



Agenda

Neighborhood Planning and Development Committee

Lee Barnes Jr., Chair
Andrea Bough, Vice Chair
Dan Fowler
Brandon Ellington
Teresa Loar

Wednesday, November 2, 2022

1:30 PM

26th Floor, Council Chamber

<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 2 Minutes*****

Beginning of Consent(s)

Director of City Planning & Development

[220959](#)

Sponsor: Director of the City Planning and Development Department

Approving the plat of Promise Place, an addition in Jackson County, Missouri, on approximately 2.64 acres generally located at the north side of E. 45th Street between Wabash Avenue on the east and Olive Street on the west, creating 1 lot for the purpose of creating a 101 unit multi-family home subdivision; accepting and releasing various easements; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents.
(CLD-FnPlat-2022-00029)

Attachments: [2022-00029 Ordinance Fact Sheet](#)

End of Consent(s)

Director of City Planning & Development

[220940](#)

Sponsor: Director of City Planning and Development Department

Rezoning an area of 1.4 acres generally located at 2001 Walnut Street from District DX-15 to District UR and approving a UR development plan for 246 residential units. (CD-CPC-2022-00143)

Attachments: [10.17.22 Fact Sheet Template](#)

Director of City Planning & Development

[220941](#)

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 1.75 acres in an area generally bordered by the Missouri River on the north and west, I-29 on the east, and railroad tracks on the south from District MPD to MPD and approving an MPD preliminary development plan. (CD-CPC-2022-00169)

Attachments: [Fact Sheet](#)

Director of City Planning & Development and O'Neill

[220949](#)

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 360 acres generally located at the northeast corner of Highway 169 and I-435 from Districts R-6, R-2.5, R-1.5, and B3-2 to District MPD, and approving a development plan that also serves as a preliminary plat to allow for the construction of a data center campus. (CD-CPC-2022-00058).

Attachments: [Fact Sheet](#)

[220950](#)

Sponsor: Director of the City Planning and Development Department

Rezoning an area of about 20.4 acres generally located at 9100 Old Santa Fe Road from UR (Urban Redevelopment) to District UR and approving a UR development plan and preliminary plat for 252 residential units. (CD-CPC-2022-00161).

Attachments: [Fact Sheet](#)

Lucas

[220961](#) Sponsor: Mayor Quinton Lucas

Amending Chapter 88, Code of Ordinances, by enacting new Sections 88-424-01 through 88-424-11, Tree Preservation and Protection; and amending Section 88-810 by adding and inserting definitions applicable to this new code section.

Attachments: [No Fact Sheet](#)

[220964](#) Sponsor: City Manager's Office

Authorizing the City Manager to negotiate and execute a development agreement, purchase option agreement, and real estate sales contract with Grayson Capital or its affiliates for the sale of surplus City property located at 1531 Holmes Street; and provide a 120 day period for those negotiations.

Attachments: [1531 Holmes Fact Sheet](#)

Hall and O'Neill

[220965](#) Sponsor: Councilmember(s) Heather Hall and Kevin O'Neill

Approving an amendment to a previously approved UR development plan in District UR, which also serves as a preliminary plat (9 lots and 2 tracts) to allow for changes to the approved plan, allowing for 115,000 square foot of mixed use commercial development on about 25 acres generally bordered by N.E. 82nd Street on the north, Maplewoods Parkway on the south, N. Antioch Road (MO Route 1) on the east and N. Agnes Avenue on the west. (CD-CPC-2022-00082)

Attachments: [No Fact Sheet](#)

Bough

[220968](#) Sponsor: Councilmember Andrea Bough

Approving the Second Amendment to the Bannister & Wornall Tax Increment Financing Plan.

Attachments: [Bannister & Wornall - Second Amendment - Fact Sheet](#)
[Fiscal Note-220968](#)
[TIF - Bannister and Wornall - Second Amendment to TIF Plan](#)

HELD IN COMMITTEE

- [220722](#) Amending Ordinance No. 190328 by repealing Condition 16 contained in Section B, which required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development, because the developer no longer has access to public water mains. (CD-CPC-2018-00229)

Attachments: [CD-CPC-2018-00229 Fact Sheet 2022](#)

- [220747](#) Approving the Historic Northeast Lofts PIEA General Development Plan on about 22 acres (3 parcels), generally located at the southeast corner of Independence Avenue and Hardesty Avenue. (CD-CPC-2022-00064)

Attachments: [No Fact Sheet](#)

ADDITIONAL BUSINESS

1. Staff update on CID Annual Report presentation in accordance with Ordinance Number 210565.
2. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.
3. 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.
4. 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.



File #: 220959

ORDINANCE NO. 220959

Sponsor: Director of the City Planning and Development Department

Approving the plat of Promise Place, an addition in Jackson County, Missouri, on approximately 2.64 acres generally located at the north side of E. 45th Street between Wabash Avenue on the east and Olive Street on the west, creating 1 lot for the purpose of creating a 101 unit multi-family home subdivision; accepting and releasing various easements; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2022-00029)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of Promise Place, a subdivision in Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That all right, title and interest in the following recorded easements be and the same are hereby partially released to the respective owners, their successors or assigns, over that part of aforesaid easement under the following, this release does not become effective until the final plat is recorded:

No.	Name of Grantor	Instrument No.	Book No.	Page No.	Document Type
1	Phoenix Land and Improvement Co.	1908 K0649652	14	95	Platted Sewer Easement affecting Lots 45 through 70

A tract of land for Vacation of Easement purposes, being all that part of an existing Sewer Easement recorded in Book 14 at Page 95 at the Jackson County Recorder of Deeds Office, lying in the Northeast Quarter of Section 28, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri, said tract being 6 feet wide and lying 3 feet on each side of the following described centerline:

Beginning at the southeast corner of lot 58 Resurvey of the Resurvey of Lots 3,4,5,6,11,12,13 & 14 Richwood; thence north 418.56 feet to the northeast corner of lot 70. The tracts described above contain a total of 209.28 Square Feet or 0.0048 of an acre, more or less.

Section 4. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention and BMP Facilities Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 5. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 6. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Jackson County, Missouri.

Section 7. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on October 4, 2022.

..end

Approved as to form:

Eluard Alegre

Associate City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

220959

Ordinance Number

Brief Title

Approving the plat of Promise Place an addition in Kansas City, Jackson County, Missouri

<p>Specific Address Approximately 2.64 acres generally located on the north side of E. 45th Street between Wabash Avenue on the east and Olive Street on the west.</p>	<p>Sponsor</p>	<p>Jeffrey Williams, AICP, Director Department of City Planning & Development</p>
<p>Reason for Project This final plat application was initiated by Venico Group in order to subdivide the property in accordance with the city codes and state statutes. The developer intends to construct a 101 unit multi-family home subdivision</p>	<p>Programs, Departments, or Groups Affected</p>	<p>City-Wide Council District(s) 3(JA) Ellington - Robinson Other districts (school, etc.) Kansas City Missouri 110</p>
<p>Discussion This is a routine final plat ordinance that authorizes staff to continue to process the plat for recording. This plat can be added to the consent agenda.</p> <p>CONTROLLING CASE Case No. CD-CPC-2022-00086 – Ordinance 220802 approved by City Council on September 22, 2022 approve a rezoning from District R-2.5 (Residential 2.5) to District UR (Urban Redevelopment), to allow for 101 unit multi-family residential development within eight (8) buildings on about 2.6 acres generally located on the north side of E. 45th Street between Wabash Avenue on the east and Olive Street on the west.</p>	<p>Applicants / Proponents</p>	<p>Applicant(s) Venico Group City Department City Planning and Development Other</p>
<p>Opponents</p>	<p>Groups or Individuals None Known Basis of Opposition</p>	
<p>Staff Recommendation</p>	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:</p>	
<p>Board or Commission Recommendation</p>	<p>By: City Plan Commission October 4, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions</p>	
<p>Council Committee Actions</p>	<p><input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass</p>	

Details

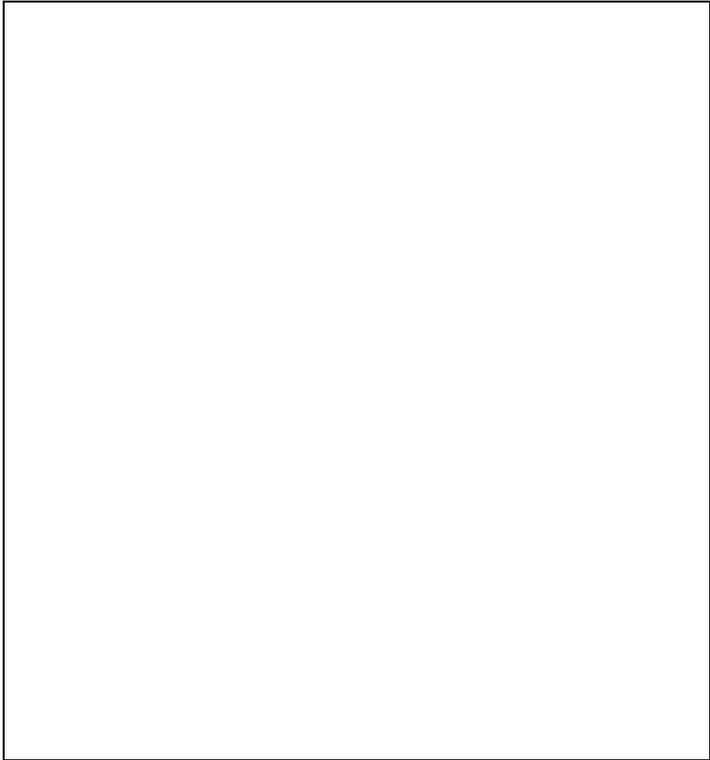
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Policy / Program Impact

Policy or Program Change N/A	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment N/A	

Finances

Cost & Revenue Projections – Including Indirect Costs N/A	
Financial Impact N/A	
Fund Source and Appropriation Account Costs N/A	
Is it good for the children?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



How will this contribute to a sustainable Kansas City?	<p>This project consists of public and private improvements for a residential development on a previously developed site to create a multi-family subdivision. The proposed development will significantly increase the area of impervious surfaces. The peak rate of storm water discharge and total runoff volume will be maintained after development. Water quality treatment will be provided with onsite BMP's. The development will improve the aesthetics of the site and increase the tax base for the City.</p> <p>Written by Lucas Kaspar, PE</p>
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Project Start Date

Projected Completion or Occupancy Date

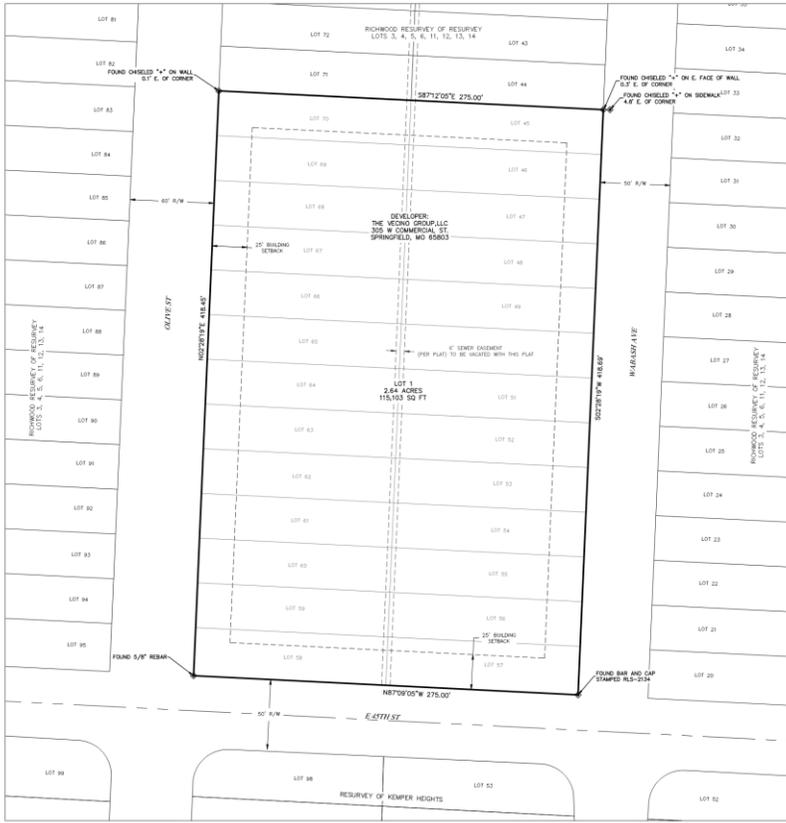
Fact Sheet Prepared by:
Thomas Holloway

Date: October 11, 2022

Reviewed by:
Joe Rexwinkle
Land Development Division (LDD)
City Planning & Development

Reference or Case Numbers: CLD-FnPlat-2020-00030

FINAL PLAT
PROMISE PLACE
 A REPLAT OF LOT RESURVEY OF A RESURVEY OF LOTS 3, 4, 5, 6, 11, 12, 13 AND 14 OF RICHWOOD
 KANSAS CITY, JACKSON COUNTY, MISSOURI



LAND DESCRIPTION
 LOT 96, 1/4 SECTION 16, TOWNSHIP 48 N, RANGE 13 W, JACKSON COUNTY, MISSOURI, RESURVEY OF THE RESURVEY OF LOTS 3, 4, 5, 6, 11, 12, 13 AND 14, RICHWOOD, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, ACCORDING TO THE REPLAT OF LOT 96.

PLAT DESIGNATION
 THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAN, WHICH SUBDIVISION MUST BE RECORDED UNDER THE "PROMISE PLACE".

BOUNDARY SURVEY
 THE BOUNDARY SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE MISSOURI PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT AND THE MISSOURI DEPARTMENT OF REVENUE, CHAPTER 193, R.S.M.O. AND THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT AND THE MISSOURI DEPARTMENT OF REVENUE, CHAPTER 193, R.S.M.O. AND THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT AND THE MISSOURI DEPARTMENT OF REVENUE, CHAPTER 193, R.S.M.O.

FLOOD ZONE DESIGNATION
 THIS AREA IS SHOWN AS FLOOD ZONE X, ONE OF MINOR RISK HAZARD, PER FEMA NATIONAL FLOOD INSURANCE PROGRAM MAP NUMBER 22090C0260, EFFECTIVE DATE JANUARY 20, 2017.

BASE OF BEARING
 THE BASE OF BEARING FOR THIS SUBDIVISION IS THE MISSOURI STATE PLANE, WEST ZONE, NAD 83.

STATION	BEARING	DISTANCE	NORTHING	EASTING
1	N02°37'12"E	127.531	124303.414	84503.443
2	S87°12'27"E	31.831	31810.027	84540.844
3	N02°37'12"E	127.531	31810.027	84512.455
4	N87°02'05"W	275.000	31833.449	84511.152
5	N02°37'12"E	83.822	31837.614	84533.443

All bearings and coordinates shown are based on the Missouri State plane and System, NAD 83, West Zone, with a combined grid factor of 0.999994. All distances are in feet, decimals, and all distances and coordinates are in meters.

In testimony whereof, Verico Group, has caused these presents to be signed by Scott Stanley, Senior Project Manager, this _____ day of _____, 2022.

By: Scott Stanley
 Senior Project Manager

STATE OF _____
 COUNTY OF _____

BE IT REMEMBERED that on the _____ day of _____, 2022, before me, the undersigned, a notary public in and for the County and State aforesaid, Scott Stanley, Senior Project Manager, in me personally known, who being by me duly sworn, did say that he is the Manager of Verico Group, a Missouri company, and that said instrument was signed on behalf of said corporation and that Scott Stanley, Senior Project Manager, acknowledged said instrument to be the free act and deed of said corporation.

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

My commission expires: Notary Public

CITY PLAN COMMISSION
 Approved: _____
 Mayor: _____
 City Clerk: _____

COUNCIL
 This is to certify that the within plat was duly submitted to and approved by the Council of Kansas City, Missouri, by Ordinance Number _____, dated _____, 2022.

SURVEYOR'S CERTIFICATE
 I hereby certify that the plat of "PROMISE PLACE" is based on an actual survey made by me or under my direct supervision in accordance with the Missouri Professional Engineers and Land Surveyors Act and the Missouri Department of Revenue, Chapter 193, R.S.M.O. and the survey was made in accordance with the Missouri Professional Engineers and Land Surveyors Act and the Missouri Department of Revenue, Chapter 193, R.S.M.O. and the survey was made in accordance with the Missouri Professional Engineers and Land Surveyors Act and the Missouri Department of Revenue, Chapter 193, R.S.M.O.

06/24/2022
 Date

S. M. P.
 Surveyor
 Missouri P.E. No. 233300041
 Missouri Engineering



ANDERSON ENGINEERING
 MISSOURI PROFESSIONAL ENGINEERS & LAND SURVEYORS
 EMPLOYEE OWNED

1000 N. HANCOCK, SUITE 100
 KANSAS CITY, MISSOURI 64108
 PHONE: 816.432.1100
 FAX: 816.432.1101
 WWW.ANDERSONENGINEERING.COM

DRAWING INFO:
 SHEET NO. _____
 DRAWN BY: JAS
 CHECKED BY: JAS
 LICENSE NO.: 201300041
 EXPIRES: 12/31/2022
 JOB NUMBER: 22030004
 DATE: 06/24/2022
 FILE NO.: _____

REVISIONS:
 NO. _____
 DATE _____
 DESCRIPTION _____

THE VERICO GROUP
 SPRINGFIELD, MO 65803
 FINAL PLAT
 PROMISE PLACE
 KANSAS CITY, JACKSON COUNTY, MISSOURI

MISSOURI PROFESSIONAL ENGINEERS & LAND SURVEYORS
 STATE OF MISSOURI
 JUNE 24, 2022

SHEET NUMBER
 1 OF 1



File #: 220940

ORDINANCE NO. 220940

Sponsor: Director of City Planning and Development Department

Rezoning an area of 1.4 acres generally located at 2001 Walnut Street from District DX-15 to District UR and approving a UR development plan for 246 residential units. (CD-CPC-2022-00143)

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 80-20A-1360 rezoning an area of 1.4 acres generally located at 2001 Walnut Street from District DX-15 (Downtown Mixed-Use dash 15) to District UR (Urban Redevelopment) said section to read as follows:

Section 80-20A-1360. That an area legally described as:

A tract of land being Lot 2 of Mylan Plat, and Lots 65 to 71 of Union Station Addition, Northwest 1/4, Section 8, Township 50 North, Range 33 West, City of Kansas City, Jackson County, Missouri

is hereby rezoned from DX-15 (Downtown Mixed-Use dash 15) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 80-20A-1360, which is attached hereto and made a part hereof, and which is hereby adopted as 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 is hereby approved, subject to the following conditions:

1. 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.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to 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 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.
5. The developer shall secure approval of a UR final plan from the Development Management Division staff prior to a building permit.
6. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, by making application under said code for submitting and recording a lot consolidation plat or replatting the property in accordance therewith.
7. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the disturbance area to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
8. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
9. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage to a tie-in point with the existing sidewalks and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
10. Any proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by Public Works staff during the plan review process.
11. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site

disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

12. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
13. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
14. 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)
15. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
16. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1) and (NFPA1221)
17. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way
18. The developer is 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 (2022) acquisition rate of (\$64,220.18) per acre. If dedicating private open space, said space shall be platted into a private open space tract. This requirement shall be satisfied prior to final plat or a certificate of occupancy, whichever occurs first.
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. When an existing building is being renovated, is being changed in use or occupancy, or is undergoing a building addition, and the existing water service line(s) will be reused, the water service line(s) and related appurtenances shall meet the most current version of Kansas City Water rules and regulations.
22. No water service line will be less than 1-1/2" in diameter where three or more units or a commercial building will be served by one domestic service line and meter.
23. The developer shall submit fire hydrant drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. Fire hydrants at 300' max. spacing.

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 hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

...end

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

220940

Ordinance Fact Sheet

Ordinance Number

Case No. (CD-CPC-2022-00143)

Brief Title

A request to approve a rezoning to UR district to allow for a mixed use multi family development with amenities and structured parking on about 1.4 acres generally located at 2001 Walnut Street. (CD-CPC-2022-00143)

Details

Location: Generally located at 2001 Walnut St.

Reason for Legislation: Rezoning and Development Plans must be approved by City Council.

See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- Condition No. 4 regarding the revision to the landscape requirements was satisfied prior to ordinance request.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP Director Department of City Planning & Development
Programs, Departments or Groups Affected	4 th (Shields and Bunch)
Applicants / Proponents	Applicant Matthew Baumann Hoefer Welker City Department City Planning & Development Other
Opponents	Groups or Individuals None Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 5-0 By Allender, Crawl, Hill, Rojas, Sadowski <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

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Fact Sheet Prepared By: **Date:** 10-17-2022

Larisa Chambi
Planner

Reviewed By: **Date:** 10-17-2022

Joseph Rexwinkle

Initial Application Filed: 07-29-2022

City Plan Commission Action: 10-04-2022

Revised Plans Filed: 10-13-2022

On Schedule: Yes

Off Schedule Reason: The application was on schedule for City Plan Commission, the applicant needed to submit updated plans prior to ordinance request.

Reference Numbers:

Case No. CD-CPC-2022-00143



File #: 220941

ORDINANCE NO. 220941

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 1.75 acres in an area generally bordered by the Missouri River on the north and west, I-29 on the east, and railroad tracks on the south from District MPD to MPD and approving an MPD preliminary development plan. (CD-CPC-2022-00169)

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 80-20A-1362 rezoning an area of about 1.75 acres in an area generally bordered by the Missouri River on the north and west, I-29 on the east, and railroad tracks on the south from District MPD (Master Planned Development) to District MPD (Master Planned Development), said section to read as follows:

Section 80-20A-1362. That an area legally described as:

A tract of land generally located in the Northwest Fractional Quarter of Section 33, Township 50, Range 33, in the City of Kansas City, Jackson County, Missouri, being described as follows: Commencing at the northeast corner of the Northeast Quarter of Section 33; thence South 02°28'37" West, along the east line of said Quarter Section, 164.68 feet; thence North 87°31'23" West, 4135.52 feet to the point of beginning, being on the west right-of-way line of Highways I-29, I-35 and US-71 at 75 feet left of Centerline Station 82+00; thence South 19°38'45" East, 55.06 feet; thence South 06°01'32" East, 280.61 feet; thence South 08°15'50" West, 263.55 feet to the easterly prolongation of the southerly line of Tract #13-3-E4-0630 described by Document No. 2011-E-0000912; thence South 74°41'16" West, along the easterly prolongation of said southerly line, 75.83 feet, to the southerly prolongation of the west line of Tract #1A described by Document No. 2008-E-0041023; thence North 00°11'29" East, along the west line of said tract of land and the southerly prolongation thereof, 201.18 feet; thence North 05°25'58" West, continuing along the west line of said Tract #1A, 377.05 feet to the northwest corner thereof; thence North 70°14'41" East, along the northerly line of said Tract #1A and the easterly prolongation thereof 104.21 feet, to the point of beginning, containing 61,257 square feet or 1.406 acres more or less.

Also, all Abutters' rights of direct access between the highway now known as Berkley Parkway, and the grantors' abutting land in said Northwest Fractional Quarter of Section 33, Township 50, Range 33.

Section B. That a development plan is hereby approved, subject to the following conditions:

1. Ordinance No. 200550, including all conditions provided therein, shall remain in full force and effect.
2. All conditions of the approval of CD-AA-2022-00088 shall remain in full force and effect.

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

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

..end

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

220941

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2022-00169

Brief Title

Rezoning an area of about 1.75 acres in an area generally bordered by the Missouri River on the north and west, I-29 on the east, and railroad tracks on the south from MPD (Master Planned Development) to MPD approving a MPD preliminary development plan (CD-CPC-2022-00169).

Details

<p>Location: Berkley Riverfront Master Planned Development</p>
<p>Reason for Legislation: Approval of a rezoning to MPD development plan to expand the district boundary requires City Council approval</p>
<p>See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.</p> <p>See attached City Plan Commission Disposition Letter for the Commission’s recommended conditions (if any).</p> <p>SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:</p>

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	4 th District (Shields, Bunch)
Applicants / Proponents	<p>Applicant Krishan Purvis Port KC</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals N/A</p> <p>Basis of Opposition N/A</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>City Plan Commission (8-0) (10-18-2022)</p> <p>By (Allender, Baker, Beasley, Crawl, Enders, Hill, Rojas, Sadowski)</p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
Council Committee Actions	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

Fact Sheet Prepared By: Andrew Clarke Staff Planner	Date: 10/20/2022		
Reviewed By: Joseph Rexwinkle Division Manager	Date: 10/24/2022	Initial Application Filed: City Plan Commission	09-20-2022 10-18-2022
		Action:	Approval with conditions
		Revised Plans Filed:	N/A
		On Schedule:	Yes
		Off Schedule Reason:	
Reference Numbers: Case No. CD-CPC-2022-00169			



File #: 220949

ORDINANCE NO. 220949

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 360 acres generally located at the northeast corner of Highway 169 and I-435 from Districts R-6, R-2.5, R-1.5, and B3-2 to District MPD, and approving a development plan that also serves as a preliminary plat to allow for the construction of a data center campus. (CD-CPC-2022-00058).

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 80-20A-1363 rezoning an area of about 360 acres generally located at the northeast corner of Highway 169 and I-435 from Districts R-6 (Residential dash 6), R-2.5 Residential dash 2.5), R-1.5 (Residential dash 1.5), and B3-2 (Community Business dash 2) to District MPD (Master Planned Development) said section to read as follows:

Section 80-20A-1363. That an area legally described as:

A tract of land in Section 14, Township 52 North, Range 33 West of the Fifth Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 14, said point also being the Southwest corner of the Southeast Quarter of said Section 14; thence North 00°16'12" East, along the East line of said Southwest Quarter and along the West line of said Southeast Quarter, 177.01 feet to a point on the Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974, said point also being the Point of Beginning of the tract of land to be herein described: thence South 74°59'12" West, along said Northerly right of way, 246.81 feet to a point that is 150.00 feet left (Northerly) of Station 71+00 of the centerline of said Interstate Highway No. 435 as established by last said document; thence South 78°54'18" West, along said Northerly right of way line, 438.39 feet to a point that is 150.00 feet left (Northerly) of Station 66+61.61 of said centerline, said point also being 72.00 feet right (Northerly) of Baseline PC Station 0+00 of Ramp No. 5 of said Interstate Highway No. 435 as established by last said document; thence South 84°17'22" West, along said Northerly right of way line, 184.80 feet to a

point that is 70.00 feet right (Northerly) of baseline station 2+00 of said Ramp No. 5; thence North $83^{\circ}23'54''$ West, along said Northerly right of way line, 296.44 feet to a point that is 50.00 feet right (Northerly) of baseline station 5+17.07 of said Ramp No. 5; thence North $60^{\circ}45'28''$ West, along said Northerly right of way line, 171.59 feet to a point on the Easterly right of way line of N Main Street as now established, said point also being on a line that is 20.00 feet East of and parallel with the West line of the East 1/2 of the Southwest Quarter of said Section 14; thence North $00^{\circ}16'30''$ East, along said Easterly right of way line and said parallel line, 2530.64 feet to its intersection with the North line of 124th Street as now established, said point also being on a line that is 20.00 feet North of and parallel with the South line of West 1/2 of the Northwest Quarter of said Section 14; thence North $89^{\circ}17'54''$ West, along said Northerly R/W line and along said parallel line, 19.93 feet to a point on the West line of the Southeast 1/2 of the Northwest Quarter of said Section 14; thence North $00^{\circ}28'33''$ East, along the West line of said Southeast 1/2 of the Northwest Quarter of said Section 14, 1295.81 feet to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 14, said point also being the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14; thence North $00^{\circ}28'33''$ East, along the West line of said Northeast 1/4 of the Northwest Quarter of said Section 14, 1315.81 feet to the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14; thence South $89^{\circ}24'49''$ East along the North line of said Northeast Quarter of the Northwest Quarter of said Section 14, 1312.04 feet to the Northeast corner of the Northwest Quarter of said Section 14, said point also being the Northwest corner of the Northeast Quarter of said Section 14, (known as the North Quarter corner of Section 14); thence South $89^{\circ}26'08''$ East, along the North line of the Northwest Quarter of the Northeast Quarter of said Section 14, 1306.18 feet to the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence South $00^{\circ}18'09''$ West, along the East line of the Northwest Quarter of the Northeast Quarter, 1314.64 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence South $89^{\circ}32'43''$ East, along the North line of the Southeast Quarter of the Northeast Quarter of said Section 14, 724.89 feet to its intersection with the Westerly line of the abandoned right of way line of the Quincy, Omaha and Kansas City Railroad (aka Kansas City and Texas Railroad); thence South $02^{\circ}43'43''$ East, along said Westerly right of way line, 975.00 feet to a jog in said Westerly right of way line; thence North $87^{\circ}16'17''$ East, along said Westerly right of way line, 25.00 feet; thence Southerly along said Westerly right of way line, along a curve to the right having an initial tangent bearing of South $02^{\circ}43'43''$ East with a radius of 1860.00 feet, a central angle of $15^{\circ}00'00''$ and an arc distance of 486.95 feet; thence South $12^{\circ}16'17''$ West, along said Westerly right of way line, 1195.40 feet to a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 14, (said line also being the South line of the Northeast Quarter of the Southeast Quarter of said Section 14); thence South $89^{\circ}37'01''$ East, along last said North (and South) line, 51.10 feet to a point on the centerline of said abandoned right of way line of the Quincy, Omaha and Kansas City Railroad, said line also being the Westerly line of a tract

of land described in Missouri Warranty Deed recorded March 25, 2005 as Document No. 2005012849, in Book 4945 at Page 28; thence South 12°16'17" West, along said centerline and along said Westerly deed line, 1019.98 feet to a point on the aforesaid Northerly right of way line of Interstate Highway No. 435 as established by the Report of Commissioners Case 45824, as Document D4396, in Book 1165 at Page 838, recorded September 5, 1974; said point being 165.00 feet left of Station 89+86.05 (Deed= 89+87.25 per Book 4945, Page 28) of said Interstate Highway 435 centerline; thence North 89°06'44" West, along said Northerly right of way line, 443.40 feet to a point that is 165.00 feet left (Northerly) of Station 85+42.69 of said centerline; thence South 87°43'46" West, along said Northerly right of way line, 406.52 feet to a point that is 160 feet left (Northerly) of Station 81+50 of said centerline; thence South 81°27'51" West, along said Northerly right of way line, 584.78 feet to a point that is 150.00 feet left (Northerly) of PC Station 75+84.06 of said centerline; thence North 89°14'18" West, along said Northerly right of way line, 121.66 feet to a point that is 175.00 feet left (Northerly) of Station 74+65 of said centerline; thence South 74°59'12" West, along said Northerly right of way line, 119.05 feet to the Point of Beginning. Containing a gross area of 15,632,767 square feet or 358.879 acres, more or less.

Except an undefined tract situated in the Southwest Quarter of the Northeast Quarter of Section 14, Township 52 North, Range 33 West for a cemetery as referenced in the Deed recorded March 13, 1896 in Book 106 at page 149 which excepts a 1/4 acre graveyard in said Southwest Quarter of the Northeast Quarter. This 1/4 acre graveyard tract contains 10890 square feet of 0.25 Acres more or less.

The net acreage of the tract now containing 15,621,877 square feet or 358.629 acres, more or less.

is hereby rezoned from Districts R-6 (Residential dash 6), R-2.5 Residential dash 2.5), R-1.5 (Residential dash 1.5), and B3-2 (Community Business dash 2) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1363, which is attached hereto and made a part hereof, and which is hereby adopted as 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 is hereby approved, subject to the following conditions:

1. The developer shall secure approval of an MPD final plan for each building pair, or a maximum of three building pairs, from the City Plan Commission prior to a building permit.
2. Detailed landscaping plans shall be reviewed at the time of MPD final plan submittal.

3. 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.
4. 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.
5. Spillover light onto adjacent residential properties shall not exceed 0.186 foot-candle.
6. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
7. The developer shall include in the preliminary stream buffer plan, in accordance with 88-415-07-D-2k of the stream buffer ordinance, the location of proposed clearing and grading in the outer zone to be reviewed for approval prior to issuance of any building permits and prior to removal of any mature riparian species within the stream buffer zones.
8. The developer shall show in the preliminary stream buffer plan that no unapproved activities, in accordance with 88-415-05-A, are planned in the streamside zone and shall submit the proposed updated stream locations based on approved City geographic information system mapping, City-approved mapping from state and federal agencies, or field delineated, marked, and surveyed stream locations.
9. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.
10. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.

11. 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.
12. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks. Any deviations from the City standards must be approved by the Transportation and Development Committee and the Public Works Department.
13. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
14. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
15. The developer shall grant on City approved forms, a stream buffer easement to the City or as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
16. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
17. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
18. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
19. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

20. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
21. 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.
22. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
23. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
24. 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)
25. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
26. 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 a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
27. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
28. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1) and (NFPA1221)

29. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided (IFC-2018 § 503.6) or there shall be 24/7 through a guard shack that is manned.
30. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads shall be 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).
31. The developer shall install street trees along all abutting public rights of way in accordance with 88-425.
32. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
33. The developer shall work with MoDOT to receive acceptance of the project traffic impact study. The developer shall also construct all improvements required by the traffic study that have been approved by MoDOT. The developer shall work with MoDOT to receive all necessary permits for this work. Any construction shall be completed prior to any certificate of occupancy.
34. In regard to the proposed bridge/culvert over the FEMA floodplain, no change in grade within the floodway is allowed without providing hydraulic modeling and either: (a) demonstrating and certifying no rise in base flood elevations occurs or (b) obtaining CLOMR determination from FEMA prior to construction. If no work is proposed within the floodway, add a note to the plans to indicate no change in grade (especially no fill placement) shall occur within the floodway; otherwise, provide additional documentation in support of no rise certification or CLOMR.
35. A floodplain certificate shall be required if building in the floodplain.
36. The developer shall include the dimension of the streamside zone when the final stream buffer plan is submitted.
37. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
38. 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.
39. 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.

40. A full flow fire meter will be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
41. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.
42. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

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 hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

..end

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/REZONING

220949

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2022-00058

Brief Title

A request to approve a Rezoning to UR/MPD and development plan that also serves as a preliminary plat to allow for the construction of a data center campus on about 360 acres generally located at the northeast corner of HWY 169 and I-435. (CD-CPC-2022-00058)

Details

Location: generally located at the northeast corner of HWY 169 and I-435

Reason for Legislation: Rezoning and development plans requires City Council approval

See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.

See attached City Plan Commission Disposition Letter for the Commission’s recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- Plan Commission voted to modify conditions #1 and #12 and removing #15 at the request of staff and the applicant.
- Condition #1 changed language to allow a maximum of three building pairs to be included in a single MPD Final Plan.
- Condition #12 added language that any future deviations requested to City standards related to constructing public streets must be approved by Transportation and Development Committee and Public Works.
- Condition #15 in the staff report was removed for redundancy about preliminary stream buffer plan requirements.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	2 nd District Loar and Fowler
Applicants / Proponents	Applicant John Michael Handley Diode Ventures City Department City Planning & Development Other
Opponents	Groups or Individuals
	Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 7-0 on 10/18/2022 By Baker, Beasley, Crowl, Enders, Hill, Rojas, Sadowski <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

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	<input type="checkbox"/> Do not pass
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Fact Sheet Prepared By: Genevieve Kohn Planner	Date: 10/20/2022	Initial Application Filed: 4/15/2022
Reviewed By: Joe Rexwinkle Division Manager	Date: 10/20/2022	City Plan Commission Action: 10/18/2022
		Revised Plans Filed: 10/2/2022
		On Schedule: No
		Off Schedule Reason: The proposed development underwent extensive site plan redesigning after the first review following Cycle K. Once the current version was submitted, the project followed Cycle T and remained on the new schedule.
Reference Numbers: CD-CPC-2022-00058		



File #: 220950

ORDINANCE NO. 220950

Sponsor: Director of the City Planning and Development Department

Rezoning an area of about 20.4 acres generally located at 9100 Old Santa Fe Road from UR (Urban Redevelopment) to District UR and approving a UR development plan and preliminary plat for 252 residential units. (CD-CPC-2022-00161).

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 80-20A-1361 rezoning an area of about 20.4 acres located at 9100 Old Santa Fe Road from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), said section to read as follows:

Section 80-20A-1361. That an area legally described as:

All of the Northwest Quarter of the Northeast Quarter of Section 25, Township 48, Range 33, in Kansas City, Jackson County, Missouri, lying East of the East right of way line of the Kansas City Southern Railroad, EXCEPT that part taken for public right of way, and except all that part of Lot 1, "Subdivision of Secrest Estate", a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the intersection of the South line of the Northwest Quarter of the Northeast Quarter of Section 25, Township 48, Range 33 (also being the South line of said Lot 1) with the Northerly prolongation of the East line of Newton Drive, as dedicated by the subdivision plat of "Camelot Courts"; thence Westerly along the South line of said Quarter Quarter Section 245.35 feet, more or less, to the East line of the Kansas City Southern Railway; thence Northerly along the East line of said railway to its intersection with a line drawn 45.0 feet North of and parallel to the South line of the aforesaid Quarter Quarter Section; thence Easterly along said parallel line to its intersection with the Northerly prolongation of the East line of the aforesaid Newton Drive; thence Southerly along said prolongation to the point of beginning. This tract also being a part of Lot 1, a Subdivision of Secrest Estate.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 80-20A-1361, which is

attached hereto and made a part hereof, and which is hereby adopted as 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 is hereby approved, subject to the following conditions:

1. 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.
2. All dumpsters, utility and mechanical equipment shall be screened pursuant to 88-425-08.
3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
4. 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.
5. The developer shall construct half street improvements that meet City standards and requirements along East 93rd Street and Old Santa Fe Road.
6. The developer shall secure approval of a UR final plan from the Development Management Division staff prior to a building permit.
7. The applicant shall work with the Development Management staff to replace the proposed vertical 2x6 vinyl board with a higher quality building material prior to approval of the UR final plan.
8. A lighting plan that complies with 88-430 shall be submitted with the UR final plan prior to receiving any building permits.
9. The applicant shall resolve Kansas City Water's correction pertaining to the preliminary steam buffer plan prior to receiving any building permits.
10. The applicant shall resolve Kansas City Water's correction pertaining to the labeling of public and private water mains on the utility plan prior to receiving any building permits.

11. The developer shall include fence material and height on a revised landscape plan before receiving any building permits.
12. The developer shall be granted a waiver, to be listed on the preliminary plat sheet to Section 88-405-10-K, Half Streets.
13. The developer shall coordinate with the Land Development Division, KC Water and the Public Works Department to develop a deferral agreement related to half street improvements prior to the recording of a final plat.
14. The applicant shall incorporate green infrastructure design into the landscape plan and provide a stormwater management feasibility analysis prior to approval of a UR final plan.
15. The developer shall submit a preliminary stream buffer plan prior to approval of the special use /development/rezoning plan in accordance with the Section 88-415 requirements.
16. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
17. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
18. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of a certificate of occupancy.
19. The developer shall grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
20. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.

21. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
22. 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.
23. The developer shall submit a plan for approval and permitting by the Land Development Division prior to beginning construction of the 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.
24. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
25. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
26. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
27. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.

28. 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.
29. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1) and (NFPA1221)
30. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
31. 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)
32. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
33. All required Fire Department access roads shall be an all-weather surface (IFC-2012: § 503.2.3) and Fire Department access roads shall be provided prior to construction/demolition projects begin, (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) and all 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)
34. Multi-family residential developments greater than 200 dwelling units shall have at least two separate and approved fire apparatus access roads. (IFC-2018 § D106.2) There needs to be an access on the west end from 93rd. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2018: § D104.3)
35. 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)
36. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
37. The developer is 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 (2022) acquisition rate of (\$64,220.18) per acre. Should the developer elect to dedicate private open space, said space shall be platted into private open space tract(s). This requirement shall be satisfied prior to recording the final plat or a certificate of occupancy, whichever comes first.

38. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 identifying trees to remain for approval by the Parks and Recreation Department's Forestry Division prior to a building permit.
39. The developer shall grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
40. A full flow fire meter will be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
41. No water service line will be less than 1-1/2" in diameter where three or more units or a commercial building will be served by one domestic service line and meter.
42. 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.
43. 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.
44. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
45. The developer shall submit water main extension plans prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts of all proposed public main extensions per the Kansas City Water rules and regulations for water main extensions and relocations.

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

Section C. That the Council finds and declares that before taking any action on the

proposed amendment hereinabove, all public notices and hearings required by the Zoning Ordinance have been given and had.

..end

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

220950

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2022-00161

Brief Title

Rezoning an area of about 20.4 acres generally located at 9100 Old Santa Fe Road from UR (Urban Redevelopment) to UR and approving a UR development plan and preliminary plat for 252 residential units (CD-CPC-2022-00161).

Details

Location: 9100 Old Santa Fe Road

Reason for Legislation: Approval of a rezoning to UR development plan requires City Council approval

See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- Staff has requested a committee sub to amend condition #13 to state:
The developer shall coordinate with the Land Development Division, KC Water and Public Works to develop a deferral agreement related to half street improvements prior to the recording of a final plat.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	5 th District (Barnes, Parks-Shaw)
Applicants / Proponents	Applicant Emma McClung Kittle Property Group
	City Department City Planning & Development Other
Opponents	Groups or Individuals N/A
	Basis of Opposition N/A
Staff Recommendation	<input checked="" type="checkbox"/> For
	<input type="checkbox"/> Against
	Reason Against
Board or Commission Recommendation	City Plan Commission (8-0) (10-18-2022) By (Allender, Baker, Beasley, Crowl, Enders, Hill, Rojas, Sadowski)
	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass
	<input type="checkbox"/> Do Pass (as amended)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass

Fact Sheet Prepared By: **Date:**
10/20/2022

Andrew Clarke
Staff Planner

Reviewed By: **Date:**
10/24/2022

Joseph Rexwinkle
Division Manager

Initial Application Filed: 08-29-2022
City Plan Commission 10-18-2022
Action: Approval with conditions
Revised Plans Filed: N/A
On Schedule: Yes
Off Schedule Reason:

Reference Numbers:
Case No. CD-CPC-2022-00161



File #: 220961

ORDINANCE NO. 220961

Sponsor: Mayor Quinton Lucas

Amending Chapter 88, Code of Ordinances, by enacting new Sections 88-424-01 through 88-424-11, Tree Preservation and Protection; and amending Section 88-810 by adding and inserting definitions applicable to this new code section.

WHEREAS, this purpose of this legislation is to support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree canopy on a site, considering the anticipated use and level of development; and

WHEREAS, the intent of this ordinance is to preserve and advance the aesthetic, economic, and environmental benefits of the urban forest, by protecting trees, and mitigating any unnecessary removal of trees; and

WHEREAS, trees provide multiple benefits such as stormwater management, runoff infiltration and air quality improvement that will take replacement trees decades to match, making them critical to retain; and

WHEREAS, a healthy tree canopy enhances the City’s natural beauty and improves health, safety, and general welfare of Kansas City residents; and

WHEREAS, to further the intent of this ordinance is to preserve and enhance the City’s tree canopy cover; and ensure that certain criteria are followed including the Urban Forest Master Plan, adopted by City Council Resolution No. 200143 on May 21, 2020, established a goal of 35 percent canopy cover for the City and this is affirmed by Kansas City’s Climate Protection and Resiliency Plan.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending Chapter 88, Code of Ordinances, by enacting new sections 88-424-01 through 88-424-11, Tree Preservation and Protection to read as follows:

88-424. TREE PRESERVATION AND PROTECTION

88-424-01. SCOPE AND PURPOSE

The intent of this section is to preserve and advance the aesthetic, economic, and environmental benefits of a high-quality urban forest, by protecting trees and mitigating any

unnecessary removal of trees. Trees provide multiple benefits such as stormwater management, runoff infiltration, and air quality improvement that will take replacement trees decades to match, making them critical to retain. Further, a healthy tree canopy cover enhances the city's natural beauty and improves health, safety, and general welfare of Kansas City residents.

To further the intent of this section is to preserve and enhance the city's tree canopy cover and ensure that certain criteria are followed including the Urban Forest Master Plan, adopted by City Council Resolution No. 200143 on May 21, 2020, established a goal of 35 percent tree canopy cover for the city. This is affirmed by Kansas City's Climate Protection and Resiliency Plan. This section furthers other proposed and city council approved plans such as the Climate Protection and Resiliency Plan, the IBC Energy Code, the Urban Forest Master Plan, and the proposed KC Spirit Playbook.

This section sets forth regulations for the preservation, protection, planting, maintenance, and removal of trees within the city, to accomplish the following objectives:

88-424-01-A. Preserve character of Kansas City's existing tree canopy cover by preventing indiscriminate removal or destruction of trees.

88-424-01- B. Acknowledge the environmental benefits of and site design that retains existing tree canopy cover and requires additional landscaping during development.

88-424-01-C. Retain protected trees and limit unnecessary removal prior to and during development by establishing tree protection measures during development.

88-424-01-D. Allow mitigation or payment to the Capital Improvement Sales Tax Fund-Tree Planting appropriation pursuant to 88-424-02 while emphasizing the difficulty in replacing trees.

88-424-01-E. Support ecosystem services and natural environments, protect riparian banks and beds to prevent erosion and sedimentation, filter and control stormwater, reduce carbon sequestration, and improve energy conservation through canopy shade.

88-424-01-F. Encourage walking and activities and enable activity in neighborhoods to provide "eyes on the street" to assist with crime mitigation.

88-424-01-G. Enhance transition to and enable compatibility between varying land uses, buffer noise, and provide visual screening.

88-424-01-H. Protect and enhance property values, maintain investment by the private sector and the city, further stimulate economic activity, and encourage beautification.

88-424-02. APPLICABILITY

Requirements of this section are applicable to requests for the following permits and approvals in conjunction with land disturbance and development, as follows:

88-424-02-A. Any permit for land/site disturbance, including utility plans, which involves clearing, cutting, grubbing, or grading on one acre or more. No permit shall be issued prior to approval of the tree preservation and protection plan and certification by a licensed professional landscape architect registered in the State of Missouri stating that tree protection measures have been implemented on the site.

88-424-02-B. Development of property requiring development plan (including UR, MPD, and Major Amendments), project plan, minor amendment, special use permit, preliminary plat, or final plat approval, as defined in this chapter.

88-424-02-C. Application for building permit (site plan approval, pursuant to 88-530) disturbing more than 10,000 square feet. of property but not requiring a development plan, project plan, preliminary plat, or final plat approval, unless a tree preservation and protection plan has been approved for a larger area that includes the subject site.

88-424-02-D. *This section does not supersede, and shall be implemented in accordance with, other provisions of this chapter including 88-415, Stream Buffers, and 88-425, Landscaping.*

88-424-03 EXEMPTIONS

88-424-03-A. Application for building permit for a single family detached house on a previously platted lot.

88-424-03-B. Projects not listed in 88-424-02.

88-424-03-C. Projects in which no tree canopy cover will be impacted or removed, certified by a statement submitted by a licensed professional landscape architect registered in the State of Missouri. The statement shall be placed on required plans and plats.

88-424-03-D. City capital improvement projects which are subject to provisions of (Administrative Regulation) AR 5-7.

88-424-03-E. Emergency repairs performed by the city to repair infrastructure, alleviate flooding, or as otherwise determined.

88-424-03-F. Emergency tree removal due to storm damage, accidental causes, or to ensure public safety when pruning is impractical, as determined by the city forester.

88-424-03-G. Tree removal on properties owned by the Kansas City Aviation Department, where such removal is required by Federal Aviation Administration or Transportation Security Administration regulations.

88-424-03-H. Pruning or removal by public utilities of trees that encroach upon electric, telephone, or cable television transmission lines, or gas, sewer, or water pipes; as specified by Federal or State regulations, or by agreements with the City.

88-424-03-I. Orchards, nurseries, or tree farms, where product is removed for sale and replaced, unless such use is ceased for future development.

88-424-03-J. Owners and occupants of premises containing a dwelling structure, performing regular maintenance and cultivation of trees on the premises as required by 48-29 and 48-30 of the Kansas City Code of Ordinances.

88-424-03-K. Owners and occupants of non-residential premises performing regular maintenance and cultivation of trees on the premises as required by 56-433 of the Kansas City Code of Ordinances.

88-424-04. PROTECTED TREE CANOPY COVER

Tree canopy cover within the following areas shall be preserved and protected. However, if proposed development of the property cannot be designed to allow preservation of all or portions of the existing tree canopy cover, mitigation pursuant to 88-424-05 shall be required.

88-424-04-A. Buffer Areas

Buffer areas are positioned around the perimeter of the development, except for that portion of the property adjacent to right-of-way, along which no buffer area is required. The width of the buffer area varies according to adjacency or non-adjacency to residential. Buffer area that is:

1. Adjacent to land that is residentially zoned, or intended for residential use pursuant to the city's comprehensive plan. Buffer area width shall be shown as 30 feet, encompassing all trees with trunks located within 30 feet of the property line.
2. Not adjacent to residential land, as defined above. Buffer area width shall be shown as 20 feet, encompassing all trees with trunks located within 20 feet of the property line.

88-424-04-B. Remainder of Site

All trees that are within a tree canopy cover area and that are located upon that portion of the site that is not within a buffer area as defined above.

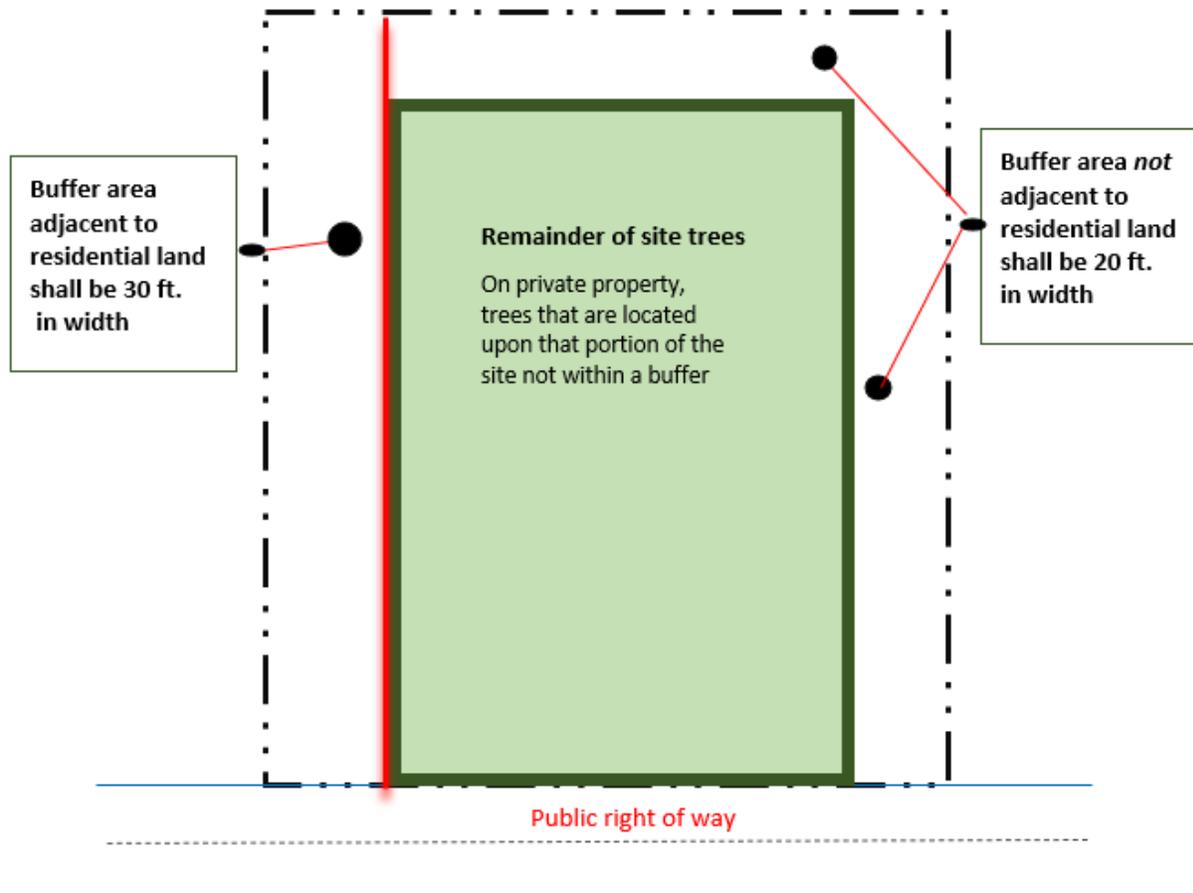


Diagram 1

88-424-05. MITIGATION

1. Mitigation may be achieved either through on-site planting of trees at the rate specified in 88-424-07, Table 1, Mitigation Rate for Trees Removed, or by payment to the Capital Improvement Sales Tax Fund-Tree Planting appropriation at a rate determined by the city forester.
2. Trees to be planted to meet mitigation requirements shall be those species native to the region or native cultivars, when available, or selected from the city’s list of approved tree species. Species selection shall be based upon the amount of space available for proper growth on the site and provide desired diversity. Trees shall be planted in areas of the site where they will achieve the highest environmental benefits of tree canopy cover.

88-424-06 TREE PRESERVATION AND PROTECTION PLAN REQUIRED

88-424-06-A. Plan Preparation

The plan must be prepared by a licensed professional landscape architect registered in the State of Missouri. The two plans required – the Existing Conditions Tree Plan and the Tree Preservation and Mitigation Plan – may be combined.

88-424-06-B. Plan Content for Existing Conditions Tree Plan

The plan shall portray and denote areas of existing tree canopy cover, specifically:

1. Cloud showing all existing tree canopy of one acre or greater and with canopy closure of 20 percent or greater.
2. Tree canopy cover located within buffer areas as described in 88-424-04.
3. Tree canopy cover located upon the remainder of the site, meaning that portion of the site that is not within a buffer area as described in 88-424-04.
4. Trees within right-of-way adjacent to the property's frontage.
5. Any additional information as required by the city planning and development department director.

88-424-06-C. Plan Content for Tree Preservation and Mitigation Plan

The plan shall include information as required above, with additional information regarding mitigation (if mitigation is required):

1. Site layout, with required buffer areas and remainder of site identified.
2. Areas of existing tree canopy cover to remain.
3. Areas of existing tree canopy cover to be removed, with the following denoted:
 - a. Crown closure percentage category, with acreage to one decimal point denoted for each category, pursuant to 88-424-07, Table 1.
 - b. Tree canopy cover areas that span buffer areas and remainder of site shall be separated into subareas for purposes of calculating required mitigation.
4. Note stating that no mitigation shall be required if all trees within areas containing tree canopy of one acre or greater and with canopy closure of 20 percent or greater are to remain.
5. Information regarding any required mitigation pursuant to 88-424-07, showing:

- a. location of trees to be replaced; and/or
 - b. chart showing acreage of each crown closure percentage category, with canopy acres removed, and required caliper inches (based upon 88-424-07, Table 1);
 - c. payment to the Capital Improvement Sales Tax Fund-Tree Planting appropriation;
 - d. note stating that all dead and diseased trees within the required buffer shall be removed, if tree canopy cover is to remain within the buffer.
6. Any additional information as required by the city planning and development department director.

88-424-06-D. Tree Preservation and Protection Plan Review Criteria

Staff may consider the following factors and any other relevant information when evaluating a tree preservation and protection plan.

1. The desirability of preserving a tree or group of trees by reason of age, location, size, species, or significance, including native trees.
2. The general health and condition of the tree or group of trees or the presence of any insect, disease, injury, or hazard.
3. Whether the design incorporates the required tree preservation priorities.
4. The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
5. Impact upon endangered plants and animals.
6. The impact of the reduction in tree cover on adjacent properties, surrounding neighborhoods, the property on which the tree or group of trees is located, and adjacent right of way.
7. Whether alternative construction methods are proposed to reduce the impact of development on existing trees.
8. The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
9. The effects of proposed mitigation involving planting of replacement trees.

10. Compliance with other chapters of the Kansas City Code of Ordinances and adopted city plans and policies.
11. The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
12. Any relationships or impacts to other projects or development.

88-424-07 MITIGATION RATES FOR TREES REMOVED

The following mitigation rates are applicable only to tree canopy cover areas removed from the remainder of site (site that is not within the buffer areas). For trees removed from buffer areas, as shown on the plan, rates will be two times the caliper inches required in this table.

Crown Closure % Categories	Multiplier x 300 Trees per Acre*	Caliper Inches Required per each Canopy Acre Removed
81-100%	1.0	300
61-80%	0.7	210
41-60%	0.5	150
20-40%	0.3	90

Table 1

Note: Caliper inches of mitigation trees planted shall count toward caliper inches required. For example, a two-inch caliper tree planted suffices for two caliper inches required.

88-424-08. COMPLIANCE WITH TREE PRESERVATION AND PROTECTION PLAN

Prior to the issuance of a final certificate of occupancy, all trees shown on the approved mitigation and landscape plans must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.

88-424-09. TREE PROTECTION MEASURES AND PROHIBITIONS

A preliminary site inspection followed by periodic inspections will be conducted by the city to ensure compliance with the tree preservation and protection plan.

88-424-09-A. Tree Protection Measures

All trees to remain, per the approved tree preservation and protection plan, shall be protected during construction by fencing and barriers as shown on the approved tree preservation and protection plan and on construction documents. All measures shall be erected and in place prior to commencement of any land disturbance, demolition, or construction activity. Protective/temporary fencing shall be required for all

protected trees to remain to prevent infringement on the root system from any construction-related activities.

- 1. The protective fencing shall be installed at the dripline of the tree or 1' for every 1" diameter at breast height away from the trunk, whichever is greater.*
- 2. The fencing shall remain in place until all other construction-related activity has been completed or final grade achieved and until final landscaping has been completed.*

88-424-09-B. Prohibited Activities

The following activities are prohibited within the protective fencing area:

1. Storage of materials for construction.
2. Collection of waste accumulated due to excavation, demolition, or construction activities.
3. Cleaning of equipment or depositing materials or liquids, including but not limited to paint, solvents, asphalt, concrete, or mortar.
4. Attachment of signs, wires, nails, or similar materials to a protected tree.
5. Vehicular and construction equipment traffic or parking.
6. Grade changes, including filling or excavating or other land disturbance;
7. Soil compaction within the drip line of the area resulting from vehicular traffic or storage of equipment.

88-424-09-C. Additional Measures

Other protective measures may be required, based upon the individual characteristics of the site and the proposed construction methods.

88-424-10. Payment in Lieu of Planting Trees as Required with Mitigation

88-424-10-A Notwithstanding anything contained in 88-424, the developer may elect, at any time before approval of the preliminary plat by the development review committee or the city plan commission, to pay money to the tree planting fund in lieu of planting trees as required with mitigation.

88-424-10-B Calculation of Tree Mitigation Requirements as shown in Table 88-424-07, as follows:

1. The payment for trees removed is based upon the number of tree caliper inches required multiplied by the average cost per caliper inch replacement trees, including planting and maintenance, per acre of canopy cover removed.
2. The tree replacement cost per caliper inch is established by wholesale tree prices and the average costs of current tree planting contract rates, and will include all costs for materials, labor, maintenance, and warranty.
3. The average tree replacement cost per caliper inch will be reviewed annually, or as determined necessary, by the city forester and adjusted accordingly.

88-424-11. Capital Improvement Sales Tax Fund-Tree Planting Appropriation

88-424-11-A. Purpose. The purpose of the Capital Improvement Sales Tax Fund-Tree Planting appropriation is to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree mitigation standards are not met on a particular development site, and to advance the City's goals for the urban forest and intend to achieve equitable distribution of tree-related benefits across the City.

88-424-11-B. Expenditures. Money in the Capital Improvement Sales Tax Fund-Tree Planting appropriation may be used only as follows:

1. To plant trees and maintain newly established trees on public property, including within street right of ways. Planting trees includes the cost of materials and labor necessary to install and maintain a tree during the warranty period.
2. Expenditures may include but are not limited to labor, materials, administration, education and outreach for both City staff and contracted services.

88-424-11-C. Contributions. Contributions to the Capital Improvement Sales Tax Fund-Tree Planting appropriation may occur through a number of means, including:

1. Payment made in lieu of tree mitigation as part of a permit issued as stated in Section 88-424-10;
2. Payment made in lieu of preservation or planting where site or street characteristics or development requirements make it infeasible to meet the requirements of 88-424;
3. Payment of restoration fees for enforcement actions for trees; and
4. Voluntary contributions.

88-424-11-D. Administration of the Capital Improvement Sales Tax Fund-Tree Planting Appropriation. The Tree Planting appropriation is under the requisitioning authority and administered by the Director of Parks and Recreation and shall be maintained in a dedicated separate account and is independent of the general fund. Any balance in the

Capital Improvement Sales Tax Fund-Tree Planting appropriation will be carried forward into subsequent fiscal years.

Section 2. Amending Section 88-810, Definitions, by adding and inserting definitions applicable to the new code section set forth in Section 1 as follows:

88-810. DEFINITIONS

88-810-275. CANOPY

The combined crowns of all trees on a tract of land.

88-810-351. COMPACTION

The densification of a fill by mechanical means.

88-810-401. CROWN CLOSURE

The ground area covered by the vertically projected crowns of the tree cover upon the ground; and amount of shading provided by the tree canopy over land.

88-810-431. CUTTING

Chopping, shearing, or shredding a tree, beyond removal of the crown, often performed with the intent of destroying the tree to remove roosting habitat of certain species in advance of development. Does not include trimming or pruning.

88-810-513. DIAMETER BREAST HEIGHT (DBH)

The diameter of a tree measured at a point 4.5 feet above the ground. If a tree splits into multi-trunks, the trunk is measured at its narrowest point below the split.

88-810-523. DRIP LINE

The area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outermost tips of the tree branches down to the ground.

88-810-682.1. GRADING

Any excavating or filling of earth materials or any combination thereof.

88-810-715. LAND DISTURBANCE

Any activity that changes the physical conditions of landform, vegetation, and hydrology. Such activities include, but not limited to clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

88-810-885.1. MITIGATION

The planting of trees on-site to lessen the loss of canopy and environmental damage caused by the removal of or injury to protected trees, as determined by the approved tree preservation and protection plan, during development.

88-810-935. NATIVE SPECIES

Any plant occurring naturally in within the region and not introduced by man;

indigenous.

88-810-1335. PROTECTED TREE

A tree of specified DBH, location on the site, or significance as identified on the approved tree preservation and protection plan.

88-810-1336. PRUNING

Removal of tree limbs to standards set forth by ANSI A300. At no time shall topping, tipping or flush cutting of trees be deemed a form of “pruning.”

88-810-1409. REFORESTATION

The act of planting trees in accordance with mitigation.

88-810-2031. STREET TREE

A tree located within the public right of way and planted between the curb and sidewalk, within a tree well located on a sidewalk, or within a tree easement in or adjacent to the public right of way.

88-810-2161. TOPPING

The cutting back of limbs to stubs within the tree’s crown, to such a degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are less than one-half of the diameter of the limb or branch that is cut. Also referred to as stubbing, dehorning, pollarding, and heading.

88-810-2166. TREE

Any self-supporting woody perennial plant, usually having a main stem or trunk and several branches, and at maturity normally attaining a trunk diameter greater than 3 inches at DBH and a height of over 10 feet.

88-810-2166.1. TREE CANOPY COVER

Grouping of trees of one acre or larger in area with a crown closure of twenty percent or greater.

88-810-2166.2. TREE PRESERVATION AND PROTECTION PLAN

A plan that delineates areas of the site (buffer and remainder of site) and identifies protected trees to be preserved or be removed. The plan sets forth measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction.

88-810-2166.3. TREE PROTECTION

Fencing, barriers, or other measures intended to protect those trees to remain, including soil and root structure below, per the approved tree preservation and protection plan, construction documents, and ANSI A300 Construction Management Standard – Part 5

(2019).

88-810-2166.4. TREE REMOVAL

Removal of a tree(s), through either direct or indirect actions including, but not limited to, clearing, topping, or cutting, causing irreversible damage to the health of the tree(s).

Section 3. That the Council finds and declares that before taking any action on the proposed amendment to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

Section 4. The City Manager is hereby directed to report back to the Neighborhood Planning and Development Committee one year after the passage of this ordinance to review the impact of this ordinance.

..end

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

**No Fact Sheet
Provided for
Ordinance No.**

220961



File #: 220964

ORDINANCE NO. 220964

Sponsor: City Manager's Office

Authorizing the City Manager to negotiate and execute a development agreement, purchase option agreement, and real estate sales contract with Grayson Capital or its affiliates for the sale of surplus City property located at 1531 Holmes Street; and provide a 120 day period for those negotiations.

WHEREAS, the City of Kansas City, Missouri owns a parcel of property located at 1531 Holmes Street in Kansas City, Jackson County, Missouri; and

WHEREAS, the City Council adopted Ordinance No. 220254 on April 28, 2022, declaring this property surplus to the City's needs and authorizing the sale of the property at 1531 Holmes subject to reserved easements and other rights; and

WHEREAS, the City issued a Request for Proposal (RFP) on March 8, 2022, soliciting proposals for the purchase and development of the property at 1531 Holmes Street (subject property); and

WHEREAS, the City received three responses to the RFP on April 15, 2022; and

WHEREAS, the City's selection committee recommended Grayson Capital's proposal to construct 181 apartment units, six thousand square feet of ground level commercial space, outdoor amenity spaces, automobile and bicycle parking, transit waiting areas and other amenities consistent with principles of transit oriented development on the subject property; and

WHEREAS, the City wishes to proceed forward with Grayson's Capital proposal; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager or designee is hereby authorized to negotiate and execute a development agreement, purchase option agreement, and real estate purchase contract with Grayson Capital LLC or its affiliates for the property located at 1531 Holmes Street.

Section 2. That the City Manager's authority to execute the real estate sales contract is subject to the City Council passing any further ordinances required under the City Charter and the Code of Ordinances.

..end

Approved as to form:

Lana K. Torczon
Senior Associate City Attorney



File #: 220965

ORDINANCE NO. 220965

Sponsor: Councilmember(s) Heather Hall and Kevin O'Neill

Approving an amendment to a previously approved UR development plan in District UR, which also serves as a preliminary plat (9 lots and 2 tracts) to allow for changes to the approved plan, allowing for 115,000 square foot of mixed use commercial development on about 25 acres generally bordered by N.E. 82nd Street on the north, Maplewoods Parkway on the south, N. Antioch Road (MO Route 1) on the east and N. Agnes Avenue on the west. (CD-CPC-2022-00082)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved development plan in District UR (Urban Redevelopment) on an approximately 25 acre tract of land generally bordered by N.E. 82nd Street on the north, Maplewoods Parkway on the south, N. Antioch Road (MO Route 1) on the east and N. Agnes Avenue on the west, legally described as:

Lot 13, Renaissance Plaza Second Plat, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Tract A, Renaissance Plaza First Plat and Lots 9, 10 and Tract A, Renaissance Plaza Second Plat, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Lots 1 and 11, Renaissance Plaza First Plat and Lot 12, Renaissance Plaza Second Plat, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Lots 2, 3, 4, 5, 6, 7, and 8, Renaissance Plaza First Plat, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

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

1. 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.

2. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
3. The developer shall submit a final UR development plan to the Director of City Planning and Development for approval, including detailed information on landscaping, signage (including elevations), lighting, and building elevations (colored and material template) prior to issuance of building permits.
4. The developer shall receive approval of a street naming plan prior to issuance of building permit or prior to mylar approval of the first plat, whichever occurs first.
5. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
6. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
7. 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)
8. 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 a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
9. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
10. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1)
11. 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.
12. The developer shall submit plans to the Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements,

pedestrian and streetlighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per Parks and Recreation Department standards. This applies to the Maplewoods Parkway street frontage.

13. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Parks and Recreation Department, prior to recording the plat or issuance of any certificate of occupancy permits including temporary certificate of occupancy permits. This applies to the Maplewoods Parkway street frontage.
14. The developer shall construct a southbound right turn lane on Missouri Highway 1 at the proposed right-in/right-out location with 120 feet of storage and 100 foot taper. The developer shall work with the Missouri Department of Transportation regarding any needed permits and this work shall be completed prior to any certificate of occupancy.
15. The developer shall provide and install the necessary components to complete the signalization at the intersection of Missouri Highway 1 and N.E. 82nd Street. This shall be in accordance with MoDOT requirements and any needed permits. This work shall be completed prior to any certificate of occupancy.
16. 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.
17. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
18. The developer shall submit water main extension plans and shall follow all Kansas City Water rules and regulations.
19. The water main shall be connected near hydrant H-12 on the southwest corner of Maplewoods Parkway and Missouri Highway 1. The water main on N.E. 79th Terrace near Valve (V-19) shall be connected back into an existing main to provide a looped system. Provide as-builts and easements for the existing public water mains.

20. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
21. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division prior to recording the plat.
22. The developer shall grant any BMP and/or surface drainage easements to the City as required by the Land Development Division prior to recording the plat or issuance of any building permits.
23. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.
24. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
25. 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.
26. The developer shall provide an acceptable easement and secure permits to relocate sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
27. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development

Division, prior to recording the plat or issuance of a building permit, whichever occurs first.

28. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.
29. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
30. Any deviation from Parkway and Boulevards standards of 88-323 as it relates to development along Maplewoods Parkway as listed on the face of the plan be granted by Council.

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 hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.
..end

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

**No Fact Sheet
Provided for
Ordinance No.**

220965



File #: 220968

ORDINANCE NO. 220968

Sponsor: Councilmember Andrea Bough

Approving the Second Amendment to the Bannister & Wornall Tax Increment Financing 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”), and Ordinance No. 545556 adopted on November 24, 1982, as amended by Committee Substitute for Ordinance No. 911076 adopted on August 29, 1991, by Ordinance No. 100089 adopted on January 28, 2010, by Ordinance No. 130986 adopted on December 19, 2013 and by Committee Substitute for Ordinance No. 140823 adopted on June 18, 2015 (collectively, the “Enabling Ordinances”) the City Council of Kansas City, Missouri created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, on May 14, 2014, the City Council of Kansas City, Missouri (the “Council”) passed Ordinance No. 140372, which accepted the recommendations of the Commission and approved the Bannister & Wornall Tax Increment Financing Plan (the “Original Plan”) and designated the Redevelopment Area described therein to be a blighted area (the “Redevelopment Area”); and

WHEREAS, on January 25, 2018, the Council passed Ordinance No. 180019 approving the First Amendment to the Bannister & Wornall Tax Increment Financing Plan (the “First Amendment”, and together with the Original Plan, the “Plan” or “Redevelopment Plan”), which provides for certain modifications to the Redevelopment Schedule for the implementation of Redevelopment Project B, as described by the Plan ; and

WHEREAS, the Second Amendment to the Redevelopment Plan modifies the Estimated Redevelopment Project Costs described therein and such change does not alter the exterior boundaries of the Redevelopment Area or enlarge the exterior boundary of any Redevelopment Project Area described by the Redevelopment Plan, affect the general land uses described by the Redevelopment Plan or change the nature of any Redevelopment Project described by the Redevelopment Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Second Amendment, as attached hereto, 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 Council hereby finds that:

- (a) The findings of the Council in Ordinance Nos. 140372 and 180019 with respect to the Plan are not affected by the Second Amendment and apply equally to the Second Amendment;
- (b) The Redevelopment Area, as amended, is a Blighted area, as a whole, and 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, as amended, by the Second Amendment;
- (c) The Redevelopment Plan, as amended by the Second Amendment, includes a detailed description of the factors that qualify the Redevelopment Area as a conservation area and an affidavit as required by Section 99.810.1(1), RSMo;
- (d) The Redevelopment Plan, as amended by the Second Amendment, conforms to the comprehensive plan for the development of the City as a whole;
- (e) The areas selected for Redevelopment Projects described by the Redevelopment Plan, as amended by the Second Amendment, include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;
- (f) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, as amended by the Second Amendment, and are not more than 23 years from the passage of any ordinance approving each applicable Redevelopment Project authorized by the Redevelopment Plan and located within the Redevelopment Area, as amended;
- (g) A plan has been developed for relocation assistance for businesses and residences;
- (h) The Second Amendment does not alter the cost benefit analysis attached to the Redevelopment Plan showing the impact of the Redevelopment Plan, as amended, on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;
- (i) The Second Amendment does not include the initial development or redevelopment of any gambling establishment; and
- (j) A study has been completed and the findings of such study satisfy the requirements provided under Section 99.810.1, RSMo.

Section 4. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to finance Redevelopment Project Costs 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 undertake all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan, as amended, pursuant to the power delegated to it in the Enabling Ordinances. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 through 99.865, RSMo, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. That pursuant to the provisions of the Redevelopment Plan, the 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

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	220968						
LEGISLATION IN BRIEF:								
Approving the Second Amendment to the Bannister & Wornall Tax Increment Financing Plan.								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	<input type="text" value="NO"/>	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	<input type="text" value="NO"/>	Yes/No						
Section 00: Notes:								
<i>The Second Amendment to the Bannister & Wornall TIF Plan amends the plan to modify Estimated Redevelopment Project Costs increasing budgeted expenses for parking structure, tenant and onsite improvements. Total increase to budget is \$401,806.00. The amendment does not alter the exterior boundaries of the Redevelopment Area or enlarge the exterior boundary of any Redevelopment Project Area described by the Plan; affect the general land uses described by the Plan; or change the nature of any Redevelopment Project described by the Plan. The amendment does not have any fiscal impact on the City.</i>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
<i>RESERVE STATUS:</i>								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
<input type="text"/>	<input type="text"/>	-	-	-	-	-	-	-
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)								-
REVIEWED BY		DATE			11/1/2022			

SECOND AMENDMENT TO THE BANNISTER & WORNALL TAX INCREMENT FINANCING PLAN

KANSAS CITY, MISSOURI

TIF COMMISSION APPROVAL:

DATE: **RESOLUTION NO.**

CITY COUNCIL APPROVAL:

DATE: **ORDINANCE NO.**

SECOND AMENDMENT

TO THE

BANNISTER AND WORNALL TAX INCREMENT FINANCING PLAN

I. Introduction

The Second Amendment to the Bannister and Wornall Tax Increment Financing Plan (the “Second Amendment”) shall amend the Bannister and Wornall Tax Increment Financing Plan, as approved by Ordinance No. 140372, and as subsequently amended by the First Amendment to the Plan, as approved by Ordinance No. 180019 (collectively, referred to herein as the “Plan”).

The Second Amendment to the Plan modifies the (a) Estimated Budget of Redevelopment Projects, (b) Sources Funds described by the Plan and (c) exhibits to the Plan with such other conforming changes that are in furtherance of the forgoing modifications.

II. Specific Amendments

The Platte Purchase Development Plan shall be amended as follows:

Amendment No. 1: Section I of the Plan, entitled “Introduction and Summary of Plan,” shall be deleted in its entirety and replaced with the following:

I. INTRODUCTION AND SUMMARY OF PLAN

The Bannister & Wornall Tax Increment Financing Plan (the “Plan”) contemplates the construction of an office campus to be completed in two phases within an area generally bounded by Ward Parkway on the north, Wornall Road on the east, Bannister Road (95th Street) on the south, and the Ward Parkway Office Park South subdivision on the west in Kansas City, Jackson County, Missouri.

The development contemplated by the Plan will include the demolition of an approximately 75,000 square foot existing structure located at 9400 Wornall Road, construction of approximately 471,467 square feet of office space, to be undertaken in two phases, along with approximately 340 surface parking spaces, an approximately 1,583 space parking garage, and all necessary infrastructure to support such improvements, including site preparation, utility construction and relocation, curbs, sidewalks, aesthetic improvements, landscaping and other improvements.

The development within and around the Redevelopment Area anticipated under this Plan is in the public interest because it will result in increased employment within the City and will enhance the tax base of the City. The Redevelopment Area is marked by a variety of physical and economic deficiencies, including aging and deteriorating improvements, functionally obsolete improvements, various safety concerns and excessive vacancy and economic underutilization, which contribute to the area’s position today as an economic and social liability. The Blight Study attached as Exhibit 10 to this Plan documents the blighting factors and conditions within the Redevelopment Area and confirms that the Redevelopment Area is a Blighted Area as defined in the Act. With the demolition of the existing structures and the development that will be achieved through the construction of the

Project Improvements and Public Improvements, the Redevelopment Area will be developed to its highest and best use and blight can be eliminated.

The estimated Redevelopment Project Costs to implement the Plan are approximately \$232, 219,643 which include approximately \$42,306,162 in Reimbursable Project Costs to be reimbursed from TIF Revenue (as hereafter defined). The Reimbursable Project Costs consist of costs related to land acquisition, site improvements, parking and tenant improvements and are more particularly identified on Exhibit 5A, attached to this Plan. The Plan contemplates reimbursement of Reimbursable Project Costs on a “pay as you go” basis to ensure that no risk is assumed by any Taxing District.

The total initial equalized assessed valuation of the Redevelopment Area according to current records at the Jackson County Assessor’s Office is approximately \$2,645,558. The current combined ad valorem property tax levy is projected to be \$11.1765 per \$100 assessed valuation. The 2013 annual ad valorem tax revenue from the Redevelopment Area is approximately \$505, which is a boulevard tax, as the property was tax exempt since it was a religious facility. Following the completion of all Project Improvements (as hereafter defined), it is estimated that the assessed value of the property will increase to approximately \$18,833,884.

Pursuant to the Act, tax increment financing allows for the use of fifty percent (50%) of Economic Activity Taxes and one hundred percent (100%) of Payment in Lieu of Taxes generated and collected within the Redevelopment Project Area for a twenty-three (23) year period to pay Reimbursable Project Costs. The estimated total Economic Activity Taxes generated within the Redevelopment Project Area and available to pay Reimbursable Project Costs is approximately \$43,498,962. It is anticipated the Redevelopment will receive Missouri Chapter 100 benefits in the form of 100% real property tax abatement for 15 years and 50% tax abatement for 10 years; therefore, no Payment in Lieu of Taxes will be redirected to pay for any Reimbursable Project Costs. Upon completion of the Plan and payment of all reimbursable Project Costs, TIF Revenue will be paid to the Taxing District in accordance with the Act.

Amendment No. 2: The following term defined under the Section entitled “Definitions” in Section I. of the Plan is hereby deleted in its entirety and replaced with the following:

Y. “Reimbursable Project Costs,” Forty-Two Million Three Hundred Six Thousand One Hundred Sixty-Two and no/100 Dollars (\$42,306,162) of the Redevelopment Project Costs, as specifically identified on Exhibit 5A, attached hereto.”

Amendment No. 3: Section IV.A. of the Plan, entitled “Estimated Redevelopment Project Costs,” shall be deleted in its entirety and replaced with the following paragraph:

A. Estimated Redevelopment Project Costs. The total cost to the Redeveloper to implement the Project Improvements and Public Improvements, which is described by Section IV.C. and IV.D, is estimated to be \$232,219,643, which is provided in detail on Exhibit 5A, attached hereto. The Redeveloper and third parties engaged by either the Redeveloper or the Commission will finance \$189,913,481 (approximately 82% of the total cost) through a combination of equity or debt financing. For the

remaining \$42,306,162 (approximately 18% of the total cost) of Reimbursable Project Costs, the Redeveloper is seeking financing through Obligations secured, at least in part, by Tax Increment Financing. The Reimbursable Project Costs are identified on Exhibit 5A, attached hereto.

The Commission has determined that certain planning and special services expenses of the Commission (“Administrative Expenses”), which are not direct Redevelopment Project Costs, are nonetheless reasonable and necessary for the operation of the Commission and are incidental costs to the Plan. The incidental costs will be recovered by the Commission from the Special Allocation Fund in an amount not to exceed 5% of the Payments in Lieu of Taxes and Economic Activity Taxes paid annually into the Special Allocation Fund”

Amendment No. 4: Delete Exhibit 5.A of the Plan entitled “Estimated Redevelopment Costs” in its entirety and replace it with Exhibit 5.A “Estimated Redevelopment Costs,” attached hereto.

Amendment No. 5: Delete Exhibit 7 of the Plan entitled “Sources of Funds” in its entirety and replace it with Exhibit 7 “Sources of Funds,” attached hereto.

Amendment No. 4

Exhibit 5.A

Estimated Redevelopment Project Costs

Exhibit 5A - ESTIMATED DEVELOPMENT COSTS

Summary - Redevelopment Project Areas A and B

SITE SUMMARY	
Site Area (SF)	727,016
Building Area (GSF)	471,467

DEVELOPMENT COSTS	Total Redevelopment Project Costs	\$/GSF	Developer's Costs	\$/GSF	TIF Reimbursable Expenses	\$/GSF
Land Acquisition	3,152,463	6.69	3,152,463	6.69	-	-
Vertical Building Construction	61,869,037	131.23	61,869,037	131.23	-	-
Parking Structure	23,919,690	50.73	10,375,316	22.01	13,544,374	28.73
Tenant Improvements	24,043,533	51.00	21,430,722	45.46	2,612,811	5.54
Onsite Improvements	7,966,767	16.90	1,326,011	2.81	6,640,756	14.09
Offsite Improvements	250,000	0.53	75,000	0.16	175,000	0.37
TIF Commission Fees	200,000	0.42	125,000	0.27	75,000	0.16
General Development Costs (City/Gov't Fees, Admin Costs, etc)	2,140,006	4.54	2,140,006	4.54	-	-
Design	7,077,847	15.01	7,077,847	15.01	-	-
Legal	370,000	0.78	370,000	0.78	-	-
Leasing Commissions	-	-	-	-	-	-
Interest Carry During Construction	1,283,512	2.72	1,283,512	2.72	-	-
Personal Property	-	-	-	-	-	-
Developer Fee	3,833,248	8.13	3,833,248	8.13	-	-
Hard Cost Contingency	2,838,939	6.02	2,838,939	6.02	-	-
Soft Cost Contingency	946,313	2.01	946,313	2.01	-	-
Total Development Costs	139,891,355	296.72	116,843,414	247.83	23,047,941	48.89
Percentage of Total Development Costs by Category	100.00%		83.52%		16.48%	
Permanent Financing/Interest Costs*	92,328,288	195.83	73,070,067	154.98	19,258,221	40.85
Total Development and Holding Costs	232,219,643	\$ 492.55	189,913,481	\$ 402.81	42,306,162	\$ 89.74

* All amounts to be reimbursed in connection with this permanent interest line item shall be subject to actual amounts of interest incurred by the developer and shall be subject to the limitation set forth in the Commission's Certification of Costs and Reimbursement Policy and Interest Policy.

Summary - Redevelopment Project Area A

SITE SUMMARY	
Site Area (SF)	727,016
Building Area (GSF)	321,467

DEVELOPMENT COSTS	Total Project Costs	\$/GSF	Developer's Costs	\$/GSF	TIF Reimbursable Expenses	\$/GSF
Land Acquisition	3,152,463	9.81	3,152,463	9.81	-	-
Vertical Building Construction	42,668,823	132.73	42,668,823	132.73	-	-
Parking Structure	11,256,660	35.02	939,402	2.92	10,317,258	32.09
Tenant Improvements	16,499,430	51.33	14,479,130	45.04	2,020,300	6.28
Onsite Improvements*	6,228,777	19.38	1,045,524	3.25	5,183,253	16.12
Offsite Improvements	250,000	0.78	75,000	0.23	175,000	0.54
TIF Commission Fees	100,000	0.31	50,000	0.16	50,000	0.16
General Development Costs (City/Gov't Fees, Admin Costs, etc)	1,316,892	4.10	1,316,892	4.10	-	-
Design	4,601,953	14.32	4,601,953	14.32	-	-
Legal	235,000	0.73	235,000	0.73	-	-
Leasing Commissions	-	-	-	-	-	-
Interest Carry During Construction	896,299	2.79	896,299	2.79	-	-
Personal Property	-	-	-	-	-	-
Developer Fee	2,411,003	7.50	2,411,003	7.50	-	-
Hard Cost Contingency	1,848,052	5.75	1,848,052	5.75	-	-
Soft Cost Contingency	616,018	1.92	616,018	1.92	-	-
Total Development Costs	92,081,369	286.44	74,335,557	231.24	17,745,811	55.20
Percentage of Total Development Costs by Category	100.00%		80.73%		19.27%	
Permanent Financing/Interest Costs **	57,370,923	178.47	42,279,926	131.52	15,090,997	46.94
Total Development and Holding Costs	149,452,292	\$ 464.91	116,615,484	\$ 362.76	32,836,808	\$ 102.15
Percentage of Total Development and Holding Costs by Category	100.00%		78.03%		21.97%	

* TIF reimbursable expenses for onsite improvements shall not include costs associated with the surface parking located on Project Area B.

** All amounts to be reimbursed in connection with this permanent interest line item shall be subject to actual amounts of interest incurred by the developer and shall be subject to the limitation set forth in the Commission's Certification of Costs and Reimbursement Policy and Interest Policy.

Summary - Redevelopment Project Area B

SITE SUMMARY	
Site Area (SF)	727,016
Building Area (GSF)	150,000

DEVELOPMENT COSTS	Total Project Costs	\$/GSF	Developer's Costs	\$/GSF	TIF Reimbursable Expenses	\$/GSF
Land Acquisition	-	-	-	-	-	-
Vertical Building Construction	19,200,214	128.00	19,200,214	128.00	-	-
Parking Structure	12,663,030	84.42	9,435,914	62.91	3,227,116	21.51
Tenant Improvements	7,544,103	50.29	6,951,592	46.34	592,511	3.95
Onsite Improvements	1,737,990	11.59	280,487	1.87	1,457,503	9.72
Offsite Improvements	-	-	-	-	-	-
TIF Commission Fees	100,000	0.67	75,000	0.50	25,000	0.17
General Development Costs (City/Gov't Fees, Admin Costs, etc)	823,114	5.49	823,114	5.49	-	-
Design	2,475,894	16.51	2,475,894	16.51	-	-
Legal	135,000	0.90	135,000	0.90	-	-
Leasing Commissions	-	-	-	-	-	-
Interest Carry During Construction	387,213	2.58	387,213	2.58	-	-
Personal Property	-	-	-	-	-	-
Developer Fee	1,422,245	9.48	1,422,245	9.48	-	-
Hard Cost Contingency	990,887	6.61	990,887	6.61	-	-
Soft Cost Contingency	330,295	2.20	330,295	2.20	-	-
Total Development Costs	47,809,985	318.74	42,507,855	283.39	5,302,130	35.35
Percentage of Total Development Costs by Category	100.00%		88.91%		11.09%	
Permanent Financing/Interest Costs*	34,957,365	233.05	30,790,141	205.27	4,167,224	27.78
Total Development and Holding Costs	82,767,350	551.79	73,297,996	488.66	9,469,354	63.13
Percentage of Total Development and Holding Costs by Category	100.00%		88.56%		11.44%	

* All amounts to be reimbursed in connection with this permanent interest line item shall be subject to actual amounts of interest incurred by the developer and shall be subject to the limitation set forth in the Commission's Certification of Costs and Reimbursement Policy and Interest Policy.

Amendment No. 5

Exhibit 7

EXHIBIT 7

**SOURCES AND USES OF FUNDS
FOR
ALL ESTIMATED REDEVELOPMENT PROJECT COSTS**

Developer Equity and/or Debt	\$189,913,481
Amount of Reimbursable Costs from Economic Activity Taxes	\$42,306,162
TOTAL	\$232,219,643

BONDS

The total estimated amount of Economic Activity Taxes that are captured under the TIF Act, over twenty-three years for Redevelopment Project Areas A and B, which are available to fund Reimburse Redevelopment Project Costs and Administrative Costs per the Act is approximately \$42,306,162. The Commission may dedicate part or these entire amounts to finance Reimbursable Project Costs.



File #: 220722

ORDINANCE NO. 220722

Amending Ordinance No. 190328 by repealing Condition 16 contained in Section B, which required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development, because the developer no longer has access to public water mains. (CD-CPC-2018-00229)

WHEREAS, on May 9, 2019, the City Council passed Ordinance No. 190328, approving a rezoning on about 0.42 acres generally located west of N. Church Road between N.E. 76th Street to the north and North Flintlock Road to the south from District B2-2 to B4-2, and approving a development plan on about 4.3 acres that also serves as a preliminary plan to allow for the construction of a self-storage facility; and

WHEREAS, Condition No. 16 in Section B of Ordinance No. 190328 required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems are required by the Land Development Division, prior to recording the plat or issuance of building permit; and

WHEREAS, the City Council desires to remove this condition from the development plan because of actions granted to adjacent developers with Ordinance No. 211034 no longer allows access to extend public mains to the site; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Ordinance No. 190328, passed May 9, 2019, is hereby amended by repealing Condition 16 contained in Section B

Section B. That all other sections and conditions of Ordinance No. 190328 not repealed shall remain in effect.

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

220722

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2019-00031 and CD-CPC-2018-00229

Brief Title

Amending Ordinance No. 190328 by repealing Condition 16 contained in Section B, which required the developer to secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development, because of actions granted to adjacent development, this developer no long have access to extend public mains. (CD-CPC-2018-00229)

Details

Location: Generally located at the southwest corner of NE 76th Street and N. Church Road

Reason for Legislation: Rezoning and development plans require Council approval.

Brief Summary:
See attached City Plan Commission report.

On December 9, 2021 the City Council approved Ordinance 211034 which allowed the property located at 7535 N Flintlock Rd. a waiver for the requirement of the property to connect to sewer, thus precluding the ability of the property approved by ordinance 190328 to connect to a sewer main. The applicant is seeking the removal of Condition No. 16.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	1 st District (O'Neill, Hall)
Applicants / Proponents	<p>Applicant Brian Combs 8500 NE 89th Place Kansas City, MO 64157</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	Groups or Individuals
	Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
	<p>City Plan Commission (7-0) 04-16-2019 By Archie, Baker-Hughes, Crowl, Dameron, Macy, Henderson, May</p> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Board or Commission Recommendation	
Council Committee Actions	<input type="checkbox"/> Do Pass
	<input type="checkbox"/> Do Pass (as amended)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold

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Continued from Page 1

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	<input type="checkbox"/> Do not pass
Policy or Program Change	<input type="checkbox"/> Yes <input type="checkbox"/> No
Operational Impact Assessment	

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and	

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Appropriation Account Codes	

Continued from Page 2

Fact Sheet Prepared By:	Date: 08-12-2022		
Matthew Barnes Staff Planner			
Reviewed By:	Date: 08-12-2022	Initial Application Filed:	02-20-2019
Joseph Rexwinkle Development Management		City Plan Commission:	04-16-2019
		Revised Plans Filed:	N/A
Reference Numbers:			
Case No. CD-CPC-2019-00031 and CD-CPC-2018-00229			



File #: 220747

ORDINANCE NO. 220747

Approving the Historic Northeast Lofts PIEA General Development Plan on about 22 acres (3 parcels), generally located at the southeast corner of Independence Avenue and Hardesty Avenue. (CD-CPC-2022-00064)

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (“Authority”) did prepare or cause to be prepared the Historic Northeast Lofts PIEA General Development Plan and recommended that the Council approve the finding of blight and approve the General Development Plan for the area; and

WHEREAS, the City Plan Commission has reviewed and recommended approval of the finding of blight of the Historic Northeast Lofts PIEA General Development Plan on June 21, 2022, as evidenced by its disposition of the case and its written recommendations submitted to the City; and

WHEREAS, Section 100.400, RSMo, authorizes the Council to make a finding that an area is a blighted area and approve a general development plan for such area if the Council finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole; and

WHEREAS, on October 6, 2016, the City did pass Second Committee Substitute for Ordinance No. 160383, as amended, which Ordinance No. 160383, as amended, enacted guidelines on the City’s use of abated and exempted real property taxes in funding economic development projects; and

WHEREAS, Section 9 of Ordinance No. 160383, as amended, provides that notwithstanding the guidelines set forth therein, the Council retains its discretion to authorize the capture and redirection, or abatement or exemption, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council declares the area of approximately 22 acres (3 parcels) generally located in at the southeast corner of Independence Avenue and Hardesty Avenue, and more specifically described by metes and bounds on Exhibit A attached hereto and incorporated herein by reference, to be a blighted area as defined in Section 100.310, RSMo, and more specifically finds that there is a predominance of defective and inadequate street layout, insanitary and unsafe conditions, deterioration of site improvements, and the existence of

conditions which endanger life and property by fire and other causes in such planning area and as a result of the predominance of those conditions the planning area in its present condition and use constitutes an economic and social liability and a serious menace to the public health, safety, morals, and welfare.

Section 2. That the Historic Northeast Lofts PIEA General Development Plan prepared by the Authority and recommended to the Council is intended to and shall affect and be applicable to only the real property specifically described in Section 1 above and is hereby approved. A copy of said General Development Plan is attached to this ordinance and is made a part hereof.

Section 3. That the Council has duly made the findings necessary for compliance with Section 100.300-100.620, RSMo.

Section 4. That the General Development Plan is hereby found to be feasible and in conformance with the general plan for the development of the community as a whole.

Section 5. That the ad valorem tax exemption benefits as authorized in Section 100.570, RSMo, are hereby extended to the plan area to the extent and in the manner as provided for in said General Development Plan, and subject to the execution of a development agreement with the Planned Industrial Expansion Authority of Kansas City, Missouri, and the developer.

Section 6. That pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended, the City Council hereby authorizes the abatement of ad valorem real property taxes to the full extent authorized by Section 100.570, RSMo with respect to any project qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s Economic Development and Incentive Policy, or located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

..end

I hereby certify that as required by Chapter 100, RSMo, as amended, all public notices have been given and public hearings held, as required by law.

Secretary, City Plan Commission

Approved as to form and legality:

Emalea Black
Associate City Attorney

**No Fact Sheet
Provided for
Ordinance No.**

220747