flag Status: Flagged



Genevieve Kohn *AICP Candidate*

Planner

City Planning and Development

Development Management Division
City of Kansas City, Mo.

Cell: (816) 513-8808

Email: genevieve.kohn@kcmo.org

City Hall, 15th Floor
414 E. 12th Street, Kansas City, Missouri 64106

KCMO.gov

****I am working remotely on Thursdays. If you need to contact me, please send me an email.**

From: Taylor Fourt <taylorfourt@gmail.com>
Sent: Friday, February 24, 2023 1:39 PM
To: Public Engagement <publicengagement@kcmo.org>; cc 1 <cc1@kcmo.org>; Bunch, Eric <Eric.Bunch@kcmo.org>; Robinson, Melissa <Melissa.Robinson@kcmo.org>; Lucas, Quinton <Quinton.Lucas@kcmo.org>; Ellington, Brandon <Brandon.Ellington@kcmo.org>; Shields, Katheryn <Katheryn.Shields@kcmo.org>; Barnes, Lee <Lee.Barnes@kcmo.org>; Parks-Shaw, Ryana <Ryana.Parks-Shaw@kcmo.org>
Subject: Plan Number CD-CPC-2022-00222 -- DO NOT REZONE

Taylor Fourt
908 E 41st St, Kansas City, MO 64110
205-535-7256
Taylorfourt@gmail.com
Dist 4

To the members of the City Plan Commission:

Shame, shame, shame. Landlords dishonoring the term of THEIR OWN LEASE and city council letting them get away with it? Disgusting!! These profiteers painted a beautiful picture of "working with local nonprofits" and "giving back" to the community, only to pull the rug out from under all those people they pledged to protect. It's bull. And y'all should know better.

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel, put forth by Sustainable Development Partners Kansas City. The plan calls

for 100 residential units to be built on top of the current site of the Westport Commons Farm, **a place where for TWENTY seasons, farmers have labored endlessly to turn the compacted hard clay of a FOOTBALL field into arable land. Do y'all realize what a MIRACLE that is?** Of course not! Otherwise you'd never consider this rezoning.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

As a longtime midtown resident and organizer in the urban farming world in KC, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community (AFFORDABLE FOR WHOM??). When the land was purchased from the school district in 2016, we **were promised green space**. It is UNTHINKABLE that after only 5 years, that promise is being broken and replaced with **something the community is not asking for**.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked and **EXPLOITED** as an important current and future land use.

PROFITEERS SHOULDN'T BE ABLE TO USE THE NARRATIVE OF GIVING BACK TO DO WHAT THEY DO BEST: FLIP LAND. It's unconscionable that anyone could look at that garden and even consider destroying it to make a buck off the backs of the people who earned it.

One last thing: HP partners is led by a LOSER LAWYER who has [repeatedly had his license suspended](#) in both KS and MO for DISHONEST BEHAVIOR IN REAL ESTATE TRANSACTIONS. Yeah, I'll repeat that: **this guy leading this rezoning effort can't hold onto his law license long enough to practice, so the guy went into real estate.**

Additionally, HP partners as an LLC has only been around for 9 years. Meanwhile, Cultivate KC is entering its 18th year of operation. It's not hard to imagine the difference in impact between an urban farming nonprofit and an opportunistic developer. So make the right call, don't let HP Development Partners successfully file to rezone this land. Keep it a farm.

Sincerely,

Your name

--



Taylor Fourt

Artist, Farmer, Community Organizer

(205) 535 - 7256

taylorfourt.com | @T_Fourt

Name: The Giving Grove, Represented by Ashley Williamson & Erica Kratofil, Co-CEOs
Address: 300 E 39th St. Kansas City, MO
Phone: 816-313-8766
Email: Ashley@givinggrove.org

To the members of the City Plan Commission:

We are writing today to express dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The Giving Grove has been a member of the Westport Commons Plexpod since 2018. Our staff has watched in awe as Cultivate KC put in long hours and hard labor to improve soil conditions and build a community-centered space for increased access to fresh, healthy food and education on best practices. We've walked the grounds countless times and have seen hundreds of growers, farmers, volunteers, and corporate groups learn about climate resilient agricultural practices. We've even had our own hands in the soil and have partnered with Cultivate KC to plant a mini orchard.

We know Cultivate KC will continue to do their amazing work wherever they can find land, but we are absolutely devastated to see this beautiful and vibrant educational farm in the middle of an urban landscape demolished – especially in an area already experiencing the loss of greenspace. As this agreement of promised greenspace is threatened, it would not only be a major loss for existing and future community members, but for the earth and soil as well.

We could list one hundred reasons why removing this existing space, which has daily visitors, is not in the best interest of the community. As Social Workers, we want to lift up the mental health aspect. There is so much stress in our world, and some of that stress is related to our changing climate. New terms have emerged defining this phenomenon, such as ecoanxiety and ecological grief, which produce responses similar to traumatic stress, especially in vulnerable populations. Connectedness to nature, particularly through active participation, contributes to well-being and environmentally responsible behavior ([Church, 2016](#)). Every person who walks by, looks out a window, or interacts with Cultivate KC's farm space is benefiting psychologically.

We must have a healthy and reciprocal relationship with nature. Cultivate KC's Westport Commons Farm has been and should continue to be a staple in urban KC as a space for food access, education, empowerment and improved mental health.

Sincerely,

Ashley Williamson, Erica Kratofil and The Giving Grove Staff

Commented [EK1]: Can you link to the study?

THE KANSAS CITY FOOD HUB

Farmer Owned. Farmer Run.

Annalise Winter
10900 E 49th St
Kansas City, MO 64133
(816) 225-4982
annaliserawinter@gmail.com
KCMO Council District 3 Resident

To the members of the City Plan Commission:

I am writing today to express my deep dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because they support local producers and make urban farming accessible, they bring together community members and create a space for shared knowledge and peer to peer learning, they educate school age children on food and healthy eating, they bring healthy food to their neighborhood, and they support their community through resource sharing and event space. Additionally, my organization, The Kansas City Food Hub, had been working with Cultivate KC to bring their foods to people around the city in offices, restaurants, and most importantly, school age children in their cafeteria's through our farm-to-school initiatives.

As a supporter, volunteer, and partner of Cultivate KC, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,



Annalise Winter
Director of Operations
The Kansas City Food Hub

Ben Kuhn
701 Broadway Blvd, Apt 209 B, KCMO 64105
732-284-1443
Richardkuhn98@gmail.com
KCMO Council District 4

To the members of the City Plan Commission:

I am writing today to express my dissatisfaction with plan number CD-CPC-2022-00222, *Rezoning to District UR/MPD for a multi-unit residential in a MPD zoned parcel*, put forth by Sustainable Development Partners Kansas City. The plan calls for 100 residential units to be built on top of the current site of the Westport Commons Farm.

The farm has been operated by Cultivate KC since 2018. For the past five years, the farm has been a hub for education and engagement centered on the local food system and has helped increase healthy food access in Midtown. Furthermore, the farm has demonstrated climate-resilient agricultural practices in an urban environment and serves as a model for others wishing to grow food in their community.

I consider the farm to be a community asset because it provides much needed green space in an urban environment. Green space is important to the health and wellbeing of Kansas City residents, both now and in the future. It improves air quality, provides a site for socializing and exercise, and safeguards us against climate change. The depletion of green space in Kansas City only serves to perpetuate inequities in health. The Westport Farm is also important for education. We are so often disconnected from our food and how it is grown that we lose respect for those who grow it and the earth that it is grown on. Volunteering on-site is one way Westport Farm helps us to rebuild that connection.

As a supporter of the Westport Farm, I would like to see the land continue to be used as a farm and not be developed into units that don't meet the needs of our community. When the land was purchased from the school district in 2016, we were promised green space. It is disappointing that after only 5 years, that promise is being broken and replaced with something the community is not asking for.

Growing food in an urban space is an important land use; it can help combat climate change, it often activates vacant land, and greater food access contributes to the overall health and well-being of our community. As real estate development continues to flourish in Midtown, I hope that urban agriculture will be valued and not overlooked as an important current and future land use.

Sincerely,

Ben Kuhn



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
01/28/2014 09:44:19 AM
AGRE FEE: \$ 39.00 7 Pages

INSTRUMENT NUMBER:
2014E0007198

THIS SPACE FOR RECORDER'S USE ONLY

ASSURED QUALITY TITLE #0
A396818

Date: January 27, 2014

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Ellen J. Pantaenius, Esq.
Husch Blackwell LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112

PROPERTY USE RESTRICTION AGREEMENT

GRANTOR: HP DEVELOPMENT PARTNERS, LLC, a Missouri limited liability company

GRANTEE: THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, a Missouri urban school district

GRANTEE MAILING ADDRESS: 1211 McGee, Kansas City, Missouri 64106

LEGAL DESCRIPTION: See attached Exhibit "A" *on Page 6*

DEED REFERENCE (IF APPLICABLE): Special Warranty Deed dated January 27, 2014, and recorded January 28, 2014, as Document No. 2014E0007141 in the real estate records of Jackson County, Missouri

PROPERTY USE RESTRICTION AGREEMENT

This PROPERTY USE RESTRICTION AGREEMENT ("Agreement") is made and entered into as of the 27th day of January, 2014 (the "Effective Date"), by and between HP DEVELOPMENT PARTNERS, LLC, a Missouri limited liability company ("HPDP" or "Buyer"), and THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, a Missouri urban school district (the "District" or "Seller").

WITNESSETH:

WHEREAS, Seller and Kansas City Sustainable Development Partners, LLC ("KCSDP"), entered into that Commercial Real Estate Sales Contract dated August 28, 2013, as amended by that certain First Amendment to Commercial Real Estate Sales Contract dated December 18, 2013 (the "Contract") pursuant to which Seller agreed to sell, and Buyer agreed to purchase, certain real property located at 300 East 39th Street, which property is otherwise known as the former Westport Middle School in Kansas City, Jackson County, Missouri (the "Property") and is more specifically described in Exhibit A attached hereto.

WHEREAS, KCSDP has subsequently assigned its rights under the Contract to HPDP as the successor-in-interest.

WHEREAS, the School District of Kansas City, Missouri Building Corporation (the "Building Corporation"), at the direction of the District, has conveyed to Buyer fee title to the Property by way of a Special Warranty Deed dated January 27, 2014 and recorded January 28, 2014, as Document No. 2014E-000741 in the real estate records of Jackson County, Missouri (the "Deed");

WHEREAS, the District and Buyer (collectively, the "Parties") wish to enter into this Agreement to further memorialize and grant public notice of the restrictions on the development and use of the Property as set forth in the Contract;

NOW THEREFORE, in consideration of the Deed and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties hereby agree as follows:

1. Permitted Use of the Property. Buyer's proposed use of the Property (the "Property Use Description") shall include the adaptive reuse of the existing school buildings/parking structure for fifty (50) to one hundred (100) market-rate residential units with complementary commercial use of up to forty thousand (40,000) usable square feet for administration, professional, general office and/or neighborhood-serving retail use. Additionally, Buyer's proposed use of the grounds shall include commercially reasonable space for urban farming, botanical gardening, tree orchids, green house, water laboratory or other similar sustainable endeavors. Building additions and new structures

are allowable to accommodate commercial tenants and/or the aforementioned urban agricultural element so long as they are approved by the National Park Service (if such approval is needed for obtainment of historic preservation tax credits) and do not otherwise jeopardize the historic designation of the building. No K-12 school use is allowable without written consent from the Kansas City Missouri School District Board of Directors.

The Property Use Description shall not be construed to prevent the Buyer (or Buyer's successors or its assigns) from rezoning or obtaining a special use permit for the Property for any use permitted herein.

2. **Site Plan and Maintenance Requirements.** Buyer's site plan for redevelopment of the Property shall take reasonable steps to address the following community concerns: (a) sufficient off-street parking; (b) enhanced landscaping, which shall include measures to buffer/screen the agricultural components from the adjacent residential properties; and (c) ingress to and egress from the Property. Buyer shall also take reasonable steps to maintain and perform its improvements to the Property in a first-class, workmanlike manner and quality generally consistent with that of the surrounding neighborhood and shall keep the Property secured at all times.
3. **Notices.** During the term of this Agreement, Buyer shall provide written notice to Seller in connection with and prior to each mutually agreed to key milestone in Buyer's development of the Property, including, but not limited to, public meetings, rezoning/special use permit application filings, and building permit submittals.
4. **Binding Effect.** The Property Use Description and foregoing site plan, notice, and maintenance requirements shall be binding on future owners of the Property for a period of twenty (20) years following the Effective Date unless Seller waives or releases such restriction and/or requirements, in its sole discretion.
5. **Remedies for Default.** In the event that HPDP defaults hereunder, District shall give KCSDP written notice to cure any such alleged default. In the event that HPDP does not cure a default hereunder within thirty (30) days of its receipt of notice of default from District, District may apply to any court, state or federal, for specific performance of this Agreement and/or for an injunction against any violations of this Agreement, as the amount of damage to District would be difficult to ascertain. The parties agree that specific performance and injunctive relief shall be District's sole remedies hereunder; provided, however, if the District reasonably determines that legal action is required in order to enforce the terms of this Agreement, then HPDP shall reimburse the District for all reasonable attorney's fees and expenses, filing fees, court costs, and all other charges

of any kind or nature incurred by the District in enforcing the terms of this Agreement within fifteen (15) days of HPDP's receipt of an invoice from the District for such amounts.

6. **Release.** Seller shall release this Agreement of record as to all restrictions and requirements except the restriction prohibiting use of the Property for K-12 school use (which restriction shall continue for a period of twenty (20) years following the Effective Date unless Seller waives or releases such restriction and/or requirements, in its sole discretion) in the event Buyer (or Buyer's assign or successor) receives a certificate of occupancy for the Property consistent with the Property Use Description, as reasonably determined by Seller. Seller shall file such release for recording in the real estate records of Jackson County, Missouri, within sixty (60) days of Seller's receipt of a certificate of occupancy meeting the requirements set forth in this Section 6.

7. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which, collectively, shall be deemed to constitute one and the same Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Agreement is executed as of the date written above.

SELLER:

BUYER:

SCHOOL DISTRICT OF KANSAS CITY,
MISSOURI, an urban school district and body
corporate organized and existing under the
laws of the State of Missouri

HP DEVELOPMENT PARTNERS, LLC, a
Missouri limited liability company

By: Arick Leonard West

By: Ed O'Will

Name: [Signature]

Name: Edward West

Title: Board Chair

Title: Manager

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 23 day of January in the year 2014, before me, the undersigned, a Notary Public in and for said state, personally appeared Arick Leonard West, Board Chair of the School District of Kansas City, Missouri, an urban school district and body corporate organized and existing under the laws of the State of Missouri, personally known by me to be the person who executed the same instrument, on behalf of said district, and acknowledged to me that he/she executed the same for the purposes therein stated.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Sandra Nunnaley

Notary Public

Name: Sandra Nunnaley

My Commission Expires:

10-1-16

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 23rd day of JANUARY in the year 2014, before me, the undersigned, a Notary Public in and for said state, personally appeared EDWARD WALSH, MANAGER of IIP Development Partners, LLC, a Missouri limited liability company, personally known by me to be the person who executed the same instrument, on behalf of said limited liability company, and acknowledged to me that he/she executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Patricia A. Toalson

Notary Public

Name: PATRICIA A. TOALSON

[SEAL]

My Commission Expires:

10/25/2015

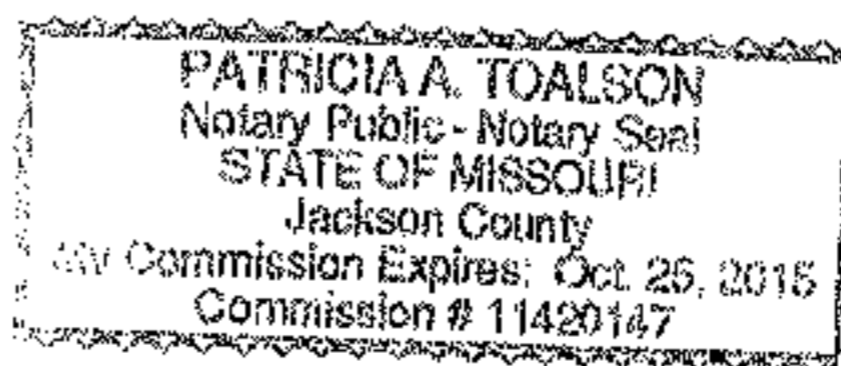


EXHIBIT "A"

Legal Description

All of Lot 1, WESTPORT PLAT, a subdivision in Kansas City, Jackson County, Missouri.

60

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI
07/20/2015 12:54:48 PM
INSTRUMENT TYPE: AMEND FEE: \$36.00 6 PGS



INSTRUMENT NUMBER / BOOK & PAGE
2015E0063887

Robert T. Kelly, Director, Recorder Of Deeds

THIS SPACE FOR RECORDER'S USE ONLY

Date: July 20th, 2015

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Ellen J. Pantaenius, Esq.
Husch Blackwell LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112

FIRST AMENDMENT TO PROPERTY USE RESTRICTION AGREEMENT

GRANTOR: HP DEVELOPMENT PARTNERS, LLC, a Missouri limited liability company

GRANTEE: THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, a Missouri urban school district

GRANTEE MAILING ADDRESS: 1211 McGee, Kansas City, Missouri 64106

LEGAL DESCRIPTION: See attached Exhibit "A"

DEED REFERENCE (IF APPLICABLE): Property Use Restriction Agreement recorded January 28, 2014, as Instrument No. 2014E0007198 in the real estate records of Jackson County, Missouri

FIRST AMENDMENT TO PROPERTY USE RESTRICTION AGREEMENT

This FIRST AMENDMENT TO PROPERTY USE RESTRICTION AGREEMENT ("**Amendment**") is made and entered into as of the 11th day of June, 2015 (the "**Effective Date**"), by and between HP DEVELOPMENT PARTNERS, LLC, a Missouri limited liability company ("**HPDP**"), and THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, a Missouri urban school district (the "**District**").

WITNESSETH:

WHEREAS, the School District of Kansas City, Missouri Building Corporation (the "**Building Corporation**"), at the direction of the District, conveyed to HPDP fee title to certain real property located at 300 East 39th Street, which property is otherwise known as the former Westport Middle School in Kansas City, Jackson County, Missouri, more specifically described on Exhibit A attached hereto (the "**Property**") by way of a Special Warranty Deed dated January 27, 2014 and recorded January 28, 2014, as Document No. 2014E0007141 in the real estate records of Jackson County, Missouri;

WHEREAS, the District and HPDP (collectively, the "**Parties**") entered into that certain Property Use Restriction Agreement dated as of January 27, 2014, and recorded January 28, 2014, as Document No. 2014E0007198 in the real estate records of Jackson County, Missouri, in order to memorialize and grant public notice of certain restrictions on the development and use of the Property (the "**Agreement**");

WHEREAS, the Parties desire to modify the Agreement as set forth herein.

NOW THEREFORE, in consideration of the Property and the mutual covenants and other good and valuable consideration herein, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties hereby agree as follows:

1. Section 1 of the Agreement is hereby deleted and replaced with the following:

Permitted Use of the Property. HPDP's use or reuse of the Property (the "**Property Use Description**") shall include any of the following uses or any combination thereof with respect to existing school buildings/parking structure: general commercial use for office (administrative, medical, professional or general); college/university; day care; library/museum/cultural exhibit; park/recreation; bicycle-sharing facilities; residential support services; artisan industrial; food and beverage; personal improvement service; research service; consumer repair; retail sales; non-accessory parking; entertainment and spectator sport; multi-family residential (up to one hundred (100) market rate units); or other commercial uses that are complimentary to the foregoing uses. In addition to these permitted uses, HPDP may provide commercial space for educational use

limited to enrichment programming, after-school programming, pre-kindergarten services and/or adult education programs. HPDP shall not provide or permit any kindergarten through 12th grade educational facility use, other than the educational uses described in the preceding sentence, without the prior written consent of the Kansas City Missouri School District Board of Directors.

Further, HPDP's use of the grounds shall include commercially reasonable space for one or more of the following: urban agriculture, park/recreation space, botanical gardening, flowers, orchards, green house, water laboratory or other similar sustainable endeavors. Building additions, new ancillary structures or additional parking are allowable to accommodate the uses set forth in this section provided HPDP obtains any governmental approvals necessary to maintain the historic designation of the principal building on the Property and so long as such additions and structures complement the existing buildings on the Property and do not constitute a complete redevelopment of the Property.

The Property Use Description shall not be construed to prevent the HPDP (or HPDP's successors or its assigns) from rezoning or obtaining a special use permit for the Property for any use permitted herein.

2. Except as provided herein, the all other provisions of Agreement shall remain in full force and effect. In the event of any inconsistency between the terms set forth herein and in the Agreement, the terms of this Amendment shall govern. This Amendment may be executed in counterparts and by facsimile transmission, all of which together shall constitute one and the same instrument with the same force and effect as if all signatures were originals and were appended to one instrument. Capitalized terms not defined herein shall have the meanings set forth in the Agreement.

3. This Amendment shall be binding upon and inure to the benefit of HPDP and the District, and their respective legal representatives, successors and assigns.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Amendment is executed as of the date written above.

DISTRICT:

HPDP:

SCHOOL DISTRICT OF KANSAS CITY,
MISSOURI, an urban school district and body
corporate organized and existing under the
laws of the State of Missouri

HP DEVELOPMENT PARTNERS, LLC, a
Missouri limited liability company

By: Jon Hile

By: [Signature]

Name: [Signature]

Name: EFCip [Signature]

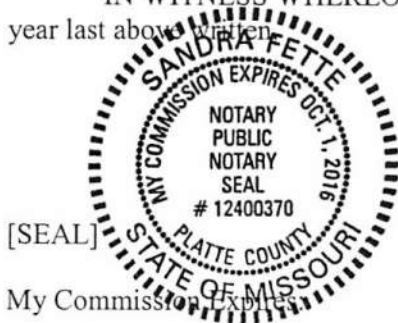
Title: Board Chair

Title: Manager

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 11 day of June in the year 2015, before me, the undersigned, a Notary Public in and for said state, personally appeared Jon Hile, Board Chair of the School District of Kansas City, Missouri, an urban school district and body corporate organized and existing under the laws of the State of Missouri, personally known by me to be the person who executed the same instrument, on behalf of said district, and acknowledged to me that he/she executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Sandra Fette

Notary Public

Name: Sandra Fette

[SEAL]

My Commission Expires:
10-1-16

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 20th day of JULY in the year 2015, before me, the undersigned, a Notary Public in and for said state, personally appeared Edward Walsh, Manager of HP Development Partners, LLC, a Missouri limited liability company, personally known by me to be the person who executed the same instrument, on behalf of said limited liability company, and acknowledged to me that he/she executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Jill L. Chalmers

Notary Public

Name: JILL L. CHALMERS

[SEAL]

My Commission Expires:
Feb. 23rd, 2018

JILL L. CHALMERS
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Feb. 23, 2018
Commission # 14584743

EXHIBIT "A"

Legal Description

All of Lot 1, WESTPORT PLAT, a subdivision in Kansas City, Jackson County, Missouri.

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

07/31/2019 4:51 PM

FEE: \$27.00 3 PGS



INSTRUMENT NUMBER / BOOK & PAGE

2019E0059457

Book: Page:

Robert T. Kelly, Director, Recorder of Deeds

THIS SPACE FOR RECORDER'S USE ONLY

Date: July 24, 2019

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Edward F. Walsh
5159 Mercier Street
Kansas City, Missouri 64112

**PARTIAL TERMINATION AND RELEASE OF
PROPERTY USE RESTRICTION AGREEMENT**

GRANTOR: THE SCHOOL DISTRICT OF KANSAS CITY,
MISSOURI, a Missouri urban school district

GRANTEE: HP DEVELOPMENT PARTNERS, LLC, a Missouri
limited liability company

GRANTEE MAILING ADDRESS: 5159 Mercier Street, Kansas City, Missouri 64112

LEGAL DESCRIPTION: All of Lots 1-3, Westport Commons Plat, A subdivision in
Kansas City, Jackson County, Missouri

DEED REFERENCE (IF APPLICABLE): Special Warranty Deed dated January 27, 2014 and
recorded January 28, 2014, as Document 2014E0007141 in the real estate records of Jackson
County, Missouri

EXHIBIT "A"

Legal Description

All of Lots 1-3, Westport Commons Plat, A subdivision in Kansas City, Jackson County,
Missouri