



## **Agenda**

### **Neighborhood Planning and Development Committee**

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

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**Wednesday, January 26, 2022**

**1:30 PM**

**26th Floor, Council Chamber**

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**<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>

**[220051](#)** Vacating the east/west alley south of E. 31st Street from Mersington Avenue to Myrtle Avenue and directing the City Clerk to record certain documents. (1743-V)

**Attachments:** [Fact Sheet](#)

**[220053](#)** Amending Chapter 46, Code of Ordinances, entitled "Noise Control" by repealing it in its entirety and enacting in lieu thereof a new Chapter 46 entitled "Noise Control" of like subject matter, consisting of sections 46-1 through 46-49.

**Attachments:** [Noise Ordinance \(Chapter 46\) - Fact Sheet](#)  
[Noise Ordinance \(Chapter 46\) - Fiscal Note](#)

- [220066](#) Approving the First Amendment to the Overlook Tax Contribution and Disbursement Agreement among the City, Tax Increment Financing Commission of Kansas City, Missouri, Oz Development, LLC, and Novak Birks, PC; and authorizing the Director of Housing to execute the Amendment.

**Attachments:** [220066 Fact Sheet FINAL](#)  
[Overlook Fiscal Note](#)

HELD IN COMMITTEE

**Bough**

- [211122](#) Amending Chapter 88, Code of Ordinances, by repealing Section 88-605-03, Street Naming Committee, and enacting in lieu thereof a new section of like number and subject matter for the purpose of requiring City Council approval for the renaming of streets.

**Attachments:** [CD-CPC-2021-00204 Fact Sheet](#)

RE-REFERRED

- [190282](#) Rezoning about 5.3 acres generally located south of N.E. 81st Terrace in between N. Flintlock Road to the west and N. Church Road to the east from Districts B3-2 and O-2 to District B4-1. (CD-CPC-2018-00226)

**Attachments:** [190282 Fact Sheet](#)

ADDITIONAL BUSINESS

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

2. Closed Session

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

3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto: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](http://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](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.



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**File #: 220051**

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ORDINANCE NO. 220051

Vacating the east/west alley south of E. 31st Street from Mersington Avenue to Myrtle Avenue and directing the City Clerk to record certain documents. (1743-V)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 1st day of January, 2017, a petition was filed with the City Clerk of Kansas City by CRV, LLC, for the vacation of all of the east-west alley located first south of 31st street, formerly platted Springfield Avenue, as shown within Block 1, Amended Plat of Parish Park, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, said alley being bounded on the east by Myrtle Avenue and bounded on the west by Mersington Avenue, as said avenues now exist, and bounded on the north by Lots 1 thru 5, Block 1, Amended Plat of Parish Park and on the south by Lots 6 and 7 of said Block 1, Amended Plat of Parish Park, containing 3,070 square feet or 0.07 acres, more or less, giving the distinct description of the alley to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said alley has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

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

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

Section 4. That of all of the east-west alley located first south of 31st street, formerly platted Springfield Avenue, as shown within Block 1, Amended Plat of Parish Park, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, said alley being bounded on the east by Myrtle Avenue and bounded on the west by Mersington Avenue, as said avenues now exist, and bounded on the north by Lots 1 thru 5, Block 1, Amended Plat of Parish Park and on the south by Lots 6 and 7 of said Block 1, Amended Plat of Parish Park, containing 3,070 square feet or 0.07 acres, more or less, be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works, with staff recommending the following conditions:

1. That a full-width utility easement and any existing utilities be retained.
2. That the existing transformer within the subject area be relocated at the owner's expense. The relocation shall be coordinated with KCPL and Kansas City, Missouri Streetlighting Division.

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

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

..end

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Approved as to form and legality:

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Sarah Baxter



Deputy

# COMMUNITY PROJECT/REZONING

**220051**

## Ordinance Fact Sheet

**Case No.** 1743-V

### Brief Title

A request to vacate the east/west alley next south of E 31st Street from Mersington Avenue to Myrtle Avenue.

**Ordinance Number**

### Details

<p><b>Location:</b> East/west alley next south of E 31st Street from Mersington Avenue to Myrtle Avenue</p>
<p><b>Reason for Legislation:</b> A request to vacate the east/west alley next south of E 31st Street from Mersington Avenue to Myrtle Avenue.</p>
<p><b>PLAN REVIEW/ANALYSIS:</b> The alley proposed for vacation is an east-west alley next south of E. 31<sup>st</sup> Street in between Mersington Avenue to the west and Myrtle Avenue to the east. The right-of-way is unconstructed and the subject site is currently unoccupied and a vacant field. Family Dollar recently purchased the property at 3909 E. 31<sup>st</sup> Street and now owns all property on the north side of the site.</p> <p>A project plan for the construction of a new Family Dollar building was approved by City Plan Commission in 2017. The project plan conditioned that the east/west alley be vacated prior to issuance of building permit.</p> <p>Staff has reviewed the request and required petition, consent and utility forms. Chapter 75, Vacation of Streets, Alleys, Plats and Easements requires that the Council may approve a vacation only if it determines that:</p> <ul style="list-style-type: none"> <li>(1) No private rights will be unreasonably injured or endangered by the vacation; and</li> <li>(2) The public will suffer no unreasonable loss or inconvenience thereby.</li> </ul> <p>KCPL, AT&amp;T, and Public Works Streetlights Division have identified utilities within the right-of-way. KCPL and AT&amp;T request a full width easement. Public Works Streetlights requests that the existing transformer within the subject site be relocated at the owner's expense.</p> <p><b>RECOMMENDATION:</b> Staff recommends <b>approval</b> of Case No. 1743-V with the following conditions of approval based on the application, plans and documents provided prior to the hearing:</p> <ul style="list-style-type: none"> <li>1. That a full-width utility easement and any existing utilities be retained.</li> <li>2. That the existing transformer within the subject area be relocated at the owner's expense. The relocation shall be coordinated with KCPL and KCMO Street Lighting Division.</li> </ul>

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	3rd District (Lucas, Reed)
<b>Applicants / Proponents</b>	<p><b>Applicant</b> Sheryl Vickers CRV, LLC 3543 Broadway Ave Kansas City, MO 64111</p> <p><b>City Department</b> City Planning &amp; Development</p>
<b>Opponents</b>	<p><b>Groups or Individuals</b></p> <p><b>Basis of Opposition</b></p>
<b>Staff Recommendation</b>	<p><input checked="" type="checkbox"/> <b>For</b></p> <p><input type="checkbox"/> <b>Against</b></p> <p><b>Reason Against</b></p>
<b>Board or Commission Recommendation</b>	<p>City Plan Commission (8-0) 4-3-2018 By Macy, May, Crowl, Baker-Hughes, Archie, Burnette, Dameron and Henderson</p> <p><input type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b></p> <p><input checked="" type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)</p>
<b>Council Committee Actions</b>	<p><input type="checkbox"/> <b>Do Pass</b></p> <p><input type="checkbox"/> <b>Do Pass (as amended)</b></p> <p><input type="checkbox"/> <b>Committee Sub.</b></p> <p><input type="checkbox"/> <b>Without Recommendation</b></p> <p><input type="checkbox"/> <b>Hold</b></p> <p><input type="checkbox"/> <b>Do not pass</b></p>

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

**Finances**

<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Funding Source(s) and Appropriation Account Codes</b>	

Continued from Page 2

**Fact Sheet Prepared By:**

**Date:** 9-30-21

Zach Nelson  
Staff Planner

**Reviewed By:**

**Date:** 9-30-21

Joe Rexwinkle, AICP  
Division Manager  
Development Management

**Initial Application Filed:**

01-20-2017

**Reference Numbers:**

Case No. 1743-V



**File #: 220053**

ORDINANCE NO. 220053

Amending Chapter 46, Code of Ordinances, entitled “Noise Control” by repealing it in its entirety and enacting in lieu thereof a new Chapter 46 entitled “Noise Control” of like subject matter, consisting of sections 46-1 through 46-49.

WHEREAS, outcomes from noise disturbances have been shown to negatively affect the health of residents; and

WHEREAS, lack of sleep is associated with anxiety, contributing to substance use disorders, and increasing the severity of psychiatric symptoms, and may play a role in cardiovascular risk factors; and

WHEREAS, in children, sleep disturbances can impair cognition and worsen attention deficit hyperactivity disorder; and

WHEREAS, the City always seeks to improve its laws to fill in gaps and make them more effective to improve the quality of life for its residents; and

WHEREAS, these changes to the current Noise Code involve entertainment districts, mixed-use developments, refuse and recycling vehicles and the creation of a new administrative citation process for enforcement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY THAT:

Section 1. That Chapter 46, Code of Ordinances, entitled “Noise Control” is hereby amended by repealing it in its entirety and enacting in lieu thereof a new Chapter 46 of like name and subject matter, consisting of sections 46-1 through 46-49, to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 46-1. Title of chapter.**

This chapter shall be known and referred to as the city noise control code or the noise code.

**Sec. 46-2. Findings; general policy.**

(a) The city council finds that:

- (1) Excessive sound is a serious hazard to the public health, welfare and safety and the quality of life;
- (2) A substantial body of science and technology exists by which excessive sound may be substantially abated; and
- (3) The citizens of the city have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life.

(b) It is the policy of the city to prevent excessive sound which may jeopardize the health, welfare or safety of its citizens or degrade the quality of life.

**Sec. 46-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this chapter, not defined in this section, shall be in conformance with the USA Standard Acoustical Terminology American National Standards Institute Document S1.1-1994 (R 2004).

*Ambient noise* means the total of all noise in the environment, other than the noise from the source of interest. This term is used interchangeably with background noise.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

*City Code* means the Code of Ordinances of the City of Kansas City, Missouri.

*Commercial property* means property located in a district zoned as "office" or "business" or "O" or "B" under the Kansas City Zoning and Development Code, Chapter 88 and subsequent amendments, but shall also include properties zoned as DC, DX, M1-M4, US, KCIA, MPD and UR. Commercial property shall also mean any property within the area bound by the Missouri River to the north, the Kansas City Terminal Railway tracks on the south, state line to the west and Troost to the east. When a property is located in an overlay district, the underlying zoning district will apply.

*Construction* means any site preparation, assembly, erection, repair, alteration or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

*Decibel (dB)* means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

*Director* means the director of the Kansas City, Missouri Health Department.

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma, property damage or protection of commerce which demands immediate action.

*Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma, property damage or protection of commerce threatened or caused by an emergency.

*Entertainment district* means an urban mixed-use project containing not less than 200,000 gross leasable square feet of space intended for retail, entertainment, shopping and restaurant purposes, all within 2500 feet of a convention facility owned or operated by the City within an area designated as a development area under sections 99.915-99.980, RSMo, and which is zoned as an urban redevelopment district (URD) or a project within an area designated as a redevelopment area under sections 99.800-99.865, RSMo, containing a multipurpose arena with approximately 18,000 to 20,000 seats.

*Equivalent A-weighted sound level (Leq)* means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. For the purposes of this chapter, a time period of not less than two continuous minutes or two minutes, whether continuous or not, of a 30-minute period shall be used, unless otherwise specified.

*Gross vehicle weight rating (GVWR)* means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle.

*Ground cover* means any of various low, dense-growing plants, such as ivy, myrtle, low weeds or brush.

*Hard test site* means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel or similar reflective material for more than half the distance between the microphone target point and the microphone location point.

*Mixed use development* means areas that contain a complimentary mix of residential and non-residential uses. Mixed use development shall also mean any property within the area bound by the Missouri River to the north, the Kansas City Terminal Railway tracks on the south, state line to the west and Troost to the east. When a property is located in an overlay district, the underlying zoning district will apply.

*Model aircraft* means any contrivance now known or hereafter invented which is used or designed for flight in the air and which is controlled by manual or remote means but which is not used or designed for the carriage of persons or objects.

*Motor vehicle* means any vehicle which is propelled or drawn on and by a motor, such as but not limited to passenger cars, trucks, truck-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles and unlicensed construction motor vehicles as defined in this section. For purposes of this noise

control code, motor vehicle shall also include electric and hybrid vehicles, or other combinations thereof.

*Motorcycle* means an unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to motor scooters and minibikes.

*Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise disturbance* means any sound level which, except as authorized by permit or variance, meet or exceeds the levels in table I of this noise control code.

*Octave Band* means a frequency band where the upper band edge frequency is double its lower band edge frequency. Nine typical octave bands are identified by their center frequencies, such as 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 Hertz.

*Person* includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law.

*Plainly audible* means any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer or police officer need not determine the title, specific words, or the artist performing the song.

*Real property boundary* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

*Receiving property* means a property from which a noise from another property is heard. A receiving property is often a complainant's property.

*Residential property* means property that does not come within the definition of "commercial property" in this section. When a property is located in an overlay district, the underlying zoning district will apply.

*Soft test site* means any test site having the ground surface covered with grass, other ground cover, or similar absorptive material for half or more of the distance between the microphone target point and the microphone location point.

*Sound* means any oscillation in pressure, partial displacement, partial velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of

that medium. The description of sound may include any characteristic of any sound, including duration, intensity and frequency.

*Sound level* means the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specification for Sound Level Meters S1.4-1983 (R2006)/S1.4A-1985 (2006), and for Integrating-Averaging Sound Level Meters S1.43-1997 (R2007). Unless indicated otherwise, the A-weighting is understood.

*Sound level meter* means a Type 1 or Type 2 instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, octave band analyzer and weighting networks issued to measure sound pressure levels. All microphones shall be a Type 1 or Type 2 microphone.

*Sound Pressure Level* means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference of 20 micronewtons per square meter.

*Unlicensed construction motor vehicle* means any vehicle or equipment used for construction purposes, not required to be licensed by the state, which is propelled or drawn on land by a motor, such as but not limited to cranes, bulldozers, hiloaders, graders, steamshovels or earth-movers, but not including motorcycles or motor vehicles as defined in this section.

**Sec. 46-4. Prohibited noise, generally.**

(a) No person shall make, cause, suffer, continue, allow or permit the operation of any source of sound on any receiving property in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Table I, when measured at the real property boundary or within the real property lines of any of the receiving properties listed in Table I.

(b) No person shall make, cause, suffer, continue, allow or permit the operation of any source of sound that disturbs the peace, quiet and comfort of the neighboring residential inhabitants at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which the noise is generated and who are voluntary listeners, nor shall a person make a noise that is plainly audible across a residential property line 50 feet or more from the source of the noise.

(c) Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section but shall not be exempt from the specific provisions of section 46-5.

(d) *Ambient noise*. It shall not be a violation of this article unless the sound measured is at least more than five decibels, db or db(A), above ambient noise. Ambient noise shall be measured no closer than 50 feet from the source of the sound or measured at the outside wall of a building adjacent to the public right-of-way or public space from which the sound originates. If a sound cannot be excluded for an ambient reading, including due to a potential violator's failure to cooperate, a plainly audible standard may be used.

Table I: Maximum Permissible A-Weighted Sound Levels and Octave Band dB Limits

Receiving Property *	Residential Property		Residential Property		Commercial Property	Commercial Property
	Outdoors	Indoors	Outdoors	Indoors	Outdoors	Indoors
Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)					
Time	7 a.m. -10 p.m.	10 p.m. -7 a.m.	7 a.m. -10 p.m.	10 p.m. -7 a.m.	24 Hours	24 Hours
31.5	77	72	64	61	97	86
63	76	71	58	54	96	72
125	69	64	51	46	89	64
250	64	59	45	40	84	57
500	56	51	42	37	76	53
1,000	50	45	39	34	70	50
2,000	47	42	36	31	67	47
4,000	45	40	33	28	65	45
8,000	40	35	30	25	60	43
dBA	60	55	45	40	80	52

\*Mixed-Use Developments, Entertainment Districts, and Urban Renewal Districts (URD). When measuring sound levels at the property line of a receiving residential property, if the sound emanates from a commercial property that is within a mixed-use development, entertainment district, or URD and within 250 feet of the receiving residential property, the maximum allowable decibel levels shall be the levels allowed on receiving commercial properties in Table I.

**Sec. 46-5. Specific prohibitions.**

Due to the noise inherent in certain activities and for other reasons, special rules apply to the following acts and situations:

(a) *Domestic power tools.* No person shall operate or permit the operation of any mechanically or electrically-powered saw, drill, sander, grinder, lawn or garden tool, or similar device used in a residential district between the hours of 10:00 p.m. and 7:00 a.m. on a residential property or within 250 feet of a residential real property boundary (when operated on commercial or light-industrial property), unless such activities do not exceed the limits set forth in Table I of section 46-4 above.

(b) *Loading and unloading.* No person shall load, unload, open, close or perform other handling of boxes, crates, containers, building materials, garbage cans or similar objects between

the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property boundary, except when necessary, in the performance of construction work as defined in section 46-3 above

(c) *Portable sound systems.* Self-contained, portable, non-vehicular music or sound production or amplification devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 7:00 a.m., sound from such equipment, operated on a public space, shall not be plainly audible by any person other than the operator. Section 46-4 shall still apply, however, to the use of such devices on property not in public spaces or on public rights-of-way.

(d) *Powered model vehicles and aircraft.* No person shall operate or permit the operation of powered model vehicles or model aircraft so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(e) *Racing events.* No person shall operate or permit any motor vehicle or motorcycle racing event at any place so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(f) *Vehicular stereos.*

- (1) *Daytime.* Vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator or sound source between the hours of 8:00 a.m. and 10:00 p.m.
- (2) *Nighttime.* Vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of 25 feet in any direction from the operator or sound source between the hours of 10:00 p.m. and 8:00 a.m.

(g) *Security alarms.*

- (1) Security alarm systems, commercial or residential, failing to cease emitting an audible sound within 15 minutes of activation are prohibited and shall also constitute a nuisance.
- (2) Security alarm systems, commercial or residential, which emit an intermittent signal failing to cease within 15 minutes of activation are prohibited and shall also constitute a nuisance.

(h) *Places of public entertainment.* No person shall operate, play or permit the operation or playing of any radio, television, music player, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound at a sound level greater than 85

db(A) as read by the slow response on a sound level meter at any point that is normally occupied by a customer in any place of public entertainment with a seating capacity of less than 500 persons, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT." Section 46-4 shall still apply, however, to places of public entertainment.

(i) *Refuse and recycling vehicles.*

- (1) No person shall allow for the collection of or collect refuse or recycling materials with a refuse or recycling collection vehicle or operate the compacting mechanism of any motor vehicle that compacts refuse or recycling between the hours of 8:00 p.m. and 7:00 a.m. the following day in a residential property area or within 500 feet of such an area.
- (2) No person shall allow for the collection of or collect refuse or recycling materials with a refuse or recycling collection vehicle or operate the compacting mechanism of any motor vehicle that compacts refuse or recycling between the hours of 12:00 a.m. and 5:00 a.m. in a Commercial property area or within 500 feet of such an area.
- (3) Any person found in violation of this sub-section (i) is subject to an administrative citation as outlined in section 46-39 Code of Ordinances and/or the suspension or revocation of the building's certificate of occupancy as outlined in section 18-23, Code of Ordinances.
- (4) Evidence to determine violations shall include, among other things, photos, videos, and screenshots with a time stamp submitted to the regulatory authority, and/ or the recorded observations of an official of the designated regulatory authority.

**Sec. 46-6. Methods of measurement.**

(a) All sound level measurements, when taken, shall be taken using guidelines approved by the director of health. Such procedures shall be made available upon request.

(b) Noise control officers shall have the discretion and authority to take measurements using methods and testing locations that they deem appropriate in their professional judgment in certain situations. In some situations, for example, it may be more practical to measure sound at the location of the complainant, rather than at the property line.

**Secs. 46-7 – 46-15. Reserved.**

**ARTICLE II. MOTOR VEHICLES AND MOTORCYCLES**

**Sec. 46-16. Motor vehicles.**

(a) *Public right-of-way; plainly audible standard; nighttime hours.*

- (1) *Maximum weight of 10,000 pounds or less.* No person shall operate, cause or permit to be operated a motor vehicle with a maximum gross weight of 10,000 pounds or less, where the muffler, exhaust or other component on the motor vehicle generates a sound that is plainly audible at a distance of 300 feet or more from the motor vehicle. This subsection shall only apply when the sound is generated between the hours of 10:00 p.m. and 7:00 a.m. the following day on public right-of-way where the speed limit is 35 miles per hour or less. The detection of the sound by a person using his or her unaided hearing is sufficient to verify plainly audible sound. Plainly audible sound does not require measurement with a sound meter.
- (2) *Maximum weight greater than 10,000 pounds.* No person shall operate, cause or permit to be operated a motor vehicle with a maximum gross weight of more than 10,000 pounds, where the muffler, exhaust or other component on the motor vehicle generates a sound that is plainly audible at a distance of 350 feet or more from the motor vehicle, except when a compression release brake system is used to stop the vehicle in an emergency. This subsection shall only apply when the sound is generated between the hours of 10:00 p.m. and 7:00 a.m. the following day on public right-of-way where the speed limit is 35 miles per hour or less. The detection of the sound by a person using his or her unaided hearing is sufficient to verify plainly audible sound. Plainly audible sound does not require measurement with a sound meter.

(b) *Private property; metered readings; all hours.* No person shall operate or cause to be operated a motor vehicle on private residential property which creates a noise on private residential property that exceeds the following limits with a two-minute sound level meter reading:

- (1) *Day hours.* 90 decibels between the hours of 7:00 a.m. and 10:00 p.m.
- (2) *Night hours.* 55 decibels between the hours of 10:00 p.m. and 7:00 a.m.

(c) The same standards for the taking of sound level readings used elsewhere in the noise code shall apply to this subsection.

#### **Sec. 46-17. Motorcycles.**

(a) *Public right-of-way; plainly audible standard; nighttime hours.* No person shall operate, cause or permit to be operated any motorcycle where the muffler, exhaust or other component on the motor vehicle generates a sound that is plainly audible at a distance of 300 feet or more from the motorcycle. This subsection shall only apply on public right-of-way where the speed limit is 35 miles per hour or less. The detection of the sound by a person using his or her

unaided hearing is sufficient to verify plainly audible sound. Plainly audible sound does not require measurement with a sound meter.

(b) *Private property; metered readings; all hours.* No person shall operate or cause to be operated a motorcycle on private residential property which creates a noise on private residential property that exceeds the following limits with a two-minute sound level meter reading:

- (1) *Day hours.* 90 decibels between the hours of 7:00 a.m. and 10:00 p.m.
- (2) *Night hours.* 55 decibels between the hours of 10:00 a.m. and 7:00 a.m.

(c) The same standards for the taking of sound level readings used elsewhere in the noise code shall apply to this subsection.

**Sec. 46-18. Mufflers or other sound-dissipative devices.**

(a) No person shall operate any motor vehicle, motorcycle or unlicensed construction motor vehicle designed and manufactured with a muffler or other sound-dissipative device unless equipped with a muffler or other sound-dissipative device in good working order and in constant operation.

(b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repairs or replacement, any muffler or sound-dissipative device on a motor vehicle or motorcycle.

**Sec. 46-19. Use of horns and other signaling devices.**

No person shall sound any horn or other auditory signaling device on or in any motor vehicle or motorcycle on any public right-of-way or public space, unless reasonably necessary to ensure safe operation.

**Sec. 46-20. Compression release braking systems.**

It shall be unlawful for any person to utilize a motor vehicle's compression release braking system while traveling on roads or highways within the City with posted right-of-way signs that say "Noise Ordinance Enforced."

**Secs. 46-21 – 46-25. Reserved.**

**ARTICLE III. ADMINISTRATION AND ENFORCEMENT**

**DIVISION 1. EXCEPTIONS AND SPECIAL PERMITS**

**Sec. 46-26. Exceptions to the noise code.**

The provisions of the noise code shall not apply to:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency;

(b) The emission of sound in the performance of emergency work;

(c) Construction work, as defined in section 46-3;

(d) The unamplified human voice;

(e) Interstate railway locomotives and cars;

(f) Activities for which the director has issued either a special variance or special permit pursuant to the noise code;

(g) Noise disturbances that are the result of any act of God, war, labor disturbance, riot, catastrophe or other cause beyond the control of a person; or

(h) Data centers (facilities operated by a business engaged primarily in data processing, hosting, and related services with installed electrical equipment having the capacity to draw at least 50 MW of demand) that are not exceeding sound levels of 80 dBA when measured at their real property boundary, excluding all ambient noise and noise caused by generators in the event of a power outage or interruption.

**Sec. 46-27. Special permits.**

(a) *Authority of director of health.* The director shall have the authority, consistent with this chapter, to grant special permits which may be requested by any person proposing to engage in any activity which the applicant believes will create a noise disturbance prohibited by this chapter.

(b) *Application; hearing.* Any person seeking a special permit pursuant to this section shall file an application with the director. The application shall contain information which demonstrates that compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. Any individual who claims to be adversely affected by allowance of the special permit may file a statement with the director containing any information to support his claim. If the director finds that a sufficient controversy exists regarding an application, a public hearing may be held.

(c) *Granting or denial.* In determining whether to grant or deny the application, the director shall balance the hardship to the applicant, the community and other persons of not granting the special permit against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special permit. Applicants for special permits and persons contesting special permits may be required to submit any information the director may reasonably require. In granting or

denying an application, the director shall maintain a copy of the decision and the reasons for denying or granting the special permit.

(d) *Conditions.* A special permit shall be granted by notice to the applicant containing all necessary conditions on the permitted activity. The special permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special permit shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special permit was granted.

(e) *Procedural rules.* The director may issue rules and regulations defining the procedures to be followed in applying for a special permit and the criteria to be considered in deciding whether to grant a special permit.

**Secs. 46-28 – 46-35. Reserved.**

## **DIVISION 2. PENALTIES, ABATEMENT AND OTHER REMEDIES**

### **Sec. 46-36. Administration of noise control program.**

The noise control program established by this chapter shall be administered by the director of health.

### **Sec. 46-37. Duties.**

(a) *Investigation of violations.* The director shall have the authority to investigate and pursue possible violations of this chapter. If a complaint is made, upon presentation of proper credentials, the director may enter and inspect any property or place and inspect any relevant report or records at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act on behalf of the owner. When permission to enter is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon a showing of probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests.

(b) *Delegation of authority.* The director may delegate his or her functions under this chapter. The city police department is hereby authorized to enforce the prohibitions established by City Code without the explicit delegation from the director of health.

### **Sec. 46-38. Abatement orders.**

The director of health may issue an order requiring abatement of any source of sound if he or she has reason to believe that it is in violation of this chapter, within a reasonable time period and according to rules and regulations which the director may prescribe.

### **Sec. 46-39. Administration citation fine for violation of chapter.**

(a) The Director of Health may issue an administrative citation for violations of any provision of this Chapter.

(b) The administrative citation fine amount for a first violation under the provisions of this Chapter shall be \$100.00 and each day that a violation continues shall constitute a separate offense for which the violator may be fined.

(c) The administrative citation fine for repeat violations of the same City Code provision by the same person within 12 months from the date of the first administrative citation shall be as set forth in the following schedule and each day that a violation continues shall constitute a separate offense for which the violator may be fined.

(1)	First violation	\$100.00
(2)	Second violation	Not less than \$100.00 but not more than \$300.00
(3)	Third violation	Not less than \$300.00 but not more than \$500.00
(4)	Fourth and subsequent violations	Not less than \$500.00 but not more than \$1,000.00

(d) Any administrative citation fine which is not paid on or before its due date shall accrue a one-time penalty in an amount equal to the original administrative citation fine. Said penalty shall be collected in the same manner as the underlying fine.

(e) The director may waive a portion of the amount of administrative citation fines that have accumulated as a result of non-compliance with City Code provided that the owner has achieved compliance in a timely manner and there are no other violations of chapter 46.

#### **Sec. 46-40. Payment of Administrative Fine**

(a) The alleged violator must either pay the scheduled administrative citation fine by the due date indicated on the administrative citation or request a hearing within 20 days from the date of the administrative citation as outlined in Sec. 46-42.

(b) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the City Code violation that is the subject of the administrative citation.

(c) If an administrative citation fine is not paid within the time specified and no request for a hearing is timely received, the nonpayment of the fine will constitute a personal obligation of the violator. A personal obligation may be collected by the city by any appropriate legal means including assessing the applicable property pursuant to section 46-47 of the City Code.

#### **Sec. 46-41. Administrative citation.**

Each administrative citation shall contain the following information:

(a) The date the violation is identified;

(b) The address or a definite description of where the violation occurred, such as the receiving property line or location of the sound source;

(c) The section of the City Code violated and a description of the violation;

(d) The amount of the fine for the City Code violation;

(e) A description of the fine payment process, including a description of the time within which and the place from which a request for a hearing form to contest the administrative citation may be obtained; and

(f) The name and signature of the citing code enforcement officer.

**Sec. 46-42. Request for an administrative hearing.**

(a) Any recipient of an administrative citation may contest that there was a violation of the City Code or that the recipient is the responsible party by completing a request for administrative hearing petition and returning it to the director of within 20 days from the date of the administrative citation.

(b) A request for administrative hearing petition may be obtained from the environmental health services division.

(c) The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.

(d) If the code enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five days prior to the date of the hearing.

**Sec. 46-43. Hearing officer designated**

The Director of Health shall designate the hearing officer for the administrative hearing.

**Sec. 46-44. Hearing.**

(a) A hearing before the hearing officer shall be set for a date that is not less than ten days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter.

(b) With the agreement of all parties, the hearing officer may attempt to mediate the dispute. If the dispute is settled as the result of mediation, the hearing will be canceled. Any mediated settlement must be commemorated by the hearing officer in writing and signed by the person filing the appeal and the city.

**Sec. 46-45. Administrative hearing procedures.**

(a) At the hearing on the record, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(b) The administrative citation, property record, and related documentation shall be prima facie evidence of the municipal code violation. A city employee or agent shall present the city's case although the code enforcement officer who issued the notice of violation need not be present.

(c) The hearing officer may continue the hearing to a later date to request additional information from the code enforcement officer or the recipient of the administrative citation be presented by the appropriate parties prior to issuing a written decision.

**Sec. 46-46. Written decision.**

(a) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list the reasons for that decision. The hearing officer shall also have the authority to reduce or waive a scheduled fine upon compliance with certain conditions.

(b) If the hearing officer determines that the administrative citation should be upheld, the hearing officer shall set forth in the decision a payment schedule for the fine if it has not already been paid. If the hearing officer determines that the administrative citation should be overturned, the citation shall be voided.

(c) The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

(d) The decision of the hearing officer shall be final without any further right of administrative appeal other than as provided in Chapter 536, RSMo.

**Sec. 46-47. Final decision by hearing officer.**

(a) The hearing officer may not impose incarceration or any fines in the excess amount allowed by the schedule of fines. Any fine or costs, or part of any fine or costs, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under Chapter 563, RSMo, shall be a debt due and owing the city, and may be collected in accordance with applicable law.

(b) Any decision or judgment by the hearing officer will be enforced pursuant to the provisions of Chapter 479, RSMo.

(c) Any final decision or disposition of a City Code violation by a hearing officer shall constitute a final determination for purposes of judicial review. Such determination is subject to review under Chapter 536, RSMo, or, at the request of the defendant made within ten days, a

trial de novo in the circuit court. After expiration of the judicial review period under Chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the hearing officer's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property of any defendant pleading guilty to or found guilty in violation of a municipal code violation in the amount of any debt due to the city under this chapter and enforced in the same manner as a judgment lien under a judgment of a court competent jurisdiction.

**Sec. 46-48. Filing fees.**

The filing fee for application to the director of health for a special permit under this chapter shall be \$50.00 per application.

**Sec. 46-49. Other remedies.**

No provision of this chapter shall be construed to impair the city's right to pursue any other legal remedy, relief, or cause of action, including injunctive relief, related to any violation of this chapter or from any other law.

..end

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Approved as to form and legality:

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Joseph Guarino  
Assistant City Attorney

<b>LEGISLATIVE FACT SHEET</b>		Legislation Number:	<b>220053</b>	
		Approval Deadline:		
LEGISLATION IN BRIEF:				
What is the reason for this legislation?		<b>Fact Sheet Color Codes</b>		
		User Entered Field		
		User Select From Menu		
		For OMB Use		
		Sponsor(s)		
		Programs, Departments, or Groups Affected		
		Sub-Program in Budget (page #)		
		Applicants/ Proponents	City Department	
			Other	
		Staff Recommendation		
		Board or Commission Recommendation		
		<b>Future Impacts</b>		
Cost of Legislation current Fiscal Year				
Costs in Future Fiscal Years?				
Annual Revenue Increase/Decrease				
<b>Applicable Dates:</b>				
<b>Prepared by:</b>				
<b>Date Prepared:</b>				
<b>Reviewed by:</b>				
<b>Date Reviewed</b>				
<b>Reference Numbers</b>				
Discussion (including relationship to other Council actions)				
<b>Citywide Business Plan Goal</b>				
<b>Citywide Business Plan Objective</b>				
<b>Citywide Business Plan Strategy</b>				

<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	<b>220053</b> TMP-1344
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**LEGISLATION IN BRIEF:**

Amending Chapter 46, Code of Ordinances, entitled "Noise Control" by repealing it in its entirety and enacting in lieu thereof a new Chapter 46 entitled "Noise Control" of like subject matter, consisting of sections 46-1 through 46-49.

**What is the purpose of this legislation?** LEGISLATIVE

*for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank*

**Sections 01-04 should be blank. See section 00 for more information**

Yes/No

Yes/No

Yes/No

Yes/No

**Section 00: Notes:**

*Ordinance changes are estimated to generate approximately \$2,000 of additional revenue in the Health Levy. This is reflected in Section 04.*

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

**NET IMPACT ON OPERATIONAL BUDGET**

	\$ -	\$ -
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*RESERVE STATUS:*

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2330	Health	\$ -	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
<b>TOTAL REV</b>		-	2,000	2,000	2,000	2,000	2,000	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
<b>TOTAL EXP</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**NET Per-YEAR IMPACT** **\$ -**

**NET IMPACT ( SIX YEARS)** **10,000.00**

REVIEWED BY Kitty Steffens, OMB      DATE 1/12/2022



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**File #: 220066**

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ORDINANCE NO. 220066

Approving the First Amendment to the Overlook Tax Contribution and Disbursement Agreement among the City, Tax Increment Financing Commission of Kansas City, Missouri, Oz Development, LLC, and Novak Birks, PC; and authorizing the Director of Housing to execute the Amendment.

WHEREAS, Ordinance No. 200942 authorized the execution of a Tax Contribution and Disbursement Agreement (the "Agreement") among the City, the Tax Increment Financing Commission (the "Commission"), Oz Development, LLC (the "Redeveloper"), and Novak Birks, PC (the "Cost Certifier"); and

WHEREAS, the Agreement calls for the City to contribute sales taxes from the Central City Sales Tax revenues to be used to reimburse project costs in the amount of \$5,000,000.00 (the "CCED revenues") in accordance with the redevelopment agreement between the Commission and the Redeveloper; and

WHEREAS, the Central City Economic Development Sales Tax Board recommended approval of funding for the project at their August 11, 2020, board meeting; and

WHEREAS, the City Council pursuant to Committee Substitute for Ordinance No 200996, approved funding for the project; and

WHEREAS, final design, environmental, and construction estimates have led to adjustments in the budget; and

WHEREAS, Oz Development, LLC, desires to amend the Agreement to adjust an individual line item in the budget of the CCED revenues for the project, without changing the total amount of CCED revenues or any other revenues contemplated by the Agreement and the Commission has approved this adjustment through a First Amendment to the Agreement, subject to approval of the First Amendment by the City; NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

Section 1. That the First Amendment to the Tax Contribution and Disbursement Agreement among the City, Tax Increment Financing Commission of Kansas City, Missouri, Oz Development, LLC, and Novak Birks, PC is hereby approved, in substantial form as the document attached hereto as Exhibit A.

Section 2. That Director of Housing is hereby authorized to execute the First Amendment, and also authorized to execute any further amendments to the Agreement, which do not substantially increase the amount of the City contributions and such other minor changes which do not change the nature of the Overlook Tax Increment Financing Plan or the Agreement.

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Approved as to form and legality:

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Emalea Black  
Assistant City Attorney

# GENERAL

**220066**

## Ordinance Fact Sheet

Ordinance Number

**Brief Title** Overlook TIF Plan  
**Approval Deadline** \_\_\_\_\_  
**Tax Contribution Agreement Amendment**

**Reason**  
 To amend the Tax Contribution and Disbursement Agreement among the City, TIF Commission, Oz Development Company and the cost certifier, Novak Birks.

Details	Positions/Recommendations		
<p><b>Specific Address</b></p> <p>The proposed Redevelopment Area described by the Plan is generally bounded by Swope Parkway on the north, 49<sup>th</sup> Street on the south, Chestnut Avenue on the west, and College Avenue on the east, all in Jackson County, Kansas City, Missouri.</p> <p><b>Reason For Legislation</b></p> <p>To amend the Tax Contribution and Disbursement Agreement among the City, TIF Commission, Oz Development Company and the cost certifier, Novak Birks.</p> <p><b>Discussion</b></p> <p>The Redevelopment Plan contemplates for the construction of up to 60,000 square feet of new office building and 185 surface parking spaces, along with interior driveways, and potentially a health fitness trail and public plaza areas associated with the building (the "Project Improvements"), together with the construction or reconstruction of such other public infrastructure improvements such as signage, signaling, sidewalks, storm drainage facilities, utility relocation and upgrades, structured parking facilities, curbs, and such other related public infrastructure improvements that support and enhance the Project Improvements (collectively, the "Public Improvements"). The Plan provides for reimbursement of certain costs from economic activity taxes generated by the Project Areas, CCED revenues, and PIAC funds.</p> <p>On December 10, 2020, the Council, by Ordinance No. 200996 (the "CCED Ordinance"), agreed to provide additional financing in the amount of \$5,000,000 and entered into a Tax Contribution and Disbursement Agreement ("Original Agreement").</p> <p>Final design, environmental, and construction estimates have been made. Budget adjustments in the budget and the parties desire to amend the Original Agreement to adjust an individual line item in the budget of the CCED revenues for the project, without changing the total amount of CCED revenues or any other revenues contemplated by the Agreement the budget .</p>	<p><b>Sponsor</b></p> <p>Councilwoman Robinson</p>		
	<p><b>Programs, Departments, or Groups Affected</b></p>		
	<p><b>Applicants / Proponents</b></p>	<p><b>Applicant</b></p> <p>Tax Increment Financing Commission</p> <p><b>City Department</b></p> <p><b>Other</b></p> <p><b>Basis of opposition</b></p>	
	<p><b>Staff (TIF Staff) Recommendation</b></p>	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p><b>Reason Against</b></p>	
	<p><b>Board or Commission Recommendation</b></p>	<p><b>By Tax Increment Financing Commission</b></p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken</p> <p><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p> <p><input type="checkbox"/> Not Applicable</p>	
	<p><b>Council Committee Actions</b></p> <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>		

(Continued on reverse side)

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	Not Applicable

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Fund Source (s) and Appropriation Account Codes</b>	
<b>Is this Ordinance or Resolution Good for the Children?</b>	Yes.

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**Applicable Dates:**

TIF Commission approved the First Amendment, subject to the approval of the First Amendment by the City Council.

**Fact Sheet Prepared by:**

Heather A. Brown, Executive Director, Tax Increment Financing Commission

**Reviewed by:**

**Reference Numbers**





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**File #: 211122**

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ORDINANCE NO. 211122

Amending Chapter 88, Code of Ordinances, by repealing Section 88-605-03, Street Naming Committee, and enacting in lieu thereof a new section of like number and subject matter for the purpose of requiring City Council approval for the renaming of streets.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by repealing Section 88-605-03, Street Naming, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

**88-605-03 - STREET NAMING COMMITTEE**

**88-605-03-A. ESTABLISHMENT AND PURPOSE**

There is hereby established a street naming committee with the prime function of assigning names to the public and private streets.

**88-605-03-B. MEMBERSHIP**

The following individuals are members of the street naming committee:

1. city planning and development director;
2. public works director;
3. parks and recreation director;
4. fire chief;
5. police chief.

**88-605-03-C. EX OFFICIO MEMBERS**

The following are ex officio members of the street naming committee:

1. U.S. post office; and
2. other agencies as deemed necessary by the city planning and development director to render a complete and competent review of proposed street names.

**88-605-03-D. PROCEDURES**

The city planning and development director is the chairperson of the street naming committee. The chair's function is to coordinate committee activities. The committee shall review requests to rename streets and make recommendations to the city council when needed. The committee shall assign street names as part of the subdivision plat approval process. The chair must inform the developer of recommendations by the committee and must present recommendations to the city plan commission or the city council, as necessary.

**88-605-03-E. HONORARY STREET NAMES**

Honorary street names may be used to honor neighborhood and local leaders, community activists, and state and national figures. The following guidelines apply.

1. **CONSIDERATION OF NOMINEES**

The nominating person or organization must prepare an autobiography or historical statement of the proposed recipient of the honorary street name designation. The statement should outline the historical or cultural significance of the nominated person, place, or event to the community and to the city. Attached to the autobiography or historical statement should be a map indicating where the honorary street name is being requested and additional information as to why the identified section of street is appropriate.

2. **PETITION OF SUPPORT**

The nominating person or organization must include with the request package a petition of support for the proposed honorary street name. The petition must be signed by no fewer than 50 residents of the city, and must also include at least 75% of the property owners abutting that section of the street proposed to be honored. Special circumstances regarding street segment length or location, etc., will be considered by the city council on a case-by-case basis.

3. **CONSIDERATION BY THE STREET NAMING COMMITTEE**

The nomination request package must be referred to the street naming committee for review. After the street naming committee reviews the application, a report discussing the validity of the petition and the anticipated costs that will be incurred to carry out the request must be prepared and submitted to the city council. The city council may act to approve or deny the application. A simple majority vote is required by city council.

4. **FINANCIAL BURDEN**

The costs of fabrication and installation of the honorary signs as well as all future maintenance and replacement of the signs will be the responsibility of the nominating person or group.

5. **PLACEMENT AND DESIGN OF SIGNS**

Honorary street name signs may not exceed the regulatory size of a green guide street sign. The department of public works has sole authority for the fabrication and installation of honorary street name signs in the city.

6. **TERMINATION OF AN HONORARY STREET NAME DESIGNATION**  
The city may choose at any time and for any reason to discontinue any honorary street name designation by approval of the city council. Should all of the signs become missing or vandalized and remain so for a period of one year with no remedy, the designation will be considered abandoned. The city will not replace or repair any honorary signs without compensation.
  
7. **HONORARY STREET NAME AS ALIAS FOR OFFICIAL STREET NAME**  
The honorary street name must be logged as an alias in the city's emergency communications system and by the U.S. Postal Service for mail delivery purposes.

### **88-605-03-F. STREET RENAMING**

Street renaming is a process to establish a new name for a street that has already been given a street name by an approved plat, by the street naming committee or by the city council.

1. **CONSIDERATION OF RE-NAMING**  
The city council or the Parks Board in the case of streets under their jurisdiction may initiate renaming of a street. The city planning and development director may initiate renaming only in the instance of fixing an error. A statement outlining the need to rename a street and a map indicating where the street re-naming is being requested shall be provided.
  
2. **CONSIDERATION BY THE STREET NAMING COMMITTEE**  
The application must be referred to the street naming committee for review. After the street naming committee reviews the application, a report discussing the impacts on the property owners, the anticipated costs that will be incurred to carry out the request and a recommendation must be prepared and submitted to the city council.
  
3. **NOTICE OF HEARING**  
Notice of the city council public hearing must be sent by the initiator by U.S. mail, first class at least 13 days before the date of the hearing to all property owners adjacent to the section of street proposed to be renamed, any registered neighborhood organization and/or registered civic organization whose boundaries include the subject street, and all owners of property within 300 feet of the street to be renamed. Addresses must be based on the latest available, city-maintained property ownership information. The mailed notice shall indicate the date, time and place of the public hearing, describe the requested action to be taken, indicate where to obtain additional information, and provide contact or other information sufficient for those interested to determine when the city council will hold its hearing on the re-naming.
  
4. **HEARING AND FINAL ACTION**

Following the close of the public hearing, the city council may act to approve or deny the proposed renaming. A simple majority vote is required by city council.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

..end

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

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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

# COMMUNITY PROJECT/REZONING

## 211122

### Ordinance Fact Sheet

Ordinance Number

**Case No.** CD-CPC-2021-00204

**Brief Title**

A request to amend Chapter 88, street naming to clarify the process for street renaming and approvals for honorary street naming allow for other types of signs to be relocated that are a part of an eminent domain action.

**Details**

**Location:** City Wide

**Reason for Legislation:** To amend Chapter 88, Street Naming to clarify the process for street re-naming and approvals for honorary street naming.

**PLAN REVIEW**

The proposed code amendment began based on direction from CS Resolution 200838, which directed staff to amend Chapter 88 to provide process for re-naming of streets and for approving authority for honorary street names. The proposed amendment provides a formal process for re-naming of streets including notification of all adjacent landowners and everyone within 300’ of the street to be renamed. The city council and the parks board (when streets under their jurisdiction) can initiate renaming a street. City Planning Director has the authority to apply only if the change is to fix an error on a plat. The street naming committee shall review and make recommendation to the city council. Notice shall be made to all adjacent property owners and owners withing 300’ of the street. The council shall have a public hearing and then with a simple majority vote, choose to approve or deny. The other adjustment is requiring honorary street names be approved by the city council. This is to ensure those being honored meet the city council’s desire for individuals that were leaders, community activist or state and national leaders.

**CPC RECOMMENDATION**

On December 7, 2021 the CPC recommended approval of CD-CPC-2021-00204 without conditions.

**Positions/Recommendations**

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	City Wide
<b>Applicants / Proponents</b>	<b>Applicant</b>
	<b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b>
	<b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b>
	<input type="checkbox"/> <b>Against</b>
	<b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (6-0)      12-07-2021 By Beasley, Crowl, Enders, Hill, Rojas, Allender
	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b>
	<input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b>
	<input type="checkbox"/> <b>Do Pass (as amended)</b>
	<input type="checkbox"/> <b>Committee Sub.</b>
	<input type="checkbox"/> <b>Without Recommendation</b>
	<input type="checkbox"/> <b>Hold</b>
	<input type="checkbox"/> <b>Do not pass</b>

Continued from Page 1

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**

<b>Fact Sheet Prepared By:</b>	Date: 12-15-2021		
Diane Binckley Deputy Director			
<b>Reviewed By:</b>	Date: 12-15-2021	<b>Initial Application Filed:</b>	
Diane Binckley Deputy Director		<b>City Plan Commission:</b>	12-07-2021
<b>Reference Numbers:</b>		<b>Revised Plans Filed:</b>	N/A
Case No. CD-CPC-2021-00204			



**File #:** 190282

ORDINANCE NO. 190282

Rezoning about 5.3 acres generally located south of N.E. 81st Terrace in between N. Flintlock Road to the west and N. Church Road to the east from Districts B3-2 and O-2 to District B4-1. (CD-CPC-2018-00226)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A1192, rezoning an area of approximately 5.3 acres generally located south of N.E. 81st Terrace in between N. Flintlock Road to the west and N. Church Road to the east from Districts B3-2 (Community Business dash 2) and O-2 (Office dash 2) to District B4-1 (Heavy Business/Commercial 4), said section to read as follows:

Section 88-20A1192. That an area legally described as:

Lots 4 and 5, and Tract B in Barry Pointe Office Park – Second Plat, and Lot 3B in Minor Subdivision – Barry Pointe Office Park – Second Plat, subdivisions in Kansas City, Clay County, Missouri.

is hereby rezoned from Districts B3-2 (Community Business dash 2) and O-2 (Office dash 2) to District B4-1 (Heavy Business/Commercial 4), all as shown outlined on a map marked Section 88-20A1192, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

Section B. That 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

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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:

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Sarah Baxter  
Assistant City Attorney

# COMMUNITY PROJECT/REZONING

**190282**

Ordinance Number

## Ordinance Fact Sheet

**Case No.** CD-CPC-2018-00226

### Brief Title

A request to approve a rezoning from District B3-2 (Community Business dash 2) and District O-2 (Office dash 2) to District B4-1 (Heavy Business/Commercial 4) on about 5.3 acres generally located south of NE 81<sup>st</sup> Terrace in between N. Flintlock Road to the west and N. Church Road to the east, to allow for general automotive repair.

### Details

**Location:** Generally located south of NE 81<sup>st</sup> Terrace in between N. Flintlock Road to the west and N. Church Road to the east.

**Reason for Legislation:** Rezoning require Council approval.

See attached City Plan Commission report.

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	1 <sup>st</sup> District (Wagner, Hall)
<b>Applicants / Proponents</b>	<b>Applicant</b> Ryan Dugdale RIC 5015 NW Canal Street, Suite 100 Riverside, MO 64150  <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b> Barry Pointe Medical Office Park <b>Basis of Opposition</b> Proposed use violates covenants.
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b>  <input type="checkbox"/> <b>Against</b>  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (6-1) 04-02-2019 By Archie, Baker-Hughes, Crowl, Dameron, Macy, Burnette, May <input type="checkbox"/> <b>For</b> <input checked="" type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b>  <input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b> <input type="checkbox"/> <b>Do Pass (as amended)</b> <input type="checkbox"/> <b>Committee Sub.</b> <input type="checkbox"/> <b>Without Recommendation</b> <input type="checkbox"/> <b>Hold</b>



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Appropriation Account Codes	

**Continued from Page 2**

<b>Fact Sheet Prepared By:</b>	Zach Nelson Staff Planner	<b>Date:</b> 04-03-2019	
<b>Reviewed By:</b>	Zach Nelson Staff Planner Development Management	<b>Date:</b> 04-03-2019	<b>Initial Application Filed:</b> 11-27-2018 <b>City Plan Commission:</b> 04-02-2019 <b>Revised Plans Filed:</b> N/A
<b>Reference Numbers:</b>	Case No. CD-CPC-2018-00226		