



Agenda

Neighborhood Planning and Development Committee

Chairperson Ryana Parks-Shaw

Vice Chair Eric Bunch

Councilmember Nathan Willett

Councilmember Melissa Patterson Hazley

Tuesday, October 22, 2024

1:30 PM

26th Floor, Council Chamber

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

PUBLIC OBSERVANCE OF MEETINGS

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

Any closed session may be held via teleconference.

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

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:
<https://us02web.zoom.us/j/84530222968>

*****PUBLIC TESTIMONY IS LIMITED TO TWO MINUTES*****

Director of Health

240910 Sponsor: Director of Health Department

Accepting and approving a one-year \$300,691.00 grant with the Missouri Department of Elementary and Secondary Education (“MDESE”) to provide funding for the Building Blocks Home Visiting program that promotes a healthy and safe parenting and home environment; appropriating and estimating revenue in the amount of \$300,691.00; and recognizing this ordinance as having an accelerated effective date.

Director of City Planning & Development

240919 Sponsor: Director of City Planning and Development Department

Approving a development plan on about 7 acres in District O-1 generally located at 12940 Wornall Road to allow for a residential mixed-use development.
(CD-CPC-2024-00108)

Bunch

[240922](#) Sponsor: Councilmember Eric Bunch

Approving the First Amendment to the 39th and Main General Development Plan to amend the Estimated Completion Time of twenty years from passage of this Ordinance and affirming the findings of the City Council made when approving the Plan. *** Held until 11/05/2024 ***

Bunch

[240923](#) Sponsor: Councilmember Eric Bunch

Approving the First Amendment to the Westport-Main General Development Plan to amend the Estimated Completion Time to within twenty years from passage of this ordinance and affirming the findings of the City Council made when approving the Plan. *** Held until 11/05/2024 ***

HELD IN COMMITTEE

Director of City Planning & Development

[240843](#) Sponsor: Director of City Planning and Development Department

Vacating approximately 84,000 square feet of public right-of-way in Zoning District M1-5 generally located on Topping Avenue between Stadium Drive and East 32nd Street; and directing the City Clerk to record certain documents. (CD-ROW-2024-00015) *** Held until 11/05/2024 ***

Director of City Planning & Development

[240849](#) Sponsor: Director of City Planning and Development Department

Vacating approximately 5,400 square feet of public right-of-way in Zoning District M1-5 generally described as Bellaire Avenue, south of East 32nd Street; and directing the City Clerk to record certain documents. (CD-ROW-2024-00019) *** Held until 11/05/2024 ***

Director of City Planning & Development

[240851](#) Sponsor: Director of City Planning and Development Department

Rezoning an area of about 2.89 acres generally located at the southeast corner of N.E. Barry Road and Maple Woods College Road from District R-80 to District B2-2 and approving a development plan to allow for a mixed-use building. (CD-CPC-2024-00100 and CD-CPC-2024-00101).

City Manager's Office

240898 Sponsor: City Manager's Office

Approving the Amended Eighth Amendment to the Platte Purchase Development Plan.

RE-REFERRED

Parks-Shaw, Bough, Duncan, Bunch and Patterson Hazley

240897 Sponsor: Mayor Pro Tem Ryana Parks-Shaw
COMMITTEE SUBSTITUTE

Amending Chapter 20, Code of Ordinances, entitled "Cigarettes," by renaming it "Tobacco and Nicotine;" repealing Sections 20-1, 20-2, 20-8, 20-18, and 20-19 and replacing them with sections of like number and subject matter; enacting a new Section 20-4, "Sale or distribution of flavored products prohibited," and new Section 20-5, "Medical and recreational marijuana exempt,;" and amending Chapter 50, Code of Ordinances by repealing Section 50-235 and replacing it with a section of like number and subject matter for the purpose of prohibiting the sale of flavored tobacco, nicotine, and vapor products within the City.

ADDITIONAL BUSINESS

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

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

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

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

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

Adjournment



File #: 240910

ORDINANCE NO. 240910

Sponsor: Director of Health Department

Accepting and approving a one-year \$300,691.00 grant with the Missouri Department of Elementary and Secondary Education (“MDESE”) to provide funding for the Building Blocks Home Visiting program that promotes a healthy and safe parenting and home environment; appropriating and estimating revenue in the amount of \$300,691.00; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the Nurse-Family Partnership is an evidence-based community health program that supports first-time, low-income mothers, helping them overcome barriers to resources and empowering them to achieve better health and life outcomes for themselves and their children by fostering a trusting relationship with a public health nurse; and

WHEREAS, the public health nurse provides ongoing support through home visits, starting early in pregnancy and continuing until the child’s second birthday, offering guidance on prenatal and postnatal care to improve pregnancy and birth outcomes, and addressing disparities related to race, ethnicity, income, and insurance status; and

WHEREAS, the Nurse-Family Partnership aims to improve pregnancy outcomes through preventive health practices, enhance child development by promoting responsible and competent care, and increase family economic self-sufficiency by helping parents plan for the future, including further education and employment opportunities; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a contract between the City of Kansas City and the Missouri Department of Elementary and Secondary Education (“MDESE”), whereby the MDESE will provide funding to the Building Blocks of Missouri home visitation program which promotes improved outcomes in pregnancy and child health through the development of better women's health practices, responsible and competent care for their children, and family counseling for a one year term in an amount not to exceed \$300,691.00, is accepted and approved. A copy of the contract, in substantial form, is on file with the Director of Health.

Section 2. That revenue in the following account of the Health Grants Fund is hereby estimated in the following amount:

25-2480-500001-479855-G50501725 Building Blocks Home Visiting \$300,691.00

Section 3. That \$300,691.00 is hereby appropriated from the Unappropriated Fund Balance of the Health Grants Fund in the following accounts:

25-2480-505017-A-G50501725 Building Blocks Home Visiting	\$259,460.00
25-2480-505017-B-G50501725 Building Blocks Home Visiting	40,957.24
25-2480-505017-C-G50501725 Building Blocks Home Visiting	<u>273.76</u>
TOTAL	
\$300,691.00	

Section 4. That the Director of Health is hereby authorized is designated as requisitioning authority for Account No. 25-2480-505017-G50501725.

Section 5. That this Ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) of the City Charter in that it appropriates money and shall take effect in accordance with that section.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Joseph A. Guarino
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240910

Submitted Department/Preparer: Health

Revised 6/10/24

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

Executive Summary

Accepting and approving a one year \$300,691.00 grant with the Missouri Department of Elementary and Secondary Education (MDESE) that provides funding for the Building Blocks Home Visiting program that promotes a health and safe parenting and home environment, designating requisitioning authority; and recognizing this ordinance as having an accelerated effective date.

Discussion

The Nurse-Family Partnership program is an evidence-based, community health program that serves high-risk, low-income, first-time mothers. Each mother served by the NFP Program is partnered with a registered nurse early in her pregnancy and receives ongoing nurse home visits that continue through her child's second birthday. Currently, the department's NFP consists of five Public Health Nurses and one Public Health Nurse Supervisor. The maximum caseload for each nurse is 25 clients.

The goals of NFP Program are to:

1. Improve pregnancy outcomes by partnering with moms to engage in good preventive health practices, including thorough prenatal care from their healthcare providers, improving their diets and reducing any use of habit-forming substances;
2. Improve child health and development by assisting families to provide responsible and competent care; and
3. Improve the economic self-sufficiency of the family by supporting parents to develop a vision for their own future, plan additional pregnancies, continue their education and find work.

This funding will allow the Health Department's NFP Program (Building Blocks Program) to continue to serve high-risk, low-income, first-time mothers who reside in Cass, Clay, Jackson, Johnson, Lafayette, Platte, and Ray counties..

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?

Health Grants Fund – 2480-505017-G50501725

3. How does the legislation affect the current fiscal year?
This legislation estimates and appropriates funding in the current fiscal year
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Leverage outside funding

Office of Management and Budget Review
(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Utilize planning approaches in neighborhoods to reduce blight, ensure sustainable housing, and improve resident wellbeing and cultural diversity.
 - Maintain and increase affordable housing supply to meet the demands of a diverse population.
 - Address the various needs of the City's most vulnerable population by working to reduce disparities.
 - Foster an inclusive environment and regional approach to spur innovative solutions to housing challenges.
 - Ensure all residents have safe, accessible, quality housing by reducing barriers.

- Protect and promote healthy, active amenities such as parks and trails, play spaces, and green spaces.

Prior Legislation

Click or tap here to list prior, related ordinances/resolutions.

Service Level Impacts

Many public health programs are funded based upon the need of the community and the impact upon individual citizens and high-risk groups. The NFP block grant is designated to establish and maintain service coordination that address healthy outcomes for women, children, and their families. Promoting economic vitality, social equity, and environmental quality in addressing public health initiatives is often dependent upon federal, state and local funding; however, the goal of these programs is to promote and protect all citizens of Kansas City on a continuing, ongoing and sustainable.

Other Impacts

1. What will be the potential health impacts to any affected groups?
During the 2022-2023 fiscal year, the KCMO NFP program has had the following client outcomes: 3% preterm birth rate, 92.5% breastfeeding initiation rate, 100% immunization rate at 12 and 18 months, 85% high school diploma/ GED attainment at 24 months postpartum.
2. How have those groups been engaged and involved in the development of this ordinance?
This program has been active in the community for a number of years. The Missouri Department of Elementary and Secondary Education completes annual client satisfaction surveys with all clients enrolled in the NFP program.
3. How does this legislation contribute to a sustainable Kansas City?
A 2005 RAND Corporation analysis found a net benefit to society of \$34,148 (in 2003 dollars) per higher-risk family served, with the bulk of the savings accruing to government, equating to a \$5.70 return for every dollar invested in Nurse-Family Partnership.

Karoly, L., Kilburn, M. R., Cannon, J. Proven results, future promise. RAND Corporation 2005.

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

Click or tap here to enter text.

Click or tap here to enter text.

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

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

Please provide reasoning why not:

No subcontracting

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

No(Press tab after selecting)

[Click or tap here to enter text.](#)

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

No(Press tab after selecting)



File #: 240919

ORDINANCE NO. 240919

Sponsor: Director of City Planning and Development Department

Approving a development plan on about 7 acres in District O-1 generally located at 12940 Wornall Road to allow for a residential mixed-use development. (CD-CPC-2024-00108)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District O-1 generally located at 12940 Wornall Road, and more specifically described as follows:

A tract of land situate in the Township of Kaw, Sections 17 & 18, Township 47 North, Range 33 West, Jackson County, Mississippi, known as being Tracts 1, 2, 3, 4, and 5 of the Blue Hills Retirement Center as shown on Document No. K709805 in Plat Book 36, Page 72, and being further bounded and described as follows: Beginning at an Aluminum disk stamped "Aylett Rutherford and Eustler LS 1560" at the intersection of Aylett Rutherford and Eustler LS 1560" at the intersection of at the intersection of the North right-of-way of Blue Ridge Boulevard (a public right-of-way) and the West right-of-way of Wornall Road (a public right-of-way), said point being located N 42°51'36" W, 72.93' from 1/2" iron rebar marking the Southeast Corner of the Southwest 1/4 of the Southwest 1/4 of section 17; thence along the North right-of-way of Blue Ridge Boulevard, N 85°45'12" W, for a distance of 1351.33' to a 1/2" iron rebar stamped "KS LS-776 SK&W MO LS-2057"; thence leaving said right-of-way along the KS LS-776 SK&W MO LS-2057"; thence leaving said right-of-way along the; thence leaving said right-of-way along the Blue Hills South Subdivision (Book 33, Page 92) N 36°16'32" E, for a distance of 130.95' to an Aluminum disk stamped "Aylett Rutherford and Eustler LS 1560"; thence N 48°55'44" E, for a distance Aylett Rutherford and Eustler LS 1560"; thence N 48°55'44" E, for a distance; thence N 48°55'44" E, for a distance of 284.58' to a 3/8" iron rebar; thence N 55°20'46" E, for a distance of 274.48' to a 1/2" iron rebar iron rebar; thence N 55°20'46" E, for a distance of 274.48' to a 1/2" iron rebar stamped "KS LS-776 SK&W MO LS-2057"; thence N 01°07'39" E, for a distance of 154.13' to a point; KS LS-776 SK&W MO LS-2057"; thence N 01°07'39" E, for a distance of 154.13' to a point; thence N 01°07'39" E, for a distance of 154.13' to a point; thence N 53°58'14" E, for a distance of 133.50' to a 1/2" iron rebar stamped "KS LS-776 SK&W MO KS LS-776 SK&W MO LS-2057"; thence along the land conveyed to Blue Hills Country Club, S 34°51'38" E, for a distance of; thence

along the land conveyed to Blue Hills Country Club, S 34°51'38" E, for a distance of 264.25' to a 1/2" iron rebar stamped "KS LS-776 SK&W MO LS-2057"; thence S 85°35'33" E, for a KS LS-776 SK&W MO LS-2057"; thence S 85°35'33" E, for a; thence S 85°35'33" E, for a distance of 599.91' to an Aluminum disk stamped "Aylett Rutherford and Eustler LS 1560"; thence Aylett Rutherford and Eustler LS 1560"; thence; thence along the West right-of-way of Wornall Road S 03°21'07" W, for a distance of 519.25' to the point of beginning.

Containing 614,467 square feet (14.106 acres) of land, more or less, as surveyed by Timothy Leigh Fish, LS No. 2018005041 in August of 2023, for and on behalf of Millman Surveying, Inc. d.b.a. CBRE Land Surveying.

is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
2. The developer shall 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 a certificate of occupancy.
3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
5. Prior to issuance of the certificate of occupancy for each lot within the plat 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.
6. The developer shall combine Tracts 1-4 (500 W. Blue Ridge Boulevard, 450 Blue Ridge Boulevard, and 12940 Wornall Road) by General Warranty Deed and record with the county prior to a certificate of occupancy. A copy of the deed should be sent to lotmapping@kcmo.org upon completion of recording.
7. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)

8. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
9. 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)
10. Fire Protection Systems shall be modified to fit the new plan.
11. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3). Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5). Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds (IFC-2018: § 503.2.3) and shall provide fire lane signage on fire access drives. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
12. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus (i.e., cul-de-sac, hammerhead Appendix D). (IFC-2018: § 503.2.5)
13. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.
14. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
15. The developer shall be responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2024 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
16. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way

17. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
18. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
19. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
20. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.
21. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
22. All onsite water mains and fire hydrants shall be private.
23. The developer shall provide a storm drainage letter indicating that the total disturbed area for this project is less than 10,000 square feet and request an exception for the storm water management requirements for the site.
24. The developer shall work with the Kansas City Water Services Department to provide an indemnification agreement for the portion of the public sanitary sewer that is currently located beneath existing buildings prior to the issuance of any building permits.
25. The developer shall provide a signed and sealed letter from a Missouri professional engineer to request an exception to the City's stream buffer ordinance based on the current condition of the site and previous development prior to the adoption of the stream buffer ordinance.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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

..end

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

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240919

Submitted Department/Preparer: City Planning

Revised 6/10/24

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

Executive Summary

Approving a development plan on about 7 acres to allow for a residential mixed-use development in District O-1 generally located at 12940 Wornall Road. (CD-CPC-2024-00108)

Discussion

This development plan proposes the reuse of 3 existing buildings from a skilled nursing facility into 133 residential dwelling units and 594 square feet of commercial space. The buildings have been vacant for the last few years and the developer is proposing to change the use to multi-unit apartment buildings.

The site is not expected to change, except for remodeling of the buildings. 138 parking spaces are provided.

The CPC received written testimony, primarily concerned about existing traffic issues. The anticipated traffic for the proposed development wasn't enough to require a traffic impact study by Public Works.

CPC voted to recommend approval with conditions.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Not applicable as this is a zoning ordinance authorizing physical development of a property by a private developer.
3. How does the legislation affect the current fiscal year?

Not applicable as this is a zoning ordinance authorizing physical development of a property by a private developer.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
There are no public improvements with the propose ordinance; therefore, there is not anticipated future fiscal impact on the City.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
This ordinance authorizes physical development of the subject property, which may generate revenue.

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

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

Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Inclusive Growth and Development (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Align the City's economic development strategies with the objectives of the City Council to ensure attention on areas traditionally underserved by economic development and redevelopment efforts.
 - Ensure quality, lasting development of new growth.
 - Increase and support local workforce development and minority, women, and locally owned businesses.
 - Create a solutions-oriented culture to foster a more welcoming business environment.

- Leverage existing institutional assets to maintain and grow Kansas City's position as an economic hub in the Central United States.
-

Prior Legislation

CD-CPC-2021-00068 - Ordinance 210552 - Approving a rezoning without plan from R-7.5 (Residential 7.5) to O (Office) to allow the change of use of an existing building from residential to a hospital along with renovation and expansion work on about 14.178 acres generally located at the northwest corner of W. Blue Ridge Boulevard and Wornall Road. Approved 7/27/2021

CD-SUP-2021-00022 - A request to approve a Special Use Permit to allow the change of use of an existing building from residential to a hospital along with renovation and expansion work on about 14.178 acres generally located at the northwest corner of W. Blue Ridge Boulevard and Wornall Road. Expired 7/13/2024

Service Level Impacts

No impact expected.

Other Impacts

1. What will be the potential health impacts to any affected groups?
This ordinance was not evaluated for potential health impacts.
2. How have those groups been engaged and involved in the development of this ordinance?
This project complies with the public engagement requirements in section 88-505-12.
3. How does this legislation contribute to a sustainable Kansas City?
This ordinance will authorize 133 new residential units, providing housing in the city.
4. Does this legislation create or preserve new housing units?
Yes (Press tab after selecting)

Total Number of Units 133

Number of Affordable Units unknown

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

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

Please provide reasoning why not:

Private development project.

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

No(Press tab after selecting)

[Click or tap here to enter text.](#)

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

No(Press tab after selecting)



File #: 240922

ORDINANCE NO. 240922

Sponsor: Councilmember Eric Bunch

Approving the First Amendment to the 39th and Main General Development Plan to amend the Estimated Completion Time of twenty years from passage of this Ordinance and affirming the findings of the City Council made when approving the Plan.

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (PIEA) prepared and approved the 39th and Main General Development Plan (the “Plan”); and

WHEREAS, City Council approved Plan on January 12, 2006, with Ordinance No. 051513; and

WHEREAS, the Plan was never completed and now includes various examples of continuing need of industrial development in Section 100.310 RSMo; and

WHEREAS, there is historical difficulty with the pace of redevelopment within the Planning Area, as defined in the Plan; and

WHEREAS, despite its upside and economic potential, the Planning Area still includes a continuously disadvantaged census tract, an historic district and various examples of existing under-developed or poorly maintained buildings which require a comprehensive and coordinated long term development plan in partnership with the existing businesses and residents; and

WHEREAS, each industrial developer within the Planning Area has consented to the amendment of the Plan in accordance Section 100.400.1(1) RSMo; and

WHEREAS, the PIEA by Resolution No. 2330 dated August 15, 2024, recommended an amendment of the Plan to provide for an Estimated Completion Time of twenty years from the passage of this Ordinance by the City Council; and

WHEREAS, the City Council has reviewed PIEA Resolution No. 2330 and has reviewed the Plan and desires to amend the Plan to provide for an Estimated Completion Time of twenty years from the passage of this Ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the findings made in Sections 1, 3 and 4 of Ordinance No. 051513 are hereby affirmed.

Section 2. That the First Amendment to the General Development Plan for the 39th and Main PIEA Planning Area is hereby approved such that the Estimated Completion Time shall be twenty years from the passage of this ordinance. A copy of said plan is attached hereto and on file with the Office of the City Clerk.

Section 3. That the ad valorem tax exemption benefits as authorized in Section 100.570 RSMo. are hereby extended to the Planning Area, as defined in the Plan, to the extent and in the manner as provided for in said Plan and subject to the execution of a development agreement with the PIEA and the developer.

..end

Approved as to form:

Emalea Black
Associate City Attorney

**No Docket
Memo Provided
for Ordinance
No. 240922**



File #: 240923

ORDINANCE NO. 240923

Sponsor: Councilmember Eric Bunch

Approving the First Amendment to the Westport-Main General Development Plan to amend the Estimated Completion Time to within twenty years from passage of this ordinance and affirming the findings of the City Council made when approving the Plan.

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (“PIEA”) prepared and approved the Westport-Main General Development Plan (the “Plan”); and

WHEREAS, City Council approved the Plan on September 9, 2010, with Ordinance No. 100635; and

WHEREAS, the Plan was never completed and now includes various examples of continuing need of industrial development in Section 100.310 RSMo; and

WHEREAS, there is historical difficulty with the pace of redevelopment within the Planning Area, as defined in the Plan; and

WHEREAS, despite its upside and economic potential, the Planning Area still includes a continuously disadvantaged census tract, an historic district and various examples of existing under-developed or poorly maintained buildings which require a comprehensive and coordinated long term development plan in partnership with the existing businesses and residents; and

WHEREAS, each industrial developer within the Planning Area has consented to the amendment of the Plan in accordance Section 100.400.1(1) RSMo; and

WHEREAS, the PIEA by Resolution No. 2326 dated August 15, 2024, recommended and approved an amendment of the Plan to extend the Estimated Completion Time to twenty years following passage of this Ordinance by the City Council; and

WHEREAS, the City Council has reviewed PIEA Resolution No. 2326 and has reviewed the Plan and desires to amend the Plan to provide for an Estimated Completion Time of twenty years from the passage of this Ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the findings made in Sections 1, 2, and 3 of Ordinance No. 100635 are hereby affirmed.

Section 2. That the First Amendment to the General Development Plan for the Westport-Main PIEA Planning Area, is hereby approved such that the Estimated Completion Time shall be twenty years from the passage of this ordinance. A copy of said plan is attached hereto and on file with the Office of the City Clerk.

Section 3. That the ad valorem tax exemption benefits as authorized in Section 100.570 RSMo. are hereby extended to the Planning Area, as defined in the Plan, to the extent and in the manner as provided for in said Plan and subject to the execution of a development agreement with the PIEA and the developer.

..end

Approved as to form:

Emalea Black
Associate City Attorney

**No Docket
Memo Provided
for Ordinance
No. 240923**



File #: 240843

ORDINANCE NO. 240843

Sponsor: Director of City Planning and Development Department

Vacating approximately 84,000 square feet of public right-of-way in Zoning District M1-5 generally located on Topping Avenue between Stadium Drive and East 32nd Street; and directing the City Clerk to record certain documents. (CD-ROW-2024-00015)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 3rd day of June, 2024, a petition was filed with the City Clerk of Kansas City by Richard Shafer for the vacation commencing at the Southwest corner of said Section 13, Township 49 North, Range 33 West; thence North 02° 12' 09" West, 469.41 feet, on the West line of the Southwest Quarter of said Section 13, to the point of beginning of said Tract herein described; thence North 16° 25' 55" West, 93.88 feet to the West right-of-way line of Topping Avenue as now established; thence North 02° 12' 09" East, 1415.60 feet, on said West right-of-way line, parallel and 30 feet West of said West line of the Southwest Quarter; thence South 87° 53' 08" East, 60.00 feet, to the East right-of-way line of Topping Avenue as now established; thence South 02° 12' 09" West, 1593.62 feet, on said East right-of-way line, parallel and 30.00 feet East of the West line of the Southwest Quarter, to a point on the Northeasterly right-of-way line of Stadium Drive (formerly Raytown Road); thence North 16° 25' 55" West, 58.43 feet, to the point of beginning, said Tract containing 90,362 square feet or 2.0744 acres, giving the distinct description of the street (Topping Avenue) to be vacated, and also the names of the persons and corporations

owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said street (Topping Avenue) has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That commencing at the Southwest corner of said Section 13, Township 49 North, Range 33 West; thence North 02° 12' 09" West, 469.41 feet, on the West line of the Southwest Quarter of said Section 13, to the point of beginning of said Tract herein described; thence North 16° 25' 55" West, 93.88 feet to the West right-of-way line of Topping Avenue as now established; thence North 02° 12' 09" East, 1415.60 feet, on said West right-of-way line, parallel and 30 feet West of said West line of the Southwest Quarter; thence South 87° 53' 08" East, 60.00 feet, to the East right-of-way line of Topping Avenue as now established; thence South 02° 12' 09" West, 1593.62 feet, on said East right-of-way line, parallel and 30.00 feet East of the West line of the Southwest Quarter, to a point on the Northeasterly right-of-way line of Stadium Drive (formerly Raytown Road); thence North 16° 25' 55" West, 58.43 feet, to the point of beginning, said Tract containing 90,362 square feet or 2.0744 acres, be and the same is hereby vacated, and subject to the following conditions:

1. The applicant shall retain all utility easements and protect facilities at the applicant's expense as required by AT&T.
2. The applicant shall retain all utility easements and protect facilities or relocate facilities at the applicant's expense as required by Evergy.
3. The applicant shall retain all utility easements and protect facilities or relocate facilities at the applicant's expense as required by the Water Services Department, and no construction shall occur within the easement.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.

..end

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

Recorder

By _____
Deputy



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240843

Submitted Department/Preparer: City Planning

Revised 6/10/24

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

Executive Summary

Vacating approximately 84,000 square feet of public right-of-way in Zoning District M1-5 (Manufacturing) generally located on Topping Avenue between Stadium Drive and East 32nd Street and directing the City Clerk to record certain documents. (CD-ROW-2024-00015)

Discussion

The right-of-way requested to be vacated is currently an un-improved street which has never been developed. The adjacent land to the west is utilized for junk/salvage yard purposes, while to the north, there are single-family residential areas. To the south, the land includes a public park and various industrial uses.

The vacation is sought to facilitate the development of the site to the east for industrial development. The applicant intends to fully utilize the property located at 5819 E 32nd Street, including the vacation of Topping Avenue. This proposal is part of a broader initiative that includes multiple vacation requests in the vicinity. A development plan will be required because the site is zoned industrial and larger than 10 acres.

The public right-of-way in question accommodates both public and private utilities. Public utilities include KCMO water and sewer mains. The applicant will be required to preserve an easement and protect facilities or relocate all facilities at the applicant's expense as required by the Water Department. Private utilities include AT&T and Eergy services.

Staff Recommendation: Approval with Conditions

CPC Recommendation: Approval with Conditions

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

3. How does the legislation affect the current fiscal year?

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

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

Citywide Business Plan (CWBP) Impact

- 1. View the [Adopted 2025-2029 Citywide Business Plan](#)
- 2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
- 3. Which objectives are impacted by this legislation (select all that apply):
 - Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
 - Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
 - Build on existing strengths while developing a comprehensive transportation plan for the future.
 - Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.

- Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- Focus on delivery of safe connections to schools.

Prior Legislation

There is no controlling case that pertains to the vacation of this public right-of-way.

Service Level Impacts

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

2. How have those groups been engaged and involved in the development of this ordinance?
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

3. How does this legislation contribute to a sustainable Kansas City?
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

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

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.
[Click or tap here to enter text.](#)

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

Please Select (Press tab after selecting)

[Click or tap here to enter text.](#)

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

No(Press tab after selecting)

Click or tap here to enter text.

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



File #: 240849

ORDINANCE NO. 240849

Sponsor: Director of City Planning and Development Department

Vacating approximately 5,400 square feet of public right-of-way in Zoning District M1-5 generally described as Bellaire Avenue, south of East 32nd Street; and directing the City Clerk to record certain documents. (CD-ROW-2024-00019)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 2nd day of July, 2024, a petition was filed with the City Clerk of Kansas City by Richard Shafer for the vacation beginning at the Northwest corner of Lot 1, Block 17, of said East Center subdivision; thence South 02° 12' 09" West, 90.09 feet, on the East right-of-way line of Bellaire Avenue as now established; thence North 87° 53' 08" West, 60.00 feet, on the South line of said East Center subdivision, to the West right-of-way line of Bellaire Avenue; thence North 02° 12' 09" East, 90.09 feet, on said West right-of-way line, to the South right-of-way line of 32nd Street; thence South 87° 53' 08" East, 60.00 feet, to the point of beginning, said Tract containing 5,405 square feet or 0.1333 acres giving the distinct description of the street (Bellaire Avenue) to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said street (Bellaire Ave) has been obtained in writing, that said consent has been acknowledged as deeds

are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That beginning at the Northwest corner of Lot 1, Block 17, of said East Center subdivision; thence South 02° 12' 09" West, 90.09 feet, on the East right-of-way line of Bellaire Avenue as now established; thence North 87° 53' 08" West, 60.00 feet, on the South line of said East Center subdivision, to the West right-of-way line of Bellaire Avenue; thence North 02° 12' 09" East, 90.09 feet, on said West right-of-way line, to the South right-of-way line of 32nd Street; thence South 87° 53' 08" East, 60.00 feet, to the point of beginning, said Tract containing 5,405 square feet or 0.1333 acres, be and the same is hereby vacated, and subject to the following condition:

The applicant shall retain all utility easements and protect facilities or relocate facilities at the applicant's expense as required by Evergy.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.

..end

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

Approved by the City Plan Commission

Secretary



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240849

Submitted Department/Preparer: City Planning

Revised 6/10/24

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

Executive Summary

Vacating approximately 5,400 square feet of public right-of-way in Zoning District M1-5 (Manufacturing) generally described as Bellaire Avenue south of East 32nd Street and directing the City Clerk to record certain documents. (CD-ROW-2024-00019)

Discussion

The street proposed for vacation is currently an unimproved street that terminates in a dead end. The surrounding area includes vacant, platted properties to the east and west, specifically within East Center Blocks 14 through 19. To the south lies a parcel of land owned by the applicant. Single-family residential development lies to the north of East 32nd Street.

The objective of this vacation request is to facilitate the development of the site to the south for industrial purposes. The applicant's intention is to fully utilize the property located at 5819 East 32nd Street. This is a companion case with CD-ROW-2024-00015. This proposal is part of a broader initiative that includes multiple vacation requests in the vicinity. A development plan will be required since the site is zoned industrial and larger than 10 acres.

The public right-of-way in question currently has only private utilities within the right-of-way, specifically AT&T facilities.

Staff Recommendation: Approval with Conditions

CPC Recommendation: Approval with Conditions

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Not applicable as this is an ordinance authorizing the vacation of public right of way.

3. How does the legislation affect the current fiscal year?
Not applicable as this is an ordinance authorizing the vacation of public right of way
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Not applicable as this is an ordinance authorizing the vacation of public right of way
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Not applicable as this is an ordinance authorizing the vacation of public right of way

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

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

Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
 - Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
 - Build on existing strengths while developing a comprehensive transportation plan for the future.
 - Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.

- Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- Focus on delivery of safe connections to schools.

Prior Legislation

There is no controlling case that pertains to the vacation of this public right of way.

Service Level Impacts

Not applicable as this is an ordinance authorizing the vacation of public right of way.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Not applicable as this is an ordinance authorizing the vacation of public right of way.
2. How have those groups been engaged and involved in the development of this ordinance?
Not applicable as this is an ordinance authorizing the vacation of public right of way.
3. How does this legislation contribute to a sustainable Kansas City?
Not applicable as this is an ordinance authorizing the vacation of public right of way
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Not applicable as this is an ordinance authorizing the vacation of public right of way.
Click or tap here to enter text.
5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:

Not applicable as this is an ordinance authorizing the vacation of public right of way

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

No(Press tab after selecting)

Not applicable as this is an ordinance authorizing the vacation of public right of way

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

No(Press tab after selecting)



File #: 240851

ORDINANCE NO. 240851

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 2.89 acres generally located at the southeast corner of N.E. Barry Road and Maple Woods College Road from District R-80 to District B2-2 and approving a development plan to allow for a mixed-use building. (CD-CPC-2024-00100 and CD-CPC-2024-00101).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A-1448, rezoning an area of about 2.89 acres generally located at the southeast corner of N.E. Barry Road and Maple Woods College Road from District R-80 (Residential 80) to District B2-2 (Neighborhood Business 2 (Dash 2)), and approving a development plan to allow for a mixed-use building, said section to read as follows:

Section 88-20A-1448. That an area legally described as:

WEST TRACT: A tract in the Southwest Quarter of the Northwest Quarter of Section 07, Township 51 North, Range 32 West in Kansas City, Clay County, Missouri, being more particularly described as follows, Surveyed and described on April 22, 2024 by John B. Young PLS- 2006016647; Commencing at the Northwest corner of said Northwest Quarter; Thence South 00°31'53" West along the West line of said Northwest Quarter, 1,588.58 feet; Thence South 89°28'07" East, 20.00 feet to the South Right-of-Way line of Highway 152 as established also being a point 226.90 feet right of centerline station 171+02.05 and being the Point of Beginning; Thence South 79°30'29" East along said South Right-of-Way line, 227.21 feet to a point 141.70 feet right of station 173+00; Thence South 61°28'04" East along said South Right-of-Way line, 131.26 feet to the West line of a 15 acre tract of land described in Book 343 at Page 310; Thence South 00°27'02" West along said West line, 204.85 feet to the North Right-of-Way line of Old Northeast Barry Road, as now established; Thence along said North Right-of-Way line the following four courses; Course one, thence North 83°40'48" West, 178.89 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 2829.79 feet and an arc length of 29.24 feet; Thence North 06°53'49" East, 5.00 feet; Thence on a curve to the right with an initial tangent bearing being North 83°06'11" West, having a radius of 2824.79 feet and

an arc length of 134.71 feet to the East Right-of-Way line of College Connection, as now established; Thence North 00°31'53" East along said East Right-of-Way line, 261.55 feet to the Point of Beginning. Containing 84,589 square feet or 1.94 acres more or less.

EAST TRACT: A tract in the Southwest Quarter of the Northwest Quarter of Section 07, Township 51 North, Range 32 West in Kansas City, Clay County, Missouri, being more particularly described as follows, Surveyed and described on April 22, 2024 by John B. Young PLS- 2006016647; Commencing at the Northwest corner of said Northwest Quarter; Thence South 00°31'53" West along the West line of said Northwest Quarter, 1,588.58 feet; Thence South 89°28'07" East, 20.00 feet to the South Right-of-Way line of Highway 152 as established also being a point 226.90 feet right of centerline station 171+02.05; Thence South 79°30'29" East along said South Right-of-Way line, 227.21 feet to a point 141.70 feet right of station 173+00; Thence South 61°28'04" East along said South Right-of-Way line, 131.26 feet to the West line of a 15 acre tract of land described in Book 343 at Page 310, also being the Point of Beginning; Thence South 61°28'04" East along said South Right-of-Way line, 220.16 feet (Deed, 218.46 feet), to a point 150.00 feet right of station 176+34.50; Thence South 49°22'03" East along said South Right-of-Way line, 213.85 feet (Deed, 215.32 feet) to the North Right-of-Way line of Old Northeast Barry Road, as now established; Thence North 83°40'48" West along said North Right-of-Way line, 359.51 feet (Deed, 358.17 feet) to said West line of a 15 acre tract of land; Thence North 00°27'02" East along said West line, 204.85 feet (Deed, 206.76 feet), to the Point of Beginning. Containing 41,565 square feet or 0.95 acres more or less is hereby rezoned from (insert existing district) to (insert proposed district), all as shown outlined on a map marked Section 88-20A (insert zoning section number), which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved, and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
2. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified

in 88-424. This requirement shall be satisfied prior to issuance of certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.

3. Prior to issuance of the certificate of occupancy for each lot within the plat 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.
4. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. 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 a certificate of occupancy.
6. 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 a certificate of occupancy.
7. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
8. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
9. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
10. 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)
11. A required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3). Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5). Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds (IFC-2018: § 503.2.3) and shall provide fire lane signage on fire access drives. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)

12. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105). Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
13. The developer shall be responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2024 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
14. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way
15. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
16. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
17. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
18. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
19. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
20. The developer shall ensure that water and fire service lines shall meet current Water Services Department rules and regulations prior to a certificate of occupancy.

21. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Kansas City Water Services Department, prior to issuance of any stream buffer permits.
22. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
23. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department 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.
24. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Kansas City Water Services Department prior to issuance of any certificate of occupancy.
25. The developer shall submit a final stream buffer plan to the Kansas City Water Services Department for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
26. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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

..end

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

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240851

Submitted Department/Preparer: City Planning

Revised 6/10/24

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

Executive Summary

Rezoning an area of about 2.89 acres generally located at the southeast corner of NE Barry Road and Maple Woods College Road from District R-80 to District B2-2 and approving a development plan to allow for a mixed use building. (CD-CPC-2024-00100 & CD-CPC-2024-00101).

Discussion

The proposed rezoning from R-80 to B2-2 will allow the proposed mixed use building containing 30 residential units and 15,000 square feet of ground floor commercial space. There are 2 access points proposed from Maple Woods College Rd and Old NE Barry Rd (also labeled as Maple Woods College Rd).

The development is generally expected to serve students on the MCC - Maple Woods campus to the south, but will be open and available for rent to the general public.

The approximately 3 acre site will be cleared of all vegetation for the proposed development.

The City Plan Commission voted to recommend approval with conditions for this project. See the CPC staff report for additional details.

Fiscal Impact

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

2. What is the funding source?

Not applicable as this is a zoning ordinance authorizing physical development on a subject property by a private developer.

3. How does the legislation affect the current fiscal year?
Not applicable as this is a zoning ordinance authorizing physical development on subject property.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
The developer will construct a portion of sidewalk in the public right of way, in which the City will be responsible for future maintenance.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
The ordinance authorizes physical development of the subject property, which may generate revenue.

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

This ordinance has no direct fiscal impact.

Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Inclusive Growth and Development (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Align the City's economic development strategies with the objectives of the City Council to ensure attention on areas traditionally underserved by economic development and redevelopment efforts.
 - Ensure quality, lasting development of new growth.
 - Increase and support local workforce development and minority, women, and locally owned businesses.

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

Prior Legislation

No relevant zoning case history on the subject site.

Service Level Impacts

The ordinance will approve development which will serve the community with residential units and commercial businesses. The proposed plan generally aligns with the KC Spirit Playbook, except for the site layout (building and parking position).

Other Impacts

1. What will be the potential health impacts to any affected groups?
This ordinance was not evaluated for potential health impacts.

2. How have those groups been engaged and involved in the development of this ordinance?
This project complies with the public engagement requirements in section 88-505-12.

3. How does this legislation contribute to a sustainable Kansas City?
This ordinance will allow 30 residential units targeted, but not limited to, MCC - Maple Woods.

4. Does this legislation create or preserve new housing units?
Yes (Press tab after selecting)

 Total Number of Units 30
 Number of Affordable Units 0

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

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:
Private development project.

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

No(Press tab after selecting)

[Click or tap here to enter text.](#)

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



File #: 240898

ORDINANCE NO. 240898

Sponsor: City Manager's Office

Approving the Amended Eighth Amendment to the Platte Purchase Development Plan.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), the City Council of Kansas City, Missouri (the "City Council") by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, as amended, passed on January 28, 2010, and Ordinance No. 130986, passed on December 19, 2013, Committee Substitute for Ordinance No. 140823, as amended on, June 18, 2015 and Committee Substitute for Ordinance No. 230524, passed on June 22, 2023, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on July 28, 2016, the City Council passed Ordinance No. 160415, which accepted the recommendations of the Commission and approved the Platte Purchase Development Plan (the "Redevelopment Plan") and designated the Redevelopment Area described therein to be an Economic Development Area (the "Redevelopment Area"); and

WHEREAS, the City Council, by Ordinance No. 170971, accepted the recommendations of the Commission, and approved the First Amendment to the Redevelopment Plan on December 14, 2017; and

WHEREAS, the City Council, by Ordinance No. 190264, accepted the recommendations of the Commission, and approved the Second Amendment to the Redevelopment Plan on April 18, 2019; and

WHEREAS, the City Council, by Ordinance No. 200205, accepted the recommendations of the Commission, and approved the Third Amendment to the Redevelopment Plan on October 17, 2019; and

WHEREAS, the City Council, by Ordinance No. 200205, accepted the recommendations of the Commission, and approved the Fourth Amendment to the Redevelopment Plan on April 16, 2020; and

WHEREAS, the City Council, by Ordinance No. 200709, accepted the recommendations of the Commission, and approved the Fifth Amendment to the Redevelopment Plan on September 17, 2020; and

WHEREAS, the City Council, by Ordinance No. 210889, accepted the recommendations of the Commission, and approved the Sixth Amendment to the Redevelopment Plan on October 7, 2021; and

WHEREAS, the City Council, by Ordinance No. 220346, approved the Seventh Amendment to the Redevelopment Plan on May 5, 2022; and

WHEREAS, an Amended Eighth Amendment to the Redevelopment Plan (“Eighth Amendment”) was proposed (a) to the Commission constituted pursuant Section 99.820.3 of the Act (the “Clay County KC TIF Commission”) and (b) the Commission constituted pursuant to Section 99.820.2 (the “Kansas City TIF Commission”) and each of the Clay County KC TIF Commission and the Kansas City TIF Commission having been duly constituted and its members appointed, after proper notice was given, met in separate public hearings on September 11, 2024, and after receiving the comments of all interested persons and taxing districts, each closed their respective public hearing, each approved the Eighth Amendment to the Redevelopment Plan and each recommended that the City Council do the same; and

WHEREAS, the Eighth Amendment provides for (a) a modification to the description of the Project Improvements, (b) modifications to the Site Plan, (c) modifications to the Estimated Redevelopment Project Costs, (d) modifications to the Sources of Funds, (e) modifications to the Redevelopment Schedule (f), modifications to the Estimated Initial Equalized Assessed Valuation of the Redevelopment Area, and (g) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications; and NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Eighth Amendment is hereby approved and adopted as valid.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”).

Section 3. That the City Council hereby finds that good cause has been shown for the Eighth Amendment of the Plan and that the findings of the Council in Ordinance Nos. 160415, Ordinance No. 170971, Ordinance No. 190264, Ordinance No. 200205, Ordinance No. 200709, Ordinance No. 210889, and Ordinance No. 220346 except as expressly modified by the Eighth Amendment, are not affected by the Eighth Amendment and apply equally to the Eighth Amendment

Section 4. That the Council hereby finds that:

- a. The Redevelopment Area as a whole is an economic development area, as defined in Section 99.805 of the Act, has not been subject to growth and development through investment by private enterprise, and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan.
- b. The Plan, as amended by the Eighth Amendment, conforms to the comprehensive plan for the development of the City as a whole.
- c. The areas selected for Redevelopment Projects include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project Improvements.
- d. The estimated dates of completion of the Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs have been stated in the Plan, as amended by the Eighth Amendment, and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project within the Redevelopment Area.
- e. The Plan, as amended by the Eighth Amendment, includes a plan for relocation assistance for businesses and residences.
- f. A cost-benefit analysis showing the impact of the Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act.
- g. The Plan, as amended by the Eighth Amendment, does not include the initial development or redevelopment of any gambling establishment.
- h. A study has been completed and the findings of such study satisfy the requirements provided under Section 99.810, RSMo.

Section 5. That the Commission is authorized to issue obligations in one or more series of bonds secured by Platte Purchase Development Plan Account of the Special Allocation Fund to finance Redevelopment Project Costs identified by the Plan, as amended by the Eighth Amendment, and, subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and take all such further actions as are reasonably necessary to achieve the objectives of the Plan, as amended by the Eighth Amendment. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 to 99.865 of the Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 6. That pursuant to the provisions of the Redevelopment Plan, the City Council approves the pledge of all payments in lieu of taxes and economic activity taxes generated within

Redevelopment Projects that are deposited into the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to the payment of Redevelopment Project Costs and authorizes the Commission to pledge such funds on its behalf.

..end

Approved as to form:

Emalea Black
Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240898

Submitted Department/Preparer: Please Select

Revised 11/01/23

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

Executive Summary

Approving the Amended 8th Amendment to the Platte Purchase TIF Plan

Discussion

This amendment adjusts project costs and adds new public improvements.

Fiscal Impact

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

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

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

Prior Legislation

Click or tap here to list prior, related ordinances/resolutions.

Service Level Impacts

No service level impacts

Other Impacts

1. What will be the potential health impacts to any affected groups?
n/a
2. How have those groups been engaged and involved in the development of this ordinance?
n/a

3. How does this legislation contribute to a sustainable Kansas City?
Utilizes development incentives effectively to generate development

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

Click or tap here to enter text.

Click or tap here to enter text.

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

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

Please provide reasoning why not:

n/a

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

No(Press tab after selecting)

Click or tap here to enter text.

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

No(Press tab after selecting)



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240898

Submitted Department/Preparer: Please Select

Revised 11/01/23

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

Executive Summary

Accepting the recommendations of the Tax Increment Financing Commission and approving the 8th Amendment of the Platte Purchase Development Plan.

Discussion

This amendment adjusts project costs and adds new public improvements. Total Sources of Funds increase by \$14,896,303. Total increase from Reimbursable project Costs is \$7,578,303. Total increase from Other Sources is \$7,318,000. Trail Segment 6 and Trail segment 7 are new projects added. 7c has been moved to the Current Projects List. Current Project Areas 3, 5, 7a, and 10 increased the budget by \$518,000. Future projects were adjusted towards their actuals, and some costs added.

*Project 7a had design cost added for a total of \$500,000

*Project 7b had design cost added for a total of \$500,000

*Project 10 reduced cost by \$304,697, and also decreased actual length of project by 1,091 ft.

*Project 12 added mass grading South of Tiffany Springs, added design cost of \$106,500, Contingency removed, soft cost added +\$82,907 - Total increase of \$1,900,708

*Project 13 Reduced cost of site work by \$2,342,168, reduced Contingency by \$415,000

*Project 14 had costs adjusted across line items to match actuals. No increase or decrease.

*Twin Creek Trail System had Trail Segment 6 and trail Segment 7 added. An Increase in funding of \$6,818,000 is being funded from Other Sources (KCMO & Platte County)

Fiscal Impact

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

2. What is the funding source?
TIF
3. How does the legislation affect the current fiscal year?
n/a
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
n/a
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
n/a

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

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

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

Prior Legislation

160415 170971 190264 190826 200205 200709 220346 160417

Service Level Impacts

No service level impacts

Other Impacts

1. What will be the potential health impacts to any affected groups?
None identified
2. How have those groups been engaged and involved in the development of this ordinance?
n/a
3. How does this legislation contribute to a sustainable Kansas City?
Utilizes development incentives effectively to generate development
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Click or tap here to enter text.
Click or tap here to enter text.

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

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

Please provide reasoning why not:
n/a

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

No(Press tab after selecting)

[Click or tap here to enter text.](#)

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



File #: 240897

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240897

Sponsor: Mayor Pro Tem Ryana Parks-Shaw

COMMITTEE SUBSTITUTE

Amending Chapter 20, Code of Ordinances, entitled “Cigarettes,” by renaming it “Tobacco and Nicotine;” repealing Sections 20-1, 20-2, 20-8, 20-18, and 20-19 and replacing them with sections of like number and subject matter; enacting a new Section 20-4, “Sale or distribution of flavored products prohibited,” and new Section 20-5, “Medical and recreational marijuana exempt;” and amending Chapter 50, Code of Ordinances by repealing Section 50-235 and replacing it with a section of like number and subject matter for the purpose of prohibiting the sale of flavored tobacco, nicotine, and vapor products within the City.

WHEREAS, scientific review by the Tobacco Products Scientific Advisory Committee (TPSAC) and the U.S. Food and Drug Administration (FDA) found marketing of menthol cigarettes likely increases the prevalence of smoking among the entire population, and especially among youth, African Americans, and possibly Hispanic and Latino individuals; and

WHEREAS, 15.3% of adults in Missouri smoke; and

WHEREAS, 21.3% of Missouri high school students report currently using e-cigarettes; and

WHEREAS, although smokers are most likely to use electronic smoking devices such as e-cigarettes, almost a third of current adult users are nonsmokers, suggesting that e-cigarettes contribute to primary nicotine addiction and to the renormalization of tobacco use; and

WHEREAS, youth reported product flavoring as a top reason for using tobacco within the past 30 days; and

WHEREAS, by adding menthol and other flavorings to tobacco and nicotine products, companies mask the natural harshness and taste of such products, and therefore make it easier to use, harder to quit, and more appealing to youth and new users; and

WHEREAS, the addition of menthol and other flavorings to tobacco and nicotine products increases the risk of addiction for youth; and

WHEREAS, Kansas City seeks to protect the public health and welfare by reducing access to flavored tobacco and alternative nicotine products, making it easier to quit and more difficult to start; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 20, Code of Ordinances of the City of Kansas City, is hereby amended by changing the title of said chapter to “Tobacco and Nicotine.”

Section 2. That Chapter 20, Code of Ordinances of the City of Kansas City, is hereby amended by repealing Section 20-1, Definitions, Section 20-2, License required for dealers and manufacturers; registration fee; amount of tax, Section 20-8, Issuance of license; restrictions on license; suspension or revocation of license, Section 20-18, Penalty for violation of chapter, and Section 20-19, Manager of regulated industries to enforce compliance and enacting in lieu thereof new sections of like name, number, and subject matter, enacting a new Section 20-4, entitled “Sale or distribution of flavored products prohibited,” and Section 20-5, entitled “Medical and recreational marijuana exempt,” to read as follows:

Sec. 20-1. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative nicotine product means non-combustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product, or any other product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Cigarette means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Flavored alternative nicotine product means any alternative nicotine product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary

consumer either prior to, or during the consumption or use of an alternative nicotine product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice, or imparts a cooling or numbing sensation distinguishable by an ordinary consumer during consumption. An alternative nicotine product shall be presumed to be a flavored alternative nicotine product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco, imparts a cooling or numbing sensation, or uses text, images, or coloring on the alternative nicotine product's labeling or packaging to explicitly or implicitly indicate that the alternative nicotine product imparts a taste or smell other than the taste or smell of tobacco.

Flavored non-nicotine vapor product means any non-nicotine vapor product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption or use of a non-nicotine vapor product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice, or imparts a cooling or numbing sensation distinguishable by an ordinary consumer during consumption. An alternative nicotine product shall be presumed to be a flavored non-nicotine vapor product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco, imparts a cooling or numbing sensation, or uses text, images, or coloring on the non-nicotine vapor product's labeling or packaging to explicitly or implicitly indicate that the non-nicotine vapor product imparts a taste or smell other than the taste or smell of tobacco.

Flavored tobacco product means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice, or imparts a cooling or numbing sensation distinguishable by an ordinary consumer during consumption. A tobacco product shall be presumed to be a flavored tobacco product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco, imparts a cooling or numbing sensation, or uses text, images, or coloring on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than the taste or smell of tobacco.

Flavored vapor product means any vapor product that imparts a taste or smell, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer either prior to, or during the use of a vapor product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice, or imparts a cooling or numbing sensation distinguishable by an ordinary consumer during consumption. A vapor product shall be presumed to be a flavored vapor product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer

has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco, imparts a cooling or numbing sensation, or uses text, images, or coloring on the vapor product's labeling or packaging to explicitly or implicitly indicate that the vapor product imparts a taste or smell other than the taste or smell of tobacco.

Flavor or sensation enhancer means any product designed, manufactured, produced, marketed, or sold to produce a flavored tobacco product, flavored vapor product, flavored alternative nicotine product, or flavored non-nicotine vapor product when added to any tobacco product, vapor product, non-nicotine vapor product or alternative nicotine product.

Marijuana means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

Marijuana facility means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services pursuant to Article 14, Section 2 of the Missouri Constitution, but shall not include a medical facility licensed under Article 14, Section 1 of the Missouri Constitution.

Marijuana-infused products means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Medical facility means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined Article 14, Section 1 of the Missouri Constitution, and duly licensed to operate as a medical facility by the Missouri Department of Health and Senior Services.

Non-nicotine vapor product means any vapor cartridge in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that does not contain nicotine. A non-nicotine vapor product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and

Cosmetic Act. For purposes of this chapter, non-nicotine vapor products shall not include vapor cartridges containing extract from the cannabis plant that is composed of no more than three-tenths percent tetrahydrocannabinol by weight, provided that the product does not contain nicotine or tobacco.

Occupation license tax means the tax imposed by the city under this chapter upon the business and for the privilege of selling cigarettes at retail in the city.

Package means a quantity of cigarettes wrapped and sealed in paper, tinfoil, or otherwise by the manufacturer of cigarettes prior to being placed in cartons for shipment from the manufacturer.

Retail dealer means any person other than a wholesale dealer, jobber, or manufacturer engaged in the business of selling or disposing of cigarettes, by personal handling or through a vending machine, to the ultimate consumer or agent.

Sale means any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration or any agreement therefor.

Stamp. A stamp shall not only include a small piece of paper with such printing thereon as may be prescribed by the manager of regulated industries, which, when affixed to a package of cigarettes and cancelled, shall evidence payment of the occupation tax thereon, but shall also include the impression or printing of a meter machine when used in lieu of a stamp.

Tobacco product means any substance containing tobacco leaf including but not limited to blunt wraps, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

Vapor product means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

Vending machine means a mechanical, electric, or electronic, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products.

Wholesale dealer means any person authorized to sell, distribute, deliver, convey, or give away cigarettes to retail dealers or other persons in the city, for the purpose of resale only.

Sec. 20-2. License required for dealers and manufacturers; registration fee; amount of tax.

(a) *License; registration fee.* Every wholesale dealer, jobber, retail dealer, manufacturer, or other person engaged in selling cigarettes or other tobacco products, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products, or offering, delivering, or displaying cigarettes or other tobacco products, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products for sale within the city shall procure a tobacco and nicotine license for each place the products are sold, offered, or displayed, and at the same time such license is issued shall pay to the manager of regulated industries a registration fee of \$1.00 for each such place of business.

(b) *Occupation license tax.* In addition to the registration fee, every retailer shall pay an occupation license tax at the rate of \$5.00 per 1,000 for all cigarettes sold, offered for sale, delivered, displayed for sale, or otherwise disposed of, and for all cigarettes in his possession.

(c) *Use of additional revenues.* The additional revenues realized by the passage of this section shall be designated for use in hazardous material and emergency response activities of the city.

Sec. 20-4. Sale or distribution of flavored products prohibited.

No person shall sell, offer, deliver, or display any flavored tobacco products, flavored alternative nicotine products, flavored vapor products, flavored non-nicotine vapor products, or flavor or sensation enhancers within the city.

Sec. 20-5. Medical and recreational marijuana exempt.

Nothing in this section shall be construed to regulate the sale or distribution of marijuana, marijuana-infused products, or marijuana accessories at a medical facility or marijuana facility duly licensed by the State of Missouri and authorized by the Missouri Department of Health and Senior Services to sell or distribute marijuana, marijuana-infused products, and marijuana accessories at such medical facility or marijuana facility.

Sec. 20-8. Issuance of license; restrictions on license; suspension or revocation of license.

(a) *Application; issuance.* Every application for a tobacco and nicotine license shall be made upon a form prescribed, prepared and furnished by the manager of regulated industries, and shall set forth such information as he shall require. Upon approval of the application, the manager of regulated industries shall grant and issue to the applicant a tobacco and nicotine license as provided in this chapter.

(b) *Transfer; display; term.* Tobacco and nicotine licenses shall not be assignable and shall be valid only for the persons in whose names issued, and for the transaction of business in the places designated therein, and shall at all times be conspicuously displayed at the places for which issued. All licenses shall expire on December 31 in each and every year, unless sooner suspended, surrendered or revoked for cause by the manager of regulated industries.

(c) *Duplicates.* Whenever any license issued under the provisions of this section is defaced, destroyed or lost, the manager of regulated industries shall issue a duplicate license for the defaced, destroyed or lost license upon the payment of a fee of \$1.00.

(d) *Suspension or revocation.* The manager of regulated industries shall have the authority to suspend for a period not to exceed 90 days, or to revoke a tobacco and nicotine license whenever the manager finds that the holder of the license or his employee:

- (1) Has failed to comply with any of the provisions of this chapter or any rules or regulations of the manager of regulated industries prescribed or promulgated under this chapter;
- (2) Has been convicted of an ordinance violation for violating any of the provisions of sections 20-2, 20-3, 20-4, and 20-6 to 20-13 inclusive of this chapter;
- (3) Has sold or distributed tobacco products, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products to any person under the age of 21 in violation of law;
- (4) Has permitted or allowed any person under the age of 21 to purchase or obtain tobacco products, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products from vending machines located on the premises, in violation of law;
- (5) Has sold, distributed or displayed drug paraphernalia on the licensed premises in violation of law;
- (6) Has sold, distributed, delivered, manufactured, produced or possessed a controlled substance or controlled substance analogue in violation of state law on the licensed premises;
- (7) Has possessed an imitation controlled substance in violation of state law on the licensed premises.

Upon suspending or revoking any tobacco and nicotine license, the manager of regulated industries shall request the holder thereof to surrender to him immediately all license cards or tokens, or duplicates thereof, and the holder shall surrender promptly all such license cards or tokens to the manager of regulated industries as requested, together with all stamps, if any, in his possession which he has not affixed to packages of cigarettes, and the manager of regulated industries is hereby authorized to refund all money paid for such stamps.

(e) *Notice; hearing.* Before suspending or revoking any tobacco and nicotine license, the manager of regulated industries shall send notice in writing at least ten days before the proposed suspension or revocation date by certified mail to the license holder's last known address. If the license holder disputes the proposed suspension or revocation, he shall submit a written request

for hearing to the manager of regulated industries, which request must be received before the proposed suspension or revocation date. If the license holder fails to make a timely request for a hearing or fails to appear for a requested hearing, the license shall be suspended or revoked. Upon receipt of a timely request for hearing, the manager of regulated industries shall stay the suspension or revocation pending the hearing, and shall hold a hearing without unnecessary delay. The manager of regulated industries shall make a record of the hearing and shall notify the license holder in writing of the decision.

(f) *Judicial review.* Pursuant to RSMo ch. 536, the license holder may seek judicial review of a decision by the manager of regulated industries to suspend or revoke the cigarette license.

(g) *Informal disposition.* Nothing contained in this section or in this chapter shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement.

Sec. 20-18. Penalty for violation of chapter.

(a) In addition to any other penalties provided under law, any tobacco and nicotine licensee found guilty of a violation of any provision of this chapter shall be subject to the penalties and fees established herein.

(b) If any tobacco and nicotine licensee, or its agent, representative or employee, has been found guilty of a violation of this article, such licensee shall be subject to the following penalties:

- (1) For a first violation, a reinspection fee equal to \$300.00. Each day that a violation continues shall constitute a separate and distinct offense.
- (2) For a second violation in a 24-month period, any licensee who violates any provision of this chapter shall be subject to a fine of \$1,000.00 for each offense, and any license issued under this chapter shall be suspended for a period of fifteen days, according to the process provided for in Section 20-8.
- (3) For a third violation in a 24-month period, any licensee who violates any provision of this chapter shall have its tobacco and nicotine license revoked, according to the process provided for in Section 20-8.

Sec. 20-19. Manager of regulated industries to enforce compliance.

(a) To perform mandatory, annual investigations to determine that the licensee is complying with the requirements of this chapter, and is not engaging in sales of tobacco products, electronic smoking devices, rolling papers, alternative nicotine products or vapor products to minors or other illegal activities on the licensed premises;

(b) To inspect, at any reasonable time, the licensed premises, including all portions of the building thereof used in connection with the operations carried on under the cigarette tobacco and nicotine license and which are in the possession and control of the licensee, and all places where the licensee may keep or store cigarettes, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards and attics;

(c) To seize any and all objects, which may appear to be in violation of any provision of this chapter and to hold such objects in custody as evidence until any matter pertaining thereto is finally adjudicated;

(d) To testify and present evidence in hearings concerning the suspension or revocation of a cigarette license issued under this chapter;

(e) To conduct informal dispositions of contested cases by stipulation, consent order or default, or by agreed settlement.

Section 3. That Chapter 50, Code of Ordinances of the City of Kansas City, is hereby amended by repealing Section 50-235, Sale or distribution of tobacco products, rolling papers, alternative nicotine products or vapor products to those under the age of 21; possession by those under the age of 18, and replacing it with a section of like number and subject matter, entitled "Sale or distribution of tobacco products, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products to those under the age of 21," to read as follows:

Sec. 50-235. Sale or distribution of tobacco products, electronic smoking devices, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products to those under the age of twenty-one

(a) *Definitions.* As used in this section, the following terms shall mean:

- (1) *Alternative nicotine product* means any non-combustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.
- (2) *Blunt wrap* means an individual tobacco wrapper, by whatever name known, that is designed to be sold to the public and is made wholly or in part from tobacco, including reconstituted tobacco, whether in the form of a tobacco leaf, sheet, or tube.
- (3) *Distribute* means a conveyance to the public by sale, barter, gift or sample.
- (4) *Electronic smoking device* means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- (5) *Marijuana* means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. “Marijuana” does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.
- (6) *Marijuana accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (7) *Marijuana facility* means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services pursuant to Article 14, Section 2 of the Missouri Constitution, but shall not include a medical facility licensed under Article 14, Section 1 of the Missouri Constitution.
- (8) *Marijuana-infused products* means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.
- (9) *Medical facility* means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined Article 14, Section 1 of the Missouri Constitution, and duly licensed to operate as a medical facility by the Missouri Department of Health and Senior Services.
- (10) *Non-nicotine vapor product* means any vapor cartridge in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that does not contain nicotine. A non-nicotine vapor product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug

Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act

- (11) *Person* means an individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by law as the subject of rights and duties.
- (12) *Proof of age* means a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.
- (13) *Rolling papers* means paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette.
- (14) *Sample* means a product distributed to members of the general public at no cost for product promotional purposes.
- (15) *Tobacco product* means any substance containing tobacco leaf including but not limited to blunt wraps, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.
- (16) *Vapor Product* means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.
- (17) *Vending machine* means mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products.
 - (b) *Required sign stating violation of law to sell tobacco to persons under age 21; display of sign required on tobacco displays and vending machines; control of tobacco products.*
 - (1) The owner of an establishment at which tobacco products, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which

tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products are purchased a sign that shall:

- a. Contain in red lettering at least one-half-inch high on a white background the following: "It is a violation of law for cigarettes, other tobacco products, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products to be sold to any person under the age of 21 or for such person to purchase or attempt to purchase cigarettes, other tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products"; and
 - b. Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 21."
- (2) Further, all such vending machines shall be located where persons under the age of twenty-one are denied access.
 - (3) It shall be unlawful for any business proprietor, manager or other person in charge or control of a retail business of any kind to stock or display any tobacco product in any way which allows a customer to access such tobacco products, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products without first securing the physical assistance of an employee, except that adult customers may be allowed to enter walk-in humidors for the purpose of selecting for purchase cigars displayed therein.
- (c) *Proof of age required, when; defense to action for violation is reasonable reliance on proof; liability.*
- (1) A person selling or distributing tobacco products, rolling papers, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products, or product samples thereof, shall require proof of age from a prospective purchaser or recipient.
 - (2) Reasonable reliance on proof of age shall be a defense to any action for a violation of subsections (d)(1), (d)(2), and (d)(3) hereof.
- (d) *Unlawful to sell or distribute tobacco products, rolling papers, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products to persons under age of 21, failure to display required signs, penalties; what persons are liable; when.*
- (1) It shall be unlawful for any person to sell or distribute any tobacco products, rolling papers, electronic smoking devices, alternative nicotine products, vapor

products, or non-nicotine vapor products to any person under the age of twenty-one or to allow such sale or distribution.

- (2) It shall be unlawful for any employee or owner of an establishment where any vending machine is located to permit or allow any person under the age of twenty-one to purchase or otherwise obtain any tobacco products, rolling papers, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products from such vending machine.
- (3) It shall be unlawful for any person to distribute any tobacco products, rolling papers, electronic smoking devices, alternative nicotine products, vapor products, or non-nicotine vapor products, or samples thereof, in or on any public street, sidewalk, school ground, or park, or on private property open to the public without the property owner's permission.

(e) *Medical and recreational marijuana exemption.* Nothing in this section shall be construed to regulate the sale or distribution of marijuana, marijuana-infused products, or marijuana accessories at a medical facility or marijuana facility duly licensed by the State of Missouri and authorized by the Missouri Department of Health and Senior Services to sell or distribute marijuana, marijuana-infused products, and marijuana accessories at such medical facility or marijuana facility.

(f) *Penalty; continuing violations.* Any person who violates any provision of subsections (b) or (d) of this section shall, for each offense, be fined not less than \$100.00 and not more than \$1,000.00 or be punished by imprisonment not to exceed six months, or be punished by both fine and imprisonment. Each violation of, or failure, refusal, or neglect to comply with, any provision subsections (b) or (d) of this section shall constitute a separate and distinct offense.

Section 4. That this ordinance shall become effective as of January 1, 2025.

Section 5. That the City Manager is hereby directed to raise public awareness of the health risks associated with the consumption of tobacco products, alternative nicotine products, vapor products, and non-nicotine vapor products and to promote available resources to help individuals address addiction.

..end

Approved as to form:

Andrew Bonkowski
Assistant City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240897

Submitted Department/Preparer: Neighborhoods

Revised 6/10/24

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

Executive Summary

Amending Chapter 20, Code of Ordinances, entitled "Cigarettes," by renaming it "Tobacco and Nicotine;" repealing Sections 20-1 and 20-18 and replacing them with sections of like number and subject matter; enacting a new Section 20-4, "Sale or distribution of flavored products prohibited," and new Section 20-5, "Medical and recreational marijuana exempt,;" and amending Chapter 50, Code of Ordinances, by repealing Section 50-235 and replacing it with a section of like number and subject matter for the purpose of prohibiting the sale of flavored tobacco, nicotine, and vapor products within the City.

Discussion

This ordinance amends Chapter 20 of the Code of Ordinances to prohibit the sale of flavored tobacco, nicotine, and vapor products within the City limits. The ordinance defines products that may fall under this prohibition, while clarifying that these changes do not regulate marijuana products.

The City currently collects a cigarette stamp tax from retail and whole businesses who sell cigarettes. Cigarette stamp taxes collected for the Fiscal Year 2023-24, commencing on the first day of May 2023, totaled \$1,638,750.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
None identified
3. How does the legislation affect the current fiscal year?
The Neighborhoods Department estimates that this ordinance will lead to a reduction between 40-60% of tax stamp revenue from FY 2024 collections.

Multiple factors will impact collections, including but not limited to: the percentage of tobacco products that come from specialty stores, business closures, continued sale of tobacco products following the passage of this ordinance, and the percentage of tobacco products that are flavored.

The Finance Department estimates that this ordinance will decrease tax revenues between \$1 million and \$6 million, with a combination of stamp and sales taxes. Currently, vapes and other non-cigarette products are not subject to the cigarette stamp tax.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Yes, this legislation would decrease both stamp tax and sales tax revenue, with the impact dependent on a variety of factors as identified in question 3 above.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No, this legislation does not generate new revenues.

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

No account string to verify as this ordinance is not appropriating or expending funds.

Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Utilize planning approaches in neighborhoods to reduce blight, ensure sustainable housing, and improve resident wellbeing and cultural diversity.

- Maintain and increase affordable housing supply to meet the demands of a diverse population.
- Address the various needs of the City's most vulnerable population by working to reduce disparities.
- Foster an inclusive environment and regional approach to spur innovative solutions to housing challenges.
- Ensure all residents have safe, accessible, quality housing by reducing barriers.
- Protect and promote healthy, active amenities such as parks and trails, play spaces, and green spaces.

Prior Legislation

Click or tap here to list prior, related ordinances/resolutions.

Service Level Impacts

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

Other Impacts

1. What will be the potential health impacts to any affected groups?
By eliminating flavored tobacco and vapor products, this should have a positive impact on African American and Hispanic populations, and the youth population as well. As reported by the Campaign for Tobacco-free kids:
 - o Black smokers, both adults and youth, now overwhelmingly prefer menthol cigarettes.
 - o Overall, 85 percent of Black smokers smoke menthol cigarettes.
 - o Most recently, a study analyzing four waves of data from the government's Population Assessment of Tobacco and Health (PATH) study found that among daily smokers, menthol cigarette smokers have 24% lower odds of quitting as compared to non-menthol smokers
 - o Among daily smokers, African American menthol smokers had a 53% lower odds of quitting compared to African American non-menthol smokers
 - o Among the African American community, menthol cigarettes were responsible for 1.5 million extra smokers, 157,000 smoking-related premature deaths and 1.5 million excess life-years lost during 1980-2018. African Americans bear a disproportionate toll of the public health impact of menthol cigarettes. During this time, African Americans represented 15% of extra new smokers, 41% of excess premature deaths and 50% of excess life-years lost, despite only accounting for 12% of the population

- Lung cancer is the second most common cancer in both Black men and women, but it kills more Black Americans than any other type of cancer.⁷⁴ Decreased cessation success due to the popularity of menthol cigarettes among Black Americans likely contributes to this mortality disparity
- According to the latest data from the 2023 National Youth Tobacco Survey, 10.0% of high school students and 4.6% of middle school students - over 2.1 million kids altogether - were current e-cigarette users
- Nearly 40% of high school e-cigarette users are vaping at least 20 days a month and nearly 30% are daily users. In total, over 500,000 middle and high school students are vaping every single day
- The [U.S. Surgeon General](#) has concluded that youth use of nicotine in any form, including e-cigarettes, is unsafe. Nicotine is highly addictive and can harm adolescent brain development, particularly the parts of the brain responsible for attention, memory and learning

An [analysis](#) published February 21, 2024, in the Oxford University Press journal *Nicotine & Tobacco Research* found that bans on the sale of menthol cigarettes can help smokers quit entirely. Researchers examined local bans in the United States, Canada and the European Union, and found that a **quarter of menthol smokers quit smoking after a ban was enacted.**

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?
By improving the chances that residents will cut down on tobacco usage and thereby extend their lives.

4. Does this legislation create or preserve new housing units?
Please Select (Press tab after selecting)

No.

[Click or tap here to enter text.](#)

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

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

Please provide reasoning why not:

[Click or tap here to enter text.](#)

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

No(Press tab after selecting)

Click or tap here to enter text.

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

No(Press tab after selecting)