



Agenda

Neighborhood Planning and Development Committee

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

Wednesday, April 20, 2022

1:30 PM

26th Floor, Council Chamber

PUBLIC OBSERVANCE OF MEETINGS

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

Any closed session may be held via teleconference.

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

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

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

Beginning of Consent(s)

[220328](#)

Approving the plat of NP Northland Park Industrial, Fourth Plat, an addition in Clay County, Missouri, on approximately 89.48 acres generally located east of the end of the right-of-way on N.E. 41st Street in Northland Park, Clay County, Missouri, creating 2 lots and 2 tracts for the purpose of a 2 lot industrial subdivision; accepting 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-2020-00014)

Attachments: [2020-00014 Ordinance Fact Sheet](#)

End of Consent(s)

[220317](#)

Approving an interjurisdictional preliminary plat for Brandom Acres within the cities of Gladstone, Missouri and Kansas City, Missouri in District R-80 on about 8 acres (9.5 acres total) generally located at the northwest corner of N.W. 74th Street and N. Broadway, creating two residential lots. (CD-CPC-2021-00195)

Attachments: [CD-CPC-2021-00195 FACTSHT](#)

[220320](#) Approving a development plan in District R-1.5 on approximately a 1.92 acre tract of land generally located at the southwest corner of N.E. 88th Street and N. Oak Trafficway for two multi-family residential buildings to contain a total of 56 units. (CD-CPC-2022-00017)

Attachments: [Fact Sheet 88th & N Oak Apartments](#)

[220321](#) Rezoning an area of about 3 acres generally located on the west side of North Corrington Avenue approximately 1400 feet north of East Front Street from District M3-5 to District M2-5. (CD-CPC-2022-00045)

Attachments: [CD-CPC-2022-00045 FACTSHT](#)

Bough

[220322](#) Amending Chapter 88, the Zoning and Development Code, Section 88-415 to revise the stream buffer standards.

Attachments: [220322 Fact Sheet](#)
[220322 Fiscal Note](#)
[220322 Compared Version](#)

[220323](#) Amending Chapter 88, Code of Ordinances, by repealing Section 88-620, Fees, and enacting in lieu thereof a new section of like number and subject matter for the propose of establishing a cap on the fees for minor subdivisions.

Attachments: [CD-CPC-2020-00162 Facsheet.pdf](#)

[220327](#) Rezoning an area of about 32 acres generally located on the north side of E. 63rd Street on both sides of Prospect Avenue and bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west from Districts B4-2, B3-2, R-2.5 and R-5 to District UR. (CD-CPC-2021-00211)

Attachments: [CD-CPC-2021-00211 FACTSHT](#)

[220342](#) Approving contracts in the amount of \$1,233,850 from previously appropriated funds in the Neighborhood Tourist Development Fund with various nonprofit organizations selected as part of the FY 2022-2023 annual application cycle for the purpose of promoting neighborhoods and tourism through cultural, social, ethnic, historic, educational, and recreational activities.

Attachments: [Fact Sheet - TMP-1724](#)
[Fiscal Note - TMP-1724](#)
[NTDF Council Presentation April 2022](#)

HELD IN COMMITTEE

Bough and Robinson

[210919](#) RESOLUTION - Adopting an AdvanceKC Purpose and Values Statement and directing the Advance KC 2.0 Standing Committee to evaluate the tiering of incentives, use of an equity scorecard, and a housing continuum.

Attachments: [No Fact Sheet - Resolution](#)

Bough and Robinson

[210920](#) Enacting an updated Economic Development and Incentives Policy, replacing the policy enacted by Committee Substitute for Ordinance No. 140031, As Amended.

Attachments: [No Fact Sheet](#)

Robinson

[220233](#) Amending Section 68-449, Code of Ordinances, to provide parameters for the amendment of contracts for Central City Economic Development Sales Tax funds without City Council approval.

Attachments: [220233 No 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. 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 #: 220328

ORDINANCE NO. 220328

Approving the plat of NP Northland Park Industrial, Fourth Plat, an addition in Clay County, Missouri, on approximately 89.48 acres generally located east of the end of the right-of-way on N.E. 41st Street in Northland Park, Clay County, Missouri, creating 2 lots and 2 tracts for the purpose of a 2 lot industrial subdivision; accepting 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-2020-00014)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of NP Northland Park Industrial, Fourth Plat, a subdivision in Clay 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 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 4. 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 5. 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 Clay County, Missouri.

Section 6. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on June 16, 2020.

..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

220328

Ordinance Number

Brief Title

Approving the plat of NP Northland Park Industrial, Fourth Plat, an addition in Kansas City, Clay County, Missouri

<p>Specific Address Approximately 89.48 acres generally located east of the end of the R/W on NE 41st street in Northland Park, Clay County Missouri creating 2 lots and 2 tracts</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 NP Northland Park Industrial, LLC, in order to subdivide the property in accordance with the city codes and state statutes. (The developer intends to construct a 2 lot industrial subdivision.)</p>	<p>Programs, Departments, or Groups Affected</p>	<p>City-Wide Council District(s) 1(CL) Hall – O’Neill Other districts (school, etc.) Liberty 230</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. 8121-P-29 - Ordinance No. 090898, passed by City Council on November 19, 2009 amended a previously approved preliminary development plan on about 1,656 acres, in District M-2a-p, generally located on the north side of Highway 210 on both sides of E 40th Street to allow for existing and proposed office, industrial and commercial uses.</p> <p>KEY POINTS</p> <ul style="list-style-type: none"> • Ordinance No. 51303 passed by City Council on March 7, 1980, rezoned about 2,200 acres from District RA to District M2ap. • Northland Park is a 1,656 acre industrial park on the north side of Highway 210 east of the Village of Birmingham. • Within the Bermingham Levee District. • The current development plan approved by Ordinance No. 090898, passed by City Council on November 19, 2009, allows for up to 2.3 million square foot of office, warehouse industrial development in 6 phases. • This is the last parcel to be developed within the park. • Northpoint have built buildings 1-4 just to the west of this site in the last two years. 	<p>Applicants / Proponents</p>	<p>Applicant(s) NP Northland Park Industrial, LLC 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 June 16, 2020 <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 plat is to create two industrial lots and one storm water detention tract on approximately 90 acres of previously undeveloped property. The storm water detention facilities will reduce the overall storm water volume and attenuate the peak runoff rate to less than existing conditions. This development will increase the tax base for the developed lots.</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: April 11, 2022

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

Reference or Case Numbers: CLD-FnPlat-2020-00014



File #: 220317

ORDINANCE NO. 220317

Approving an interjurisdictional preliminary plat for Brandom Acres within the cities of Gladstone, Missouri and Kansas City, Missouri in District R-80 on about 8 acres (9.5 acres total) generally located at the northwest corner of N.W. 74th Street and N. Broadway, creating two residential lots. (CD-CPC-2021-00195)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That the preliminary plat for Brandom Acres on about 8 acres generally located at the northwest corner of N.W. 74th Street and N. Broadway in District R-80 (Residential 80) , and more specifically described as follows:

A tract of land described in Deed of Personal Representative, Debra Claussen for the Estate of JoAnn Fox, recorded as Document R26987, in Book 3712, on Page 758, on August 5, 2002, in the office of the Clay County Recorder of Deeds, said tract originally described as follows: A tract of land containing 10 acres, more or less, known as 7400 N Broadway Avenue, Kansas City, Missouri and more fully described as: The South Ten (10) acres of the North one half (1/2) of the East Sixty (60) acres of the Southeast Quarter (1/4) of Section Fifteen (15), Township Fifty-one (51), Range Thirty-three (33), Clay County, Missouri, except that part conveyed to the State of Missouri for Right-of-way in book 576, Page 45. Said tract of land more particularly described by Phillip James Schnitz, PLS 2014020715, on October 15, 2021, as follows: A tract of land in the Southeast Quarter of Section 15, Township 51 North, Range 33 West, of the Fifth principal meridian, in Kansas City, Clay County, Missouri; (Basis of bearings being South 00° 27' 17" West, on the East line of the Southeast Quarter of Section 15, Township 51 North, Range 33 West) Commencing at the Northeast corner of the Southeast Quarter of said Section 15; thence South 00° 27' 17" West, 880.95 feet, on the East line of the Southeast Quarter of said Section 15; thence North 89° 36' 52" West, 30.00 feet, to a point on the West Right-of-Way line of N. Broadway Avenue, said point being the Northeast corner of the tract of land herein described and the point of beginning; thence South 00° 27' 17" West, 439.38 feet, on said

West Right-of-Way line, being the East line of the tract of land herein described, to the Southeast corner of the tract of land herein described; thence North 89° 30' 08" West, 942.20 feet, on the North line of the plats of Willow Creek, Lots 1 thru 12 and Willow Creek, Lots 13 thru 73, both being recorded subdivision in Clay County, Missouri, and the westerly extension thereof, being the South line of the tract of land herein described, to a point on the East Right-of-Way line of U.S Highway 169, said point being Southwest corner of said tract of land herein described; thence North 01' 07" 05" East, 437.54 feet, on said East line of U.S. highway 169, being the West line of the tract of land herein described, to the Northwest corner of said tract of land herein described; thence South 89° 36' 58" East, 937.13 feet; on the North line of the tract of land herein described, to the Northeast corner of said tract of land herein described, and the Point of Beginning. Said tract of land as herein described, contains 411,996 square feet or 9.46 acres more or less.

is hereby approved, subject to the following conditions:

1. The developer shall submit a final plat to be approved by the City of Gladstone, Missouri prior to Mylar approval by the City of Kansas City, Missouri.
2. 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.
3. 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.
4. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
5. 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.
6. The developer shall grant on City approved forms a stream buffer easement to the City as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
7. 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.
8. 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.

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 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.
11. 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.
12. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
13. 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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat.
14. Water and sewer connection letters from Gladstone, Missouri and Kansas City Water Services shall be on file before the plat is recorded.

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

Section B. That the Council finds and declares that before taking any action on the proposed preliminary plat hereinabove, all public notices and hearings required by the Subdivision Regulations 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 and legality:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00195

Brief Title

To approve a Preliminary Plat for Bandom Acres

Ordinance Number

Details

Location: 7400 N Broadway generally located at the northwest corner of Northwest 74th Street and North Broadway

Reason for Legislation: To Consider approval of an interjurisdictional preliminary plat within the cities of Gladstone, Missouri and Kansas City, Missouri in District R-80 (Residential 80) on about 8 acres (9.5 acres total), creating two lots

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

CITY PLAN COMMISSION RECOMMENDATION:

Approval subject to the following conditions:

1. That the developer submit a final plat to be approved by the City of Gladstone, MO prior to Mylar approval by the City of Kansas City, MO.
2. The developer must 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.
3. 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, as amended, commonly known as the Development Regulations.
4. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
5. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
6. The developer must grant on City approved forms a STREAM BUFFER Easement to the City as required by Chapter 88 and Land Development

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	2 nd District (Loar, Fowler)
Applicants / Proponents	Applicant Martin Arling Kaw Valley Engineering City Department City Planning & Development Other
Opponents	Groups or Individuals (if there are opponents on the record you may list them here) Basis of Opposition (be very generic, such as "traffic")
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 7-0 12-21-2021 By Baker, Beasley, Crowl, Enders Hill, Rojas and Sadowski <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input 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

Division, prior to issuance of any stream buffer permits.

7. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
8. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The developer must 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 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 must 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.
11. 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.
12. The developer must grant a [BMP and/or Surface Drainage Easement] to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

13. The developer is responsible for dedication of

Hold

Do not pass

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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat.

- 14. Water & Sewer Sewer connection letters from Gladstone, MO. & Kansas City Water Services must be on file before the Plat is recorded.

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Continued from Page 2

Delete if not needed

Fact Sheet Prepared By: **Date:** 02-04-22

Matthew Barnes
Staff Planner

Reviewed By: **Date:**

(insert supervisor name)
(insert title)

Initial Application Filed: 10-17-21
City Plan Commission 12-21-21
Action:
Revised Plans Filed: 01-04-22
Total Days in City Review: 73

Total Days in Applicant's 40
Hands:

Reference Numbers:

Case No. CD-CPC-2021-00195



File #: 220320

ORDINANCE NO. 220320

Approving a development plan in District R-1.5 on approximately a 1.92 acre tract of land generally located at the southwest corner of N.E. 88th Street and N. Oak Trafficway for two multi-family residential buildings to contain a total of 56 units. (CD-CPC-2022-00017)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District R-1.5 (Residential 1.5) on approximately a 1.92 acre tract of land generally located at the southwest corner of N.E. 88th Street and N. Oak Trafficway, and more specifically described as follows:

The north 95 feet of the East One Half of Lot 2, Gashland Heights Resurvey, except the east 20 feet thereof, a subdivision in Kansas City, Clay County, Missouri; and also the East Half of Lot 1, Gashland Heights Resurvey, a subdivision in Kansas City, Clay County, Missouri, except that part deeded to the City of Kansas City in Deed recorded October 7, 1996 as Document No. N17010 in Book 2609 at page 520; and also the east 190 feet of the South One Half of Lot 2, Gashland Heights Resurvey, a subdivision of land in Kansas City, Clay County, Missouri, and all of the East One Half of Lot 2, except the north 95 feet thereof, Gashland Heights Resurvey, a subdivision in Kansas City, Clay County, Missouri, also except the following tract deeded to Kansas City, described as follows: the east 20.00 feet of the south 105 feet of Lot 2, Gashland Heights Resurvey, a subdivision in Kansas City, Clay County, Missouri; and also the East Half of the North Half of Tract 3, Gashland Heights Resurvey, a subdivision in Kansas City, Clay County, Missouri, except that east 20 feet thereof.

is hereby approved, subject to the following conditions:

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to a certificate of occupancy.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.

4. The developer shall 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.
5. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
6. The developer shall combine the parcels via minor subdivision or deeds.
7. Dumpster enclosures shall be constructed of decorative split-face block or other similar, complementary, material to the residential buildings.
8. The developer shall meet the Long-Term Bicycle Parking requirement in 88-420-09-C. One space per 3 units (18 total spaces)
9. The developer shall submit a detailed micro storm drainage analysis 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, prior to approval and issuance of any building permits to construct improvements on the site. The developer shall verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and the developer shall construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.
10. 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.
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. That the south half of N.E. 88th Street shall be improved to current standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to issuance of a building permit.

13. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
14. The developer shall grant a City approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
15. 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.
16. 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.
17. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to a certificate of occupancy.
18. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
19. Fire hydrant distribution shall follow IFC-2018, Table C102.1.
20. 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)
21. 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)
22. 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
23. The developer shall pay money-in-lieu of parkland dedication fee in the amount of \$32,794.52 prior to a certificate of occupancy for 56 multi-family residential units.

24. 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.
25. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

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 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 and legality:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/REZONING

220320

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2022-00017

Brief Title

A request to approve a development plan for two multi-family residential buildings to contain a total of 56 units on about 1.92 acres generally located at the southwest corner of NE 88th Street and N Oak Trafficway. (CD-CPC-2022-00017)

Details

Location: generally located at the southwest corner of NE 88th Street and N Oak Trafficway.

Reason for Legislation: Development Plans require City Council approval

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

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:
None

CITY PLAN COMMISSION RECOMMENDATION ON THE PROJECT:
Approval subject to the following conditions:

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to Certificate of Occupancy.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy.
3. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to Certificate of Occupancy.
5. That the developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to Certificate of Occupancy.
6. The developer shall combine the parcels via minor subdivision or deeds.
7. Dumpster enclosures shall be constructed of decorative split-face block or other similar,

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP Director Department of City Planning & Development
Programs, Departments or Groups Affected	2 nd District (Loar, Fowler)
Applicants / Proponents	Applicant Rachele Biondo, Rouse Frets White Goss Gentile Rhodes 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") (04/5/2022) By (Allender, Beasley, Enders, Rojas, Crowl, Baker, 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

complementary, material to the residential buildings.

8. Meet the Long-Term Bicycle Parking requirement in 88-420-09-C. One space per 3 units (18 total spaces)
9. The developer shall submit a detailed Micro storm drainage analysis 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, prior to approval and issuance of any building permits to construct improvements on the site. The developer shall verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by Land Development Division as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.
10. 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.
11. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
12. That the South half of NE 88th Street shall be improved to current standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to issuance of a Building Permit.
13. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
14. The developer must grant a city approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
15. The owner/developer must submit plans for grading, siltation, and erosion control to Land

Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

16. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
17. The developer must grant a BMP and/or Surface Drainage Easement to the City as required by the Land Development Division, prior to Certificate of Occupancy.
18. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
19. Fire hydrant distribution shall follow IFC-2018 Table C102.1 Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
20. 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)
21. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way
22. The developer shall pay money-in-lieu of parkland dedication fee in the amount of \$32,794.52 prior to Certificate of Occupancy for 56 multi-family residential units.
23. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations. Prior to C of O. <https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>
24. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development. South of River contact –Sean Allen -816-513-0318 North of River contact Todd Hawes – 816-513-0296

Fact Sheet Prepared By: **Date:** 4/6/22

Genevieve Kohn
Planner

Reviewed By: **Date:** 4/6/22

Joseph Rexwinkle
Division Manager

Initial Application Filed: 2/11/2022

City Plan Commission Action: 4/5/22

Revised Plans Filed: 3/21/22

Total Days in City Review: 55 more or less

Total Days in Applicant's Hands: 16 more or less

Reference Numbers:

Case No. CD-CPC-2022-00017



File #: 220321

ORDINANCE NO. 220321

Rezoning an area of about 3 acres generally located on the west side of North Corrington Avenue approximately 1400 feet north of East Front Street from District M3-5 to District M2-5. (CD-CPC-2022-00045)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A-1322, rezoning an area of approximately 3 acres generally located on the west side of North Corrington Avenue approximately 1400 feet north of East Front Street from District M3-5 (Manufacturing 3 (dash 5)) to District M2-5 (Manufacturing 2 (dash 5)), said section to read as follows:

Section 88-20A-1322. That an area legally described as:

Executive Park 28th Plat a Replat of Lot Split Tr A-1 of Tr A-Lot 2.

is hereby rezoned from District M3-5 (Manufacturing 3 (dash 5)) to District M2-5 (Manufacturing 2 (dash 5)), all as shown outlined on a map marked Section 88-20A-1322, 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

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

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

Case No. CD-CPC-2022-00045

Ordinance Number

Brief Title

Approval Deadline

To consider approval of a rezoning from District M3-5 (Manufacturing) to District M2-5 (Manufacturing) on about 3 acres generally located on the west side of North Corrington Avenue approximately 1400 feet north of East Front Street.

Details

Specific Address

1600 N. Corrington

Reason for Legislation

To consider approval of a rezoning from District M3-5 (Manufacturing) to District M2-5 (Manufacturing) on about 3 acres generally located on the west side of North Corrington Avenue approximately 1400 feet north of East Front Street.

Discussion

SEE ATTACHED CPC STAFF REPORT.

Positions/Recommendations

Sponsor	Jeffrey Williams, AICP, Director Department of City Planning and Development
Programs, Departments, or Groups Affected	4th District (Shields & Bunch)
Applicants / Proponents	Applicant Kathleen Warman Warman Architecture + Design City Department City 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) 04-05-2022 By Aye: (Allender, Baker, Beasley, Crowl, Enders, Rojas, and Sadowski.) <input checked="" type="checkbox"/> For <input type="checkbox"/> Against No action taken <input 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

Details

--

Policy/Program Impact

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

Finances

Cost & Revenue Projections -- Including Indirect Costs	
Financial Impact	
Fund Source (s) and Appropriation Account Codes	

Fact Sheet Prepared By:

Matthew W. Barnes
Staff Planner

Date: 4-11-2022

Initial application filed: 3-15-22

Revised Plans Recieved: N/A

Reviewed by:

Joseph Rexwinkle, AICP, Division Manager
Development Management

Date: 4-11-2022

Reference Numbers

Case No. CD-CPC-2022-00045



File #: 220322

ORDINANCE NO. 220322

Amending Chapter 88, the Zoning and Development Code, Section 88-415 to revise the stream buffer standards.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 88-415 is hereby repealed and a new section of like number and subject matter is hereby enacted to read as follows:

88-415 STREAM BUFFERS

88-415-01 PURPOSE

In the Kansas City region and throughout the nation, vegetated stream buffers have been clearly shown to protect stream stability and related infrastructure, improve water quality, conserve wildlife habitat and provide flood water conveyance. The stream buffer standards of this article are intended to protect public safety and public infrastructure investments while mitigating the adverse environmental impacts that development can have on streams and associated natural resource areas. Other purposes of the stream buffer regulations include:

88-415-01-A. helping protect life and property;

88-415-01-B. improving stormwater management and helping to prevent flooding;

88-415-01-C. protecting environmental quality, including the quality of water resources and wildlife habitat;

88-415-01-D. decreasing infrastructure repair, maintenance and replacement costs;

88-415-01-E. providing open space amenities;

88-415-01-F. providing potential opportunities for trail location;

88-415-01-G. increasing the public's knowledge and understanding of natural resource protection issues and

88-415-01-H. providing certainty as well as flexibility in order to maximize sustainable economic development.

88-415-02 SCOPE AND APPLICABILITY

88-415-02-A. The stream buffer standards of this article apply to all stream corridors identified on the Kansas City Natural Resource Map. In the event of conflict between the stream buffer standards of this article and the stream buffer provisions of the city's Standards, Specifications, and Design Criteria, the stream buffer standards of this article govern. If a variance is obtained, the stream buffer provisions apply to the relocated stream and mitigated natural resources. For the purpose of this article, storm sewer systems, human-made channels (except those designed to function as natural streams), and roadside ditches are not considered streams and are not subject to the stream buffer provisions of this article.

88-415-02-B. In the event of conflict between the stream buffer regulations of this article and Federal Aviation Administration (FAA) requirements, FAA requirements govern.

88-415-02-C. The stream buffer regulations of this article are not intended to prohibit maintenance of existing city-owned facilities within the stream buffer, nor do the regulations require the removal of lawfully established facilities or improvements from the stream buffer area.

88-415-02-D. Beginning February 14, 2009, the stream buffer regulations of this article (88-415) will apply to all applications for approval of development plans, project plans, preliminary plats, final plats, and amendments to such plans or plats except as follows:

1. If the city plan commission has not recommended approval of a final plat for a unified development plan, preliminary plan, development plan, special use permit or any other Board of Zoning Adjustment approval, or preliminary plat that was approved before January 1, 2003 (referred to as a "pre-2003 approved plan"), the regulations of this article will not apply to any phases of the pre-2003 approved plan as long as the city plan commission recommends approval of the first final plat within one year of the date that the city planning and development director sends certified mail notice of this requirement to the subject property owner.
2. If the city plan commission has recommended approval of a final plat for a pre-2003 approved plan before February 14, 2009, the regulations of this article will not apply to any phases of the pre-2003 approved plan as long as the city plan commission recommends approval of the next final plat for the pre-2003 approved plan by February 14, 2014.
3. In all other cases where a unified development plan, preliminary plan, development plan or preliminary plat has been approved after January 1, 2003 and before February 14, 2009, the regulations of this article will not apply to any phases of the unified development plan, preliminary plan, development plan or preliminary plat as long as the city plan commission recommends approval of the next final plat by February 14, 2014.

4. If the requirements of 88-415-02-D.1, 88-415-02-D.2 and 88-415-02-D.3 have been met, the regulations of this article will not apply to any phases of the unified development plan, preliminary plan, development plan or preliminary plat as long as the city plan commission recommends approval of each subsequent final plat within 3 years of the date that city plan commission recommended approval of the immediately preceding final plat.
5. The regulations of this article will not apply to amended development plans or amended preliminary plats if no significant changes are made. A significant change is any change that: (1) adds additional land area to the approved plan; (2) changes the overall land use in a way that would increase stormwater runoff volumes and rates; (3) increases the number of lots by 10% or more (as compared to the number of lots included in the originally approved plan/plat); or (4) increases the developed area by 10% or more (as compared to the originally approved plan/plat).
6. The regulations of this article will not apply to amended development plans or amended preliminary plats if the proposed changes to the development plan or preliminary plat are not located in an area on the development plan or preliminary plat where the buffer requirements would normally apply. If the proposed changes are located in an area where the stream buffer requirements would normally apply, then the amendment of that area on the plan/plat must comply with the regulations of this article for the amended area only.

88-415-02-E. The city planning and development director is authorized to approve an extension of the time frames established in 88-415-02-D.1, 88-415-02-D.2, 88-415-02-D.3, and 88-415-02-D.4 for a maximum of one year. Extension requests must be submitted in writing and include an explanation and justification for the request.

88-415-02-F. For purposes of this section 88-415-02, "unified development" means a development consisting of one or more zoning or subdivision applications that were approved by city council on or about the same date on contiguous property through the same applicant. Additionally, for purposes of this section, commercial and residential plans approved collectively as one unified development (although approved through separate ordinances and plans) will be construed to be a single approved preliminary plan or phase.

88-415-03 BUFFER ZONES

Required stream buffer widths are measured horizontally from the edge of stream. Stream buffer zones do not apply to water structures such as ponds and lakes. The overall required buffer is organized into 3 zones, as follows:

88-415-03-A. STREAMSIDE ZONE

The streamside zone extends 25 feet landward from the edge of stream. Where wetland fills, alteration of adjacent vegetated stream buffers and mitigation are approved by the U.S. Army Corps of Engineers, the streamside zone will be adjusted to exclude filled wetlands.

88-415-03-B. MIDDLE ZONE

The middle zone extends landward from the outer edge of the streamside zone and encompasses the FEMA- or city-designated 1% (i.e., 100-year) floodplain where applicable, or the limits of the 1% (i.e., 100-year) conveyance, as determined by a qualified engineer using city-approved methods; and jurisdictional wetlands as determined using U.S. Army Corps of Engineers delineation methods or other city-approved means. Where wetland fills, alteration of adjacent vegetated stream buffers and mitigation are approved by the U.S. Army Corps of Engineers, the middle zone will be adjusted to exclude filled wetlands and include any mitigated wetlands contiguous to the floodplain or flood conveyance if required by the U.S. Army Corps of Engineers. Where the FEMA floodplain, 1% (i.e., 100-year) conveyance, or jurisdictional wetlands as defined above fall inside the outer limits of the streamside zone, the middle zone width as measured from the outer edge of the stream side zone is zero feet wide.

88-415-03-C. OUTER ZONE

The outer zone extends landward 75 feet from the outer edge of the middle zone, or in such cases where the middle zone is zero, from the outer edge of the streamside zone. When slopes exceeding 15% or mature riparian vegetation areas are contiguous with the middle zone boundary, the width of the outer zone is expanded to encompass such resource areas. Where wetland fills, alteration of adjacent vegetated stream buffers and mitigation are approved by the U.S. Army Corps of Engineers, the outer zone will be adjusted to exclude filled wetlands. Mature riparian vegetation includes vegetation areas that are field-surveyed, as described in 88-415-07-D. The maximum extent of the outer zone is established, at the landowner's election, as follows:

1. If 100% of the outer zone area is set aside and protected as permanent open space, the maximum extent of the outer zone is 150 feet, as measured from the edge of the middle zone.
2. If portions of the outer zone are to be developed in accordance with 88-415-05-C.2 through 88-415-05-C.4 and 88-415-07-C., the maximum extent of the outer zone is 250 feet.

88-415-04 FLEXIBILITY

88-415-04-A. The stream buffer regulations of this article have the effect of limiting development near streams identified on the Kansas City Natural Resource Map.

88-415-04-B. To help offset potential adverse impacts on development yields for property near stream corridors, property owners are encouraged to use the open space

development and conservation development options of 88-410 for residential development.

88-415-05 ALLOWED USE OF BUFFER ZONES

Stream buffers—including any floodplains, wetlands, slopes over 15%, and mature riparian vegetation areas—must be managed to enhance and maximize their natural resource value. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are allowed within stream buffers. If this code conflicts with the American Public Works Association Section 5600 Storm Drainage Systems and Facilities (“APWA 5600”) design standard, the Code of Ordinances govern.

88-415-05-A. STREAMSIDE ZONE

1. Activity in the streamside zone is limited to vegetation management to maintain healthy, existing, native vegetation; streambank stabilization; road, trail, and utility crossings; and stormwater outfalls designed in accordance with the city's Standards, Specifications, and Design Criteria. Stream access for fishing and wildlife viewing and trail overlook areas are allowed if they are in compliance with the city's Standards, Specifications, and Design Criteria and maintain the integrity of the stream buffer.
2. Stormwater detention, as defined in APWA 5600, is allowed in the streamside zone when the stormwater detention is accomplished by 1) utilizing a road, trail (see 88-415-05-A.3) or utility crossing if riparian vegetation is planted in the project area in an amount that is equal to the amount disturbed by the detention dam and the buffer or 2) the stormwater detention system meets the following requirements:
 - a. is designed to provide 20 percent more stormwater detention than required by APWA 5600 design standards;
 - b. does not change the existing topography or native vegetation; and
 - c. and the linear crossing of the streamside zone does not exceed 200 feet in cleared width of the detention basin structure.
3. Trails may encroach into the streamside zone only when the water services director determines that alternative alignments are not feasible because of topography, the presence of existing structures such as bridges or flood control levees, the inability to acquire property to accommodate other trail alignments, or that the trail represents the termini of existing trails and trail rights-of-way. Streambanks and natural resource areas affected by allowed encroachments must be stabilized in accordance with 88-415-05-A.1, the city's Standards, Specifications, and Design Criteria, and natural resources must be mitigated in accordance with 88-415-07-C and 88-415-08-B.4.

4. This subsection does not apply to public utility or trail corridors when ownership, an easement, or a binding access agreement is secured prior to February 14, 2009.

88-415-05-B. MIDDLE ZONE

Any activity allowed in the streamside zone is allowed in the middle zone. The following additional uses and activities are also allowed in the middle zone:

1. underground utility corridors that are fully vegetated and designed in accordance with the city's Standards, Specifications, and Design Criteria and all applicable state and federal requirements; and
2. paved and unpaved recreational trails for hiking and biking.

88-415-05-C. OUTER ZONE

Any activity allowed in the streamside and middle zones is allowed in the outer zone. The following additional uses and activities are also allowed in the outer zone:

1. BMPs as outlined in the Manual of Best Management Practices (BMPs) for Stormwater Quality and used in conjunction with the city's Standards, Specifications and Design Criteria. BMP's and related activities include:
 - a. stormwater management;
 - b. BMP maintenance such as sediment removal and harvesting of vegetation; and
 - c. stormwater discharge with appropriate energy dissipation and native vegetation to preserve the integrity of the area.
2. Property owners may establish the maximum outer zone width in accordance with 88-415-03-C.2 and may develop in the outer zone, subject to the following standards:
 - a. no more than 40% of the outer zone area may be disturbed (i.e., cleared of mature riparian vegetation and/or graded) unless mitigation is provided in accordance with 88-415-07-C);
 - b. no more than 50% of the outer zone area may be disturbed where mitigation is provided in accordance with 88-415-07-C; and
 - c. in all cases, the first 25 feet must be maintained as a no-build area, except for activities as allowed in 88-415-05-D.

3. Areas required to be undisturbed within the outer zone may not contain permanent buildings, structures, impervious cover or active recreation facilities, such as golf courses or athletic fields.
4. Property owners may elect to establish the maximum outer zone width or in accordance with 88-415-03-C.2 may also elect to use the conservation development option of 88-410 for residential development within the outer zone. In such cases, they may elect to establish a conservation subdivision for the entire development site or confine the conservation subdivision to the outer zone area only. When a conservation subdivision is confined to the outer zone area, minimum conservation subdivision open space requirements apply only to the outer zone area.

For nonresidential development that includes protected stream corridors, building heights may be increased by up to 20% over otherwise applicable height limits, and minimum off-street parking ratios may be reduced by up to 20%.

88-415-05-D. ALL STREAM BUFFER ZONES

In addition to the activities expressly allowed in the streamside, middle and outer stream buffer zones pursuant to 88-415-05-A, 88-415-05-B, and 88-415-05-C, the following uses and activities are allowed in all stream buffer zones and do not require mitigation provided that mature riparian vegetation is disturbed as little as is reasonably practical:

1. BMPs as outlined in the Manual of Best Management Practices (BMPs) for Stormwater Quality. See 88-415-05-C.1;
2. existing and on-going agricultural activities (except in the streamside zone);
3. maintenance/repair of public rights-of-way, streets, and public structures;
4. site investigation work including surveys, soil logs, percolation tests, and special tests;
5. reconstruction, remodeling, or maintenance of existing structures as long as these activities do not expand into and/or adversely impact the buffers;
6. control of noxious and/or invasive vegetation;
7. emergency actions necessary to prevent dangers to public health or safety, environmental degradation, or public and private property;
8. wetland fills, alteration of adjacent vegetated stream buffers and mitigation approved by the U.S. Army Corps of Engineers; and

9. open space uses that protect natural resources such as wildlife sanctuaries, forest preserves, nature centers, picnic areas, and similar uses, as well as game farms, fish hatcheries, hunting or fishing preserves or other activities designed for the protection or propagation of wildlife.

88-415-06 PROHIBITED ACTIVITIES AND USES

Any activity or use that is not identified as being allowed within required stream buffers is prohibited. Streams regulated by this article may not be enclosed, relocated, dammed, or inundated unless all necessary city, state and federal approvals are first obtained.

88-415-07 ADDITIONAL STANDARDS

The following additional standards apply within stream buffers.

88-415-07-A. CONTINUOUS VEGETATION

When existing vegetation within stream buffers is disturbed, required buffers must be revegetated with appropriate native riparian vegetation, unless mitigation is granted per 88-415-07-C.

88-415-07-B. STORMWATER DISCHARGE

Direct stormwater discharge into stream channels is allowed only in accordance with the city's Standards, Specifications, and Design Criteria.

88-415-07-C. MITIGATION

1. Property owners who elect to establish the maximum outer zone width in accordance with 88-415-03-C.2 may exceed the 40% disturbance limit established in 88-415-05-C.2 (a) by an additional 10%, up to 50%. This additional disturbance is allowed if offset by mitigation. Mitigation can be accomplished through purchasing federal mitigation credits including compensatory mitigation or through mitigation areas as described herein.
2. Federal mitigation credits including compensatory mitigation shall be in accordance with a U.S. Army Corps of Engineers Permit under Section 404 of the Clean Water Act (33 USC 1344) and implementing regulations (33 CFR 320-332).
3. Mitigation areas must be equal or greater than the additional disturbed land area. The mitigation areas shall be added to the outer zone and the applicant shall mitigate the impacts by maintaining natural resource functions, including: base flood elevations, stream stability and geomorphology, and by replacing existing mature riparian vegetation with an equivalent amount of appropriate native riparian vegetation.
4. Mitigation areas become part of the property's permanent open space and must be:

- a. contiguous to the original outer zone;
 - b. permanently stabilized where slopes greater than 15% are present;
 - c. revegetated in accordance with 88-415-07-A;
 - d. established and maintained in accordance with the provisions of this article and Article 88-410;
 - e. designed, established, and maintained in accordance with the city's Standards, Specifications and Design Criteria and applicable state and federal laws and regulations; and
 - f. completed during the development phase in which disturbance occurs, if applicable.
 - g. additional mitigation requirements are found in 88-415-08-B.4. (a) through (g).
5. The mitigation standards of this section also apply whenever an exception to stream buffer standards is approved under 88-415-08-B.

88-415-07-D. BUFFER PLAN

1. A stream buffer plan must be provided when the stream buffer standards apply. The plan must delineate the buffer zones and the proposed development site in relation to:
 - a. the FEMA- or city-designated floodplain or the estimated 1% flood conveyance, as determined by a qualified engineer using city-approved methods;
 - b. wetlands within or adjacent to the floodplain or required stream buffer;
 - c. slopes in excess of 15% within or adjacent to the floodplain, as field-surveyed; and
 - d. mature riparian vegetation, including woodlands, wetlands, and other habitat areas identified by a field survey.
2. A preliminary buffer plan must be submitted for city review with preliminary plats and site or development plans. The preliminary buffer plan must include a plan at a scale no smaller than 1" = 100' showing at a minimum:
 - a. existing topography with at least 2-foot contour intervals;

- b. approximate stream locations based on approved city geographic information system mapping or city-approved mapping from state and federal agencies;
 - c. approximate boundary of the FEMA- or city-designated floodplain based on city-approved geographic information system mapping or federal mapping;
 - d. approximate 1% flood conveyance limits where no regulatory floodplain is identified as determined by a qualified engineer using city-approved methods;
 - e. approximate wetland locations from the Mid-America Regional Council Natural Resource Inventory, or the U.S. Fish and Wildlife Service National Wetlands Inventory;
 - f. approximate boundary of existing, mature riparian vegetation based on a field survey;
 - g. slopes of 15% or greater in each sub-drainage area based on city-approved geographic information system mapping or a site topographic survey;
 - h. the location of proposed structures or activities;
 - i. identification of required stream buffer zones based on city-approved geographic information system mapping or a site topographic survey and a survey of mature riparian vegetation;
 - j. the total acreage of mature riparian vegetation and steep slopes in the outer zone;
 - k. the location and total acreage of proposed clearing and grading in the outer zone and the percentage of proposed outer zone area to be cleared (if applicable in accordance with 88-415-03-C88-415-03-C; and
 - l. the limits and total acreage of proposed mitigation of outer zone vegetation, and the percentage of outer zone area to be mitigated (if applicable in accordance with 88-415-07-C).
3. The final buffer plan must be submitted for city review with or be included in final plats and site or development plans. The final buffer plan must include a plan at a scale not smaller than 1" = 100' showing at a minimum:

- a. existing topography with at least 2-foot contour intervals;
 - b. field delineated, marked, and surveyed streams and wetlands;
 - c. field delineated, marked, and surveyed mature riparian vegetation limits as described in 88-415-07-D.4;
 - d. existing sub-drainage areas of the site;
 - e. slopes of 15% or greater in each sub-drainage area based on a site topographic survey;
 - f. the location of proposed structures or activities;
 - g. the location of field delineated and surveyed stream buffer zones;
 - h. the total acreage of mature riparian vegetation and steep slopes in the outer zone;
 - i. the location and total acreage of proposed clearing and grading in the outer zone, and the percentage of proposed outer zone area to be cleared (if applicable in accordance with 88-415-03-C88-415-03-C; and
 - j. the limits and total acreage of proposed mitigation of outer zone vegetation and the percentage of outer zone area to be mitigated (if applicable in accordance with 88-415-07-C).
4. Field surveys of mature riparian vegetation must identify the limits of the mature riparian vegetation for inclusion with the preliminary and final buffer plans, to a maximum of 250 feet from the edge of the middle zone or 150 feet from the edge of the middle zone at the property owner's election pursuant to 88-415-03-C88-415-03-C. At a minimum, a licensed surveyor, professional engineer, or landscape architect must delineate the existing edge of the tree canopy. The survey must identify the critical root zone of all trees at the mapped canopy cover boundary with a diameter breast height (DBH) of 10 inches or greater. The surveyor may identify specific tree species to more accurately delineate the riparian vegetation boundary if the mature vegetation appears to extend into uplands. The riparian boundary is assumed to exist when less than 50% of the mature trees (10-inch DBH or greater) are of riparian or bottomland species as defined by The Terrestrial Natural Communities of Missouri (Nelson 2006) and approved by the city. The surveyor must delineate the canopy cover boundary of the mature riparian tree specimens.

88-415-07-E. BOUNDARY MARKERS

1. Boundary markers must be put in place clearly marking required stream buffers before, during, and after construction.
2. Boundary markers must be installed at the intersection of private lot lines with the outer edge of the permanent open space before receiving final city approval of plans for clearing, grading, or sediment and erosion control.
3. Construction fencing must be placed at the outer edge of the permanent open space in the outer zone to delineate the buffer. This fencing must be maintained throughout the construction process.
4. Permanent signs must be placed at the edge of the permanent open space after construction to denote the buffer as follows:
 - a. For single-lot developments, signs must be posted every 100 feet along the boundary of the permanent open space.
 - b. For multiple lots located along a buffer, signs must be located at the intersection of every other lot line along the boundary of the permanent open space.
5. Required signs must read: "Protected Stream Buffer - Do Not Disturb (City Code Section 88-415)," with the sign message located approximately 4 feet above the ground. Signs must be maintained and remain legible at all times.

88-415-08 ADMINISTRATION AND PROCEDURES

88-415-08-A. REVIEW FOR COMPLIANCE

Review for compliance with these standards will be conducted in conjunction with platting. Developments that are not subject to platting, will be subject to site or development plan review, which must be conducted prior to application for a building permit.

88-415-08-B. EXCEPTIONS

Exceptions to the stream buffer standards of this section may be approved by the city council subject to all applicable city, state, and federal regulations. When exceptions are approved, applicants must mitigate impacts in accordance with the mitigation standards 88-415-07-C.

1. In order to approve an exception request, the city council must find that strict application of one or more stream buffer standards would result in an unnecessary hardship for the subject property and that such unnecessary hardship is unique to the subject property and not generally applicable to other similarly situated

property. In order to approve the exception request, the city council must also determine that adequate mitigation measures in accordance with 88-415-07-C will be provided in conjunction with the project.

2. Applicants must submit a stream buffer exception application and mitigation plan to the water services director in a form and manner required by the water services director. The exception application and/or mitigation plan must include the following:
 - a. a written description of the perceived hardship;
 - b. a description of all measures taken to avoid or otherwise minimize encroachment into the buffer zone (beyond the extent of encroachment allowed by 88-415-05-C.2);
 - c. proposed mitigation for any encroachment, as required by 88-415-08-B.4; and
 - d. a preliminary buffer plan, as required by 88-415-07-D that clearly displays the location and total acreage of proposed clearing and grading, and the percentage of outer zone area proposed to be cleared. The buffer plan must also include the limits and total acreage of proposed mitigation, and ratio of proposed mitigation to cleared area.
3. The water services director must review the plan for compliance with the stream buffer regulations of this article and recommend that the exception request be approved, approved with conditions or denied and forward such recommendation in writing to the city planning and development director by the deadline for review established by the city planning and development director. An exception may be recommended for approval when the water services director determines that a bona fide hardship exists and when the integrity of the stream corridor will be protected through avoidance, minimization, and appropriate mitigation measures.
4. Disturbed natural resources must also be mitigated in conjunction with 88-415-07-C. Any additional mitigation beyond that allowed in 88-415-07-C must comply with the following criteria. Federal mitigation credits, revegetation or restoration of any portion of the original disturbance counts toward the required mitigation.
 - a. Mitigation of outer zone vegetation that is contiguous to the remaining outer zone vegetation must be provided at a ratio of 1.5 units of mitigation area to 1 unit of existing outer zone area.
 - b. Mitigation of outer zone vegetation that is not contiguous to the remaining outer zone vegetation but is along the same stream reach must be provided at a ratio of 2 to 1.

- c. Mitigation of outer zone vegetation that is not located along the same stream reach, but is provided within the same watershed, must be provided at a ratio of 2.5 to 1.
 - d. Mitigation of outer zone vegetation that is not located in the same watershed must be provided at a ratio of 3 to 1.
 - e. In all cases, a continuous outer zone vegetation connection of at least 25 feet must be maintained to avoid fragmenting the vegetated area.
 - f. Encroachment into the middle or streamside zones or alteration of the stream channel must be mitigated at a ratio of 4 to 1.
 - g. The water services director may approve mitigation at city-designated locations in lieu of locations owned or controlled by the applicant.
5. Utilities may encroach into the streamside zone only when available system connection points physically preclude an alignment farther from the edge of stream, or, in the case of sanitary and storm sewers, when the controlling elevations provide insufficient head for normal system function. Streambanks and natural resource areas affected by allowed encroachments must be stabilized in accordance with the city's Standards, Specifications, and Design Criteria, and natural resources must be mitigated in accordance with 88-415-07-C and 88-415-08-B.4.

88-415-08-C. MAP REVISIONS

The water services director is authorized to maintain, update and make corrections to the Kansas City Natural Resource Map to ensure its accuracy. When map updates add stream reaches or otherwise propose to or have the effect of expanding the land area affected by the stream buffer regulations of this article, the water services director shall cause all affected owners to be noticed in the same manner as zoning map amendments (See 88-515-04).

88-415-09 OWNERSHIP AND RESPONSIBILITY FOR STREAM BUFFERS

Stream buffers must be established and recorded by the developer or property owner. Particular zones may be established and protected by different methods. One or more of the following methods must be used to provide for the preservation of the stream buffer in perpetuity:

88-415-09-A. drainage or conservation easements;

88-415-09-B. inclusion in a development's common area through a restrictive covenant involving both the city and the property owners association; or

88-415-09-C. dedication to the city with the city's acceptance.

88-415-10 INSPECTIONS

Required stream buffers must be inspected by the water services director who must provide written confirmation to the city planning and development director that such buffers conform to the approved stream buffer plan prior to recording of a plat or prior to the issuance of a building permit, whichever occurs first. The property owner shall cause the stream buffer to be accessible to the water services director to facilitate inspection, construction, maintenance, and other activities related to the stream and public infrastructure in the buffer area.

88-415-11 PLAN REVIEW PROCESS

Upon the filing of any application required by this zoning and development code, the city planning and development director shall provide a review to water services director:

88-415-11-A. When a regulated stream or floodplain is present on the subject property; or

88-415-11-B. When a regulated stream is located on an adjacent property and within 200 feet of the subject property; or

88-415-11-C. When the outside edge of a 100-year floodplain, with or without a regulated stream contained therein, is located on adjacent property and is within 150 feet of the subject property.

Section 2. That the Council finds and declares that before taking any action on the proposed amendments to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

..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:

Eluard Alegre
Associate City Attorney

GENERAL

Ordinance Fact Sheet

220322

Ordinance Number

Brief Title

Approval Deadline

Reason

Amending Chapter 88, Section 88-415, of the Code of Ordinances to revise the stream buffer standards.

Amending Chapter 88, Section 88-415, of the Code of Ordinances to revise the stream buffer standards.

Details

Positions/Recommendations

Reason for Legislation

Amending various parts of Section 88-415 of Chapter 88, the Zoning and Development Code of Ordinances, to revise the stream buffer standards.

Sponsor	Water Services Dept.
Programs, Departments, or Groups Affected	City Planning and Development Dept. Water Services Dept.
Applicants / Proponents	Applicant City Planning and Development Dept. Water Services Dept. City Department City Planning and Development Dept. Water Services Dept. Other
Opponents	Groups or Individuals None Known Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input 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

Details:

This proposed ordinance is a revision to Section 88-415 of Chapter 88, the Zoning and Development Code, of the City of Kansas City Missouri's Code of Ordinance.

In the Kansas City region and throughout the nation, vegetated stream buffers have been clearly shown to protect stream stability and related infrastructure, improve water quality, conserve wildlife habitat and provide flood water conveyance.

The stream buffer standards of this article are intended to protect public safety and public infrastructure investments while mitigating the adverse environmental impacts that development can have on streams and associated natural resource areas.

Other purposes of the stream buffer regulations include:

- Helping protect life and property;
- Improving stormwater management and helping to prevent flooding;
- Protecting environmental quality, including the quality of water resources and wildlife habitat;
- Decreasing infrastructure repair, maintenance and replacement costs;
- Providing open space amenities;
- Providing potential opportunities for trail location;
- Increasing the public's knowledge and understanding of natural resource protection issues and
- Providing certainty as well as flexibility in order to maximize sustainable economic development.

(Continued on reverse side)



File #: 220323

ORDINANCE NO. 220323

Amending Chapter 88, Code of Ordinances, by repealing Section 88-620, Fees, and enacting in lieu thereof a new section of like number and subject matter for the propose of establishing a cap on the fees for minor subdivisions.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY

Section A. That Chapter 88, Code of Ordinances, is hereby amended by repealing Section 88-620, Fees, and enacting in lieu thereof a new section of like number and subject matter for the purpose of establishing a cap on the fees for minor subdivisions, said section to read as follows:

88-620 FEES

88-620-A. SUBDIVISION REGULATION FEES

1. PRELIMINARY PLAT

The fee for the filing of the preliminary plat shall be:

- a. For residential, a base charge of \$407.00 plus \$4.00 per residential unit, not to exceed \$1,355.00.
- b. For applications revising an area of an approved preliminary plat, a base charge of \$407.00 plus \$4.00 per unit of the area to be amended, not to exceed \$1,355.00.
- c. For nonresidential, a base charge of \$407.00 plus \$65.00 per acre or fraction thereof, not to exceed \$1,355.00.
- d. For applications revising an area of an approved preliminary plat, a base charge of \$407.00 plus \$65.00 acre of the area to be amended, not to exceed \$1,355.00.

2. FINAL PLAT

The fee for filing the final plat shall be:

- a. For residential, a base charge of \$407.00 plus \$4.00 per residential unit, not to exceed \$1,896.00.
- b. For nonresidential, a base charge of \$407.00 plus \$32.00 per acre or fraction thereof, not to exceed \$1,896.00.

3. MINOR SUBDIVISIONS

- a. **LOT SPLIT**
 1. For residential: \$217.00 plus \$3.00 per lot/unit, not to exceed \$1,896.00.
 2. For nonresidential: \$217.00 plus \$65.00 per acre, not to exceed \$1,896.00.
 - b. **LOT LINE ADJUSTMENT**
 1. \$217.00 plus \$3.00 per lot, not to exceed \$1,896.00.
 - c. **LOT CONSOLIDATIONS.**
 1. \$217.00 plus \$3.00 per lot, not to exceed \$1,896.00.
 - d. **CONDOMINIUM PLATS**
 1. \$217.00 plus \$3.00 per unit, not to exceed \$1,896.00.
4. **STREET NAMING**
- The fee for filing for approval of street names shall be:
- a. \$136.00 as part of plat approval process.
 - b. \$136.00 for honorary street name petition.
5. **RE-REVIEW OF PLATS**
- When plat documents require subsequent submittal(s) for review after the second submittal, and prior indicated deficiencies were not addressed in the resubmittal, a resubmittal fee shall be assessed at the time of resubmittal. This fee shall be 25% of the original filing fee for third and subsequent resubmittals. Such resubmittal fee shall not apply as a credit toward any other fees charged.
- a. Recording fee for final plat. The fee for filing the final plat shall be deposited with the office of the director of records and shall be equal to the fee required by the county in which the plat is required to be filed.
 - b. The city manager shall have authority annually to adjust the fees listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing the applications fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of processing the applications. The adjustments shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

88-620-B. APPLICATIONS TO THE CITY PLAN COMMISSION, THE BOARD OF ZONING ADJUSTMENT, AND ADMINISTRATIVE APPROVALS

Certain fees are hereby established for the filing of applications to the board of zoning adjustment and the city plan commission as follows:

1. City plan commission:
 - a. For applications to rezone: \$678.00.

- b. Development plan:
 - 1. Residential: \$678.00 plus \$4.00 per dwelling unit, not to exceed \$3,793.00.
 - 2. Nonresidential: \$678.00 plus \$97.00 per acre or fraction thereof, not to exceed \$3,793.00.
- c. Project plan:
 - 1. Residential: \$271.00 plus \$4.00 per dwelling unit.
 - 2. Nonresidential: \$271.00 plus \$97.00 per acre or fraction thereof.
- d. Major amendments:
 - 1. Residential: \$325.00 plus \$4.00 per dwelling unit, not to exceed \$1,355.00.
 - 2. Nonresidential: \$325.00 plus \$97.00 per acre or fraction thereof, not to exceed \$1,355.00.
- e. Urban redevelopment district:
 - 1. \$678.00 plus \$97.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,793.00.
- f. Master plan development:
 - 1. \$678.00 plus \$97.00 per acre or \$4.00 per dwelling unit, whichever is greater, not to exceed \$3,793.00.
- g. For approval of a council approved signage plan: \$271.00.
- h. For application for special review district: \$460.00.
- i. For text amendments: \$542.00.
- j. For land use plan amendments: \$867.00.
- k. For major street plan amendments: \$433.00.
- l. For applications for appeal from the decision of the director of city planning and development: \$542.00.
- m. For neighborhood rezoning projects and overlay districts:
 - from 0-200 parcels/lots \$2,709.00.
 - from 201-500 parcels/lots \$4,876.00.
 - from 501+ parcels/lots \$5,960.00.

- n. Vacation of alleys, streets, and plats: \$303.00.
- o. For all other applications: \$651.00.
- 2. Board of zoning adjustment:
 - a. For applications for variances involving the following uses:
 - 1. One- and two-family dwelling and accessory uses: \$271.00.
 - 2. All other uses: \$542.00.
 - b. For applications for appeal from the decision of the director of city planning and development: \$542.00.
 - c. For applications for rehearing before the board of zoning adjustment: \$271.00.
 - d. Certificates of legal nonconformance: For all applications for certificate of legal nonconformance, there shall be a charge of \$136.00 for applications related to one- and two-family residences and \$325.00 for all other applications. For all requests for approval of a change in use for an existing legal nonconforming use pursuant to 88-610 there shall be a charge of \$54.00 for requests related to one- and two-family residences and \$189.00 for all other requests.
 - e. For applications for all other requests: \$407.00.
 - f. For stay of enforcement: \$433.00.
 - g. Special use permits:
 - 1. Ambulance service: \$894.00.
 - 2. Bed & breakfast: \$623.00.
 - 3. Blood/plasma center: \$867.00.
 - 4. Car wash/cleaning service: \$894.00.
 - 5. Cemetery/columbarium/mausoleum: \$894.00.
 - 6. Check-cashing, short-term loan/title loan establishment: \$1,571.00.
 - 7. College/university: \$894.00.
 - 8. Community center: \$407.00.
 - 9. Community supported agriculture: \$105.00.
 - 10. Crematory: \$894.00.

11. Day care (home & family): \$623.00.
12. Day care (11-20 children) (group): \$623.00.
13. Day care center (21+): \$867.00.
14. Day labor employment agency: \$867.00.
15. Demolition debris landfill: \$1,571.00.
16. Detention and correctional facilities: \$1,571.00.
17. Drive-thru facility: \$894.00.
18. Entertainment and spectator sports: \$894.00.
19. Entertainment: small venue (1-149 capacity): \$487.00.
20. Entertainment: medium venue (150-499 capacity): \$894.00.
21. Entertainment: large venue (500 + capacity): \$1,571.00.
22. Entertainment: outdoor (all sizes): \$1,571.00.
23. Financial services (except check-cashing and pawn shops): \$867.00.
24. Gasoline and fuel sales: \$894.00.
25. Group living: \$623.00.
26. Heavy equipment sales/rental: \$894.00.
27. Historic landmark (reuse of officially designated historic landmark, local or national): \$271.00.
28. Hospital: \$894.00.
29. Hotel/motel: \$894.00.
30. Household living: \$894.00.
31. Junk/salvage yard: \$1,571.00.
32. Library/museum/cultural exhibit: \$407.00.

33. Light equipment sales/rental (indoor): \$894.00.
34. Light equipment sales/rental (outdoor): \$1,571.00.
35. Manufacturing, production, and industrial service - limited: \$1,571.00.
36. Manufacturing, production, and industrial service - general: \$1,571.00.
37. Mining and quarrying: \$1,571.00.
38. Motor vehicle repair limited: \$894.00.
39. Motor vehicle repair general: \$894.00.
40. Neighborhood-serving retail: \$894.00.
41. Nursing homes: \$867.00.
42. Office, administrative, professional or general: \$894.00.
43. Park/recreation: \$487.00.
44. Parking, non-accessory: \$894.00.
45. Pawn shops: \$1,571.00.
46. Recreation vehicle park: \$1,571.00.
47. Recycling service - limited: \$1,571.00.
48. Recycling service - general: \$1,571.00.
49. Religious assembly: \$407.00.
50. Repair or laundry service, consumer: \$894.00.
51. Residential storage warehouse: \$894.00.
52. Safety service (except for police and fire stations \$894.00).
53. School: \$407.00.
54. Signs: \$353.00.
55. Solid waste separation facility: \$1,571.00.

56. Sports and recreation, participant (indoor): \$894.00.
 57. Sports and recreation, participant (outdoor): \$1,571.00.
 58. Stable: \$867.00.
 59. Tavern or nightclub: \$894.00.
 60. Transfer station: \$1,571.00.
 61. Undertaking: \$894.00.
 62. Utilities and services (except basic, minor): \$894.00.
 63. Vehicle sales and service: \$894.00.
 64. Vehicle storage/towing: \$1,571.00.
 65. Warehousing, wholesaling, freight movement-indoor: \$894.00.
 66. Warehousing, wholesaling, freight movement-outdoor: \$1,571.00.
 67. Waste related use: \$1,571.00.
 68. All other uses: \$894.00.
3. Administrative fees:
- A. Minor amendment to an approved development plan:
 1. Residential: \$244.00 plus \$4.00 per dwelling unit, not to exceed \$678.00.
 2. Nonresidential: \$244.00 plus \$97.00 per acre or fraction thereof, not to exceed \$678.00.
 - B. Administrative adjustment: \$271.00.
 - C. Administrative approval: \$271.00.
 - D. For any request for continuance by the applicant: \$136.00.
 - E. Short term rental:
 1. Administrative approval: \$271.00
 2. Special use permit: \$623.00
 3. First year registration: \$288.00 (if administrative approval or special use permit not required, as those fees include first year registration)

4. Annual renewal of registration: \$183.00
4. The city plan commission and the board of zoning adjustment shall have the authority to waive the fees set out in this subsection in the interests of justice.
5. Transcripts on appeal to circuit court. Transcripts, necessary upon appeal to the circuit court, shall be furnished by the appellant. These may be obtained, upon payment of the current charge, from the reporting service employed by the board of zoning adjustment to take testimony given at the public hearing. The board may waive the transcription costs where it is determined that the appellant is unable to pay the costs. The cost of the transcript will be refunded to the appellant if the appellate court orders such refund upon judgment.
6. The city manager shall have authority annually to adjust the fees listed above to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in processing the applications fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of processing the applications. The adjustments shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/REZONING

220323

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2020-00162

Brief Title

To approve an amendment to Chapter 88, the zoning and development code to cap the fee amount for minor subdivisions.

Details

Location: Citywide

Reason for Legislation: Amendments to the city code require Council approval.

Section 88-620 of the Zoning and Development Code (Chapter 88 of the City's Code of Ordinances) establishes application fees for all zoning applications required of Chapter 88, including minor subdivisions.

Some fees are fixed, or flat rates, while others are variable depending on the size, scale, or scope of the application. In the case of the latter, a fee maximum or cap is provided. This is true of all applications except for minor subdivisions.

This section provides the following fee structure: \$217 + \$3 per lot for residential development or \$217 + \$65 per acre for nonresidential development. A similar application, final plats, provides a similar structure with a fee "not to exceed" \$1,896. There is no such cap provided for minor subdivisions. Staff can find no evidence a cap was ever provided in prior versions of the ordinance; however, the result of no cap is that a recent subdivision for one industrial lot exceeded \$6,000, which was disproportionate to the work performed by staff.

The City Plan Commission has reviewed this request and recommends approval with a cap of \$1,896, which is consistent with the caps provided for other subdivision applications.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP City Planning & Development Director
Programs, Departments or Groups Affected	Citywide
Applicants / Proponents	<p>Applicant Jeffrey Williams, AICP City Planning & Development Director</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals None</p> <p>Basis of Opposition None</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) By Allender, Baker, Beasley, Crawl, Enders, Hill, Rojas, Sadowski</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>
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>

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File #: 220327

ORDINANCE NO. 220327

Rezoning an area of about 32 acres generally located on the north side of E. 63rd Street on both sides of Prospect Avenue and bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west from Districts B4-2, B3-2, R-2.5 and R-5 to District UR. (CD-CPC-2021-00211)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A-1323, rezoning an area of approximately 32 acres generally located on the north side of E. 63rd Street on both sides of Prospect Avenue and bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west, from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment), which also serves as a preliminary plat to allow for mixed use development that includes multifamily residential, office and retail/ commercial, said section to read as follows:

Section 88-20A-1323. That an area legally described as:

All that part of the Northwest Quarter of Section 3 and Northeast Quarter of Section 4, Township 48, Range 33, including all that part of Lot 1, Summers Wharf, Lots 1 thru 6, inclusive, and Lots 18 thru 105, inclusive, Beachwood, Lots 1 thru 25, inclusive, Eastlake Addition, Lots 1 thru 22, inclusive, Millers Addition, Lots 69 thru 73, inclusive, Beaufort, and Lots 1 thru 15, inclusive, Jost Plaza, all in Kansas City, Jackson County, Missouri, together with the rights-of-ways of Prospect Avenue, Wabash Avenue, Olive Street, Park Avenue, E. 61st Street and E. 62nd Street, all described as follows:

Beginning at the southerly most southeast corner of said Lot 1, Summers Wharf, said point being on the north right-of-way line of E. 63rd Street, 50 feet north of the centerline thereof; thence North 86°58'41" West (plat: North 86°49'02" West), along the north right-of-way line of said E. 63rd Street and its westerly prolongation, 50 feet north of and parallel with the centerline thereof, 295.91 feet to the west right-of-way line of Wabash Avenue, said point being on the east line of lot 40 in said Beachwood; thence South 02°15'37" West, along the east line of said Lot 40, 10.00 feet to the north right-of-way line said E. 63rd street, 30.00 feet north of the south line of the Northeast Quarter of said Section 4; thence North

86°58'41" West, along the north right-of-way line of said E. 63rd Street and its westerly prolongation thereof, 30.00 feet north of and parallel with the south line of said Northeast Quarter, 885.65 feet to the southeast corner of a tract of land for new right-of-way described by Document No. 1990-K-0930339, being the west 5 feet of the south 5 feet of Lot 99 in said Beachwood; thence north 02°15'37" East, parallel with the west line of said Lot 99, 5.00 feet to the northeast corner of said tract of land; thence North 86°58'41" West, parallel with the north right-of-way line of said E. 63rd Street, 5.00 feet to the west line of said Lot 99, said point being on the east right-of-way line of Brooklyn Avenue; thence North 02°15'37" East, along said east right-of-way line, 280.05 feet to the northwest corner of Lot 105 in said Beachwood; thence South 86°58'41" East, along the north line of said lot, 137.64 feet to the northeast corner thereof, said point being the southwest corner of Lot 91 in said Beachwood; thence North 02°15'37" East, along the west line of Lots 91, 90, 89, 88, 87, 86, and 85 in said Beachwood, 280.04 feet to the northwest corner of said Lot 85, said point being on the south right-of-way line of E. 62nd Street; thence South 86°58'41" East, along said south right-of-way line and its easterly prolongation thereof, 316.34 feet (plat: 316.09 feet) to the northeast corner of Lot 84 in said Beachwood; thence North 01°56'58" East, 50.01 feet to the north right-of-way line of said E. 62nd Street, said point being the southwest corner of Lot 15 in said Eastlake Addition; thence North 02°15'30" East, along the west line of lots 15 thru 25, inclusive, in said Eastlake Addition, 385.00 feet, to the northwest corner of said Lot 25; thence South 86°58'41" East, along the north line of said lot, 146.79 feet to the northeast corner thereof, said point being on the west right-of-way line of olive street; thence South 86°58'41" East, 51.15 feet to the east right-of-way line of said Olive Street, said point being the southwest corner of Lot 3 in said Eastlake Addition; thence in a northerly direction, along the east right-of-way line of said Olive Street, along a curve to the right with an initial tangent bearing of North 15°36'49" East, having a radius of 700.00 feet through a central angle of 014°13'02", an arc distance of 173.70 feet (plat: 172.64 feet) to the northwest corner of Lot 1 in said Eastlake Addition; thence South 87°28'08" East, along the north line of said lot, 49.50 feet (plat: 50 feet) to the northeast corner thereof, said point being on the west line of Lot 22 in said Millers Addition; thence North 02°15'37" East, along the west line of said lot, 16.45 feet to the northwest corner thereof; thence South 86°58'41" East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being on the west right-of-way line of Wabash Avenue; thence continuing South 86°58'41" East, 50.00 feet to the east right-of-way line of said Wabash Avenue, said point being the northwest corner of Lot 1 in said Millers Addition; thence South 86°58'41" East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being 169 feet west of the east line of the Northeast Quarter of said Section 4; thence North 02°15'37" East, 169 feet west of and parallel with the east line of said Northeast Quarter, 380.84 feet to the northwest corner of a tract of land described by Document No. 1993-K-1106908; thence South 87°28'09" East, along the north line of said tract of land, 129.00 feet to the northeast corner thereof, said point being on the west right-of-way line of Prospect Avenue; thence South 02°15'37" West, along said west right-of-way

line, 331.87 feet to the westerly prolongation of the north right-of-way line of E. 61st Street; thence South 86°43'02" East, along the north right-of-way line of said E. 61st Street, and its westerly prolongation thereof, 280.01 feet to the southeast corner of Lot 74 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40350 in Document No. 2006-E-0030540, said point being on the westerly right-of-way line of Missouri Route 71; thence along the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South 02°15'37" West, 150.00 feet to the southeast corner of Lot 73 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40351 in said Document No. 2006-E-0030540, said point being 211.58 feet right of Centerline Sta. 355+55.67; thence South 02°15'37" West, 150.00 feet to a point 212.42 feet right of Centerline Sta. 357+07.08; thence South 07°09'08" West, 234.50 feet to a point 232.19 feet right of Centerline Sta. 359+41.67, said point being on the south line of Lot 69 in said Beaufort; thence North 86°43'02" West, along the south line of said Lot 69 and continuing along the westerly right-of-way line of said Missouri Route 71, 50.00 feet to the northeast corner of the west 10 feet of Lot 28 in said Jost Plaza; thence South 02°15'37" West, 656.21 feet to the northeast corner of a tract of land for said Missouri Route 71 right-of-way by Document No. 1990-K-0914472; thence along the north line of said tract of land, being the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South 74°14'22" West (deed: North 74°08'08" East), 45.75 feet; thence South 82°04'12" West (deed: North 81°57'58" East), 25.50 feet; thence North 86°37'12" West (deed: South 86°43'26" East), 61.39 feet to the east right-of-way line of Prospect Avenue; thence leaving the westerly right-of-way line of said Missouri Route 71, North 83°50'28" West, 80.19 feet to the northerly most southeast corner of said Lot 1, Summers Wharf, said point being the intersection of the west right-of-way line of said Prospect Avenue with the north right-of-way line of said E. 63rd Street; thence South 43°01'57" West (plat: South 43°51'23" West), along the north right-of-way line of said E. 63rd Street, 18.54 feet (plat: 18.46 feet) to the point of beginning, containing 31.897 acres, more or less.

And the vacant lot prt NE 1/4 NE 1/4 Sec 4 48 33 including prt vac Wabash Ave beg on s li 60 St 129 ft w of w li Prospect Ave th s 125 ft th w to sly prolg Wabash Ave th n 125 ft th e to beg also beg on s li 60 St 258 ft w of w li of Prospect Ave th s 125 ft th e 129 ft th s 450.23 ft th w 179 ft th n to pt 125 ft s of 60 St th e to sly prolg of w li of Wabash Ave th n 125 ft to 60th St th e to beg also beg sw cor 60th St & Prospect Ave th w alg s li of 60th St 308.0 ft th s 200 ft to tpob th s 375.57 ft th e to tpob also beg 1227.15 ft s & 169 ft w of ne cor sd sec th s 35 ft th w 308 ft th n 51.08 ft th e 129 ft th s 16.08 ft th e to beg also beg 200 ft s of se cor of 60th St & Olive St th e 129 ft th s 425 ft th w 129 ft th n 425 ft to beg exc prt in Wabash Ave also exc prt in 61st St. Containing 5.135 acres, more or less.

is hereby rezoned from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban

Redevelopment), all as shown outlined on a map marked Section 88-20A-1323, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

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

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
2. The developer shall submit a design guideline for the proposed development per staff approval prior to ordinance request. The design guidelines shall incorporate the Heart of the City design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials. Staff recommends that the guidelines call for four-sided architecture for buildings E, I, J and K. See sample uploaded in Compass. If there are no design guidelines, the developer shall submit a project plan in lieu of a final UR plan to the City Plan Commission for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) and building elevations prior to issuance of a building permit.
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 apply for a street naming plan prior to issuance of any building permit if streets are to be vacated.
5. The developer shall design and construct all interior streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks. 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
6. 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.

7. The arterial improvements proposed on the development plans must be reviewed and accepted by the Transportation Development Committee and the Impact Fee District Committee before an application for impact fee credits will be accepted.
8. 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.
9. 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.
10. The developer must 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.
11. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
12. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
13. 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.

14. The developer shall dedicate additional right-of-way for Prospect Avenue as required by the adopted Major Street Plan along those areas being platted or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
15. 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.
16. Please note that 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.
17. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
18. 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.
19. 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.
20. The developer shall provide acceptable easement and secure permits to relocated 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.
21. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5-inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system 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.

22. 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.
23. The developer shall show the limits of the 100-year floodplain plus the 1-foot freeboard on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
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 submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
26. 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
27. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
28. The developer shall dedicate additional right-of-way for 63rd Street as required by the adopted Major Street Plan along those areas being platted or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
29. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
30. Fire hydrant distribution shall follow IFC-2018, Table C102.1.
31. 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)

32. Fire Department connection 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)
33. The building's Fire Department Connection shall be immediately recognizable from the street or nearest point of Fire Department access. (IFC-2018 § 912.2.1).
34. All Fire Department Connections (FDC) shall be threaded connections, Storz connections are not allowed in the City of Kansas City, Missouri. (IFC-2018 § 903.3.6; NFPA 13-2010 § 6.8.1).
35. 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)
36. Access 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).
37. 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
38. 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. If dedicating private open space, said areas must be platted into private open space tracts. 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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to a certificate of occupancy.
39. The developer indicates 5 tracts totaling 3.45 acres are to be platted as private open space tracts to satisfy the parkland dedication requirements of 88-408. The developer shall submit a final UR plan via the City Planning and Development Management detailing each private open space tract reserved for parkland dedication detailing amenities to be provided within each tract. The final plan shall be submitted and approved by the Parks and Recreation/City Planning staff prior to recording final plat.
40. The developer shall construct a westbound right turn lane with 150 feet of storage plus taper on 63rd Street at Prospect Avenue, prior to a certificate of occupancy.
41. The developer shall construct an additional left turn only lane with 170 feet of storage plus taper on the southbound US-71 exit ramp at Prospect Avenue, prior

- to a certificate of occupancy.
42. The layout and design of Prospect Avenue will need further review prior to construction.
 43. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
 44. An engineer will need to perform a water flow and pressure analysis in the area of the development. This analysis will need to confirm the adequacy of the water distribution system for the new fire and domestic demands. If the existing system is inadequate the developer will be required to make all improvements necessary to deliver adequate flows and pressures.
 45. 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.
 46. The developer shall provide a soils analysis showing the soil is asbestos free, before any underground work is started for the Kansas City Water Services Department.
 47. The developer shall provide a utility plan showing and labeling the water mains including designating size, type, as well as public or private. Show and label existing and proposed easements, domestic and fire service lines, kills, meters, and backflow preventers.

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.

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00211

Ordinance Number

Brief Title	Approval Deadline
To consider rezoning about 32 acres from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment).	

Details
<p>Specific Address</p> <p>Generally at on the north side of E. 63rd Street on both sides of Prospect Avenue.</p>
<p>Reason for Legislation</p> <p>To consider rezoning about 32 acres from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment), which also serves as a preliminary to allow for mixed use development that includes multifamily residential, office and retail/ commercial on about 32 acres generally located at on the north side of E. 63rd Street on both sides of Prospect Avenue.</p>
<p>Discussion</p> <p>SEE ATTACHED STAFF REPORT.</p>

Positions/Recommendations	
Sponsor	Jeffrey Williams, AICP, Director Department of City Planning and Development
Programs, Departments, or Groups Affected	5th District (Barnes, Jr. & Parks-Shaw)
Applicants / Proponents	<p>Applicant</p> <p style="padding-left: 40px;">Anthony Brown McClure Engineering</p> <p>City Department</p> <p style="padding-left: 40px;">City Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals</p> <p>Basis of opposition</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 (5-0) 3-15-2021</p> <p>By Aye: (Allender, Beasley, Crowl, Enders, and Hill)</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against No action taken</p> <p><input 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>

Details

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Policy/Program Impact

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

Finances

Cost & Revenue Projections -- Including Indirect Costs	
Financial Impact	
Fund Source (s) and Appropriation Account Codes	

Fact Sheet Prepared By:

Olofu O. Agbaji
Staff Planner

Date: 4-11-2022

Reviewed by:

Joseph Rexwinkle, AICP, Division Manager
Development Management

Date:

Initial application filed: 11-14-2021
Revised Plans Recieved: 02-23-2022

Reference Numbers



File #: 220342

ORDINANCE NO. 220342

Approving contracts in the amount of \$1,233,850 from previously appropriated funds in the Neighborhood Tourist Development Fund with various nonprofit organizations selected as part of the FY 2022-2023 annual application cycle for the purpose of promoting neighborhoods and tourism through cultural, social, ethnic, historic, educational, and recreational activities.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Neighborhood and Housing Services Department is authorized to execute contracts in the total amount of \$1,233,850 with the following agencies in the respective amounts for Neighborhood Tourist Development Fund projects from the funds previously appropriated in Account No. 23-2350-672100-B. These contracts are hereby approved in substantial form, as that on file in the Neighborhood and Housing Services Department.

Organization	Event/Project Title	Final Award
American Jazz Museum	25th Anniversary Concert Series and Events	\$27,000
Art as Mentorship	Art as Mentorship's 2022 Celebrate AMERIKANA Festival	\$8,500
Bach Aria Soloists	Bach Aria Soloists 2022-2023 Concert Season	\$6,200
Black Archives of Mid-America in Kansas City Black Archives	National Art & Soul Experience: The Heart of Culture	\$15,000
Black Archives of Mid-America in Kansas City Black Archives of Mid-America	Women's Empowerment Summit	\$5,500
Boston Heights & Mt. Hope Neighborhood Association	3rd Annual Under the Trees Family Fun Day	\$2,500
Boulevardia	Boulevardia	\$33,800
Brookside Irish Fest dba Kansas City Irish Fest	Kansas City Irish Fest	\$35,700

Central Industrial District Association dba Historic West Bottoms Association	Heritage Days in the West Bottoms	\$7,200
Charlotte Street Foundation	Charlotte Street 25th Anniversary Public Programming	\$13,600
Children's Center for the Visually Impaired	2023 CCVI Trolley Run	\$4,400
Christopher Timko	2022 Kansas City Wide Open	\$3,700
Comprehensive Arts Institute CAI	Show & Shed	\$2,400
Creative City KC Inc	Cultural Communities Music Festival	\$9,700
Crossroads Community Association	First Friday in the Crossroads Arts District	\$22,700
Ethnic Enrichment Cultural Council	Northland Ethnic Festival	\$3,000
Foundation for Regeneration The Giving Back Fund - Fiscal Sponsor	Heart Forest	\$0
Friends of Reggae International	Kansas City Reggae Music and Culture Festival	\$10,000
Friends of the City Market	Merry Market	\$20,000
GIGI THE VEGAN/KC HEALTH INITIATIVE	MIDWEST SOUL VEGFEST	\$9,200
Greater Kansas City National Hispanic Heritage Committee, Inc.	Fiesta Hispana 2022	\$33,000
Greater Kansas City Sports Commission	2022 Garmin Kansas City Marathon	\$14,900
Greater Kansas City Sports Commission	2023 Big 12 Men's & Women's Basketball Tournament	\$29,100
Guadalupe Centers	Cinco de Mayo Fiesta	\$13,700
Guadalupe Centers	Tony Aguirre Basketball Tournament	\$5,600
Harris Park Midtown Sports & Activities	Basketball Tournament and Cheer Competition	\$3,900
Harris Park Midtown Sports & Activities	Harris Park 5K Walk/Run	\$1,300
Harris Park Midtown Sports & Activities	Harris Park Healthy Lifestyle Challenge	\$2,300

Harris Park Midtown Sports & Activities	Harris Park Regional Golf Tournament	\$1,900
Harris Park Midtown Sports & Activities	Regional Corvette Show	\$2,100
Harris Park Midtown Sports & Activities	Sweetheart Wine and Dine Annual Valentine's Dinner	\$0
Heart of America Shakespeare Festival HASF	2022 Festival	\$22,800
Heartland Conservation Alliance	Exploring Roots: Summer Adventure Challenge	\$2,600
Heartland Men's Chorus	Heartland Men's Chorus concert season	\$13,000
Hot Stiletto Foundation	10th Annual Hot Stiletto Shoe Charity Gala	\$5,000
Hyde Park Neighborhood Association Inc.	Hyde Park Historic Homes Tour	\$3,500
Jazz District Renaissance Corporation	American Jazz Walk of Fame	\$18,500
JuneteenthKC	816 Day 2022	\$18,000
JuneteenthKC	Christmas in July	\$7,400
JuneteenthKC	Haunt on the Vine	\$4,900
JuneteenthKC	JuneteenthKC 2021: United We Stand	\$19,200
JuneteenthKC	JuneteenthKC Cultural Parade	\$16,600
JuneteenthKC	JuneteenthKC First Fridays Edition	\$7,200
JuneteenthKC	Project Cinderella's Closet & Man of The Hour Fashion Show	\$6,800
JuneteenthKC	Strengthen the Vine First Fridays-- FALL SERIES	\$13,400
JuneteenthKC	Strengthen the Vine First Fridays Summer Series	\$16,200
Kansas City Actors Theatre	Kansas City Actors Theatre 2022-2023 Season	\$6,600
Kansas City Artists Coalition	KCAC Exhibition Series 2022 - 2023	\$5,200
Kansas City Chalk and Walk Festival, Inc.	2022 Kansas City Chalk and Walk Festival	\$5,000

Kansas City Chamber Orchestra Incorporated	Kansas City Chamber Orchestra 2022-2023 Concert Season	\$1,900
Kansas City Community Gardens	Fall Family Festival	\$2,500
Kansas City Community Gardens	Gardens at Sunset	\$1,000
Kansas City Folk Festival	Kansas City Folk Festival	\$6,400
Kansas City Friends of Alvin Ailey	Ailey Trio	\$3,300
Kansas City Friends of Alvin Ailey	KCFAA Presents Alvin Ailey American Dance Theater	\$24,400
Kansas City Friends of Alvin Ailey	Setting the Stage	\$2,300
Kansas City Jazz ALIVE	Spotlight: Charlie Parker	\$13,500
Kansas City Metropolitan Crime Commission	Guns N' Hoses Charity Boxing Event	\$9,400
Kansas City Pride Community Alliance	Kansas City Pride Parade and Festival	\$22,300
Kansas City Public Library	Summer Reading and Learning with the Kansas City Public Library	\$15,000
Kansas City Repertory Theatre, Inc.	A Christmas Carol	\$4,000
Kansas City Repertory Theatre, Inc.	The Old Man and The Old Moon	\$3,900
Kansas City St. Patrick's Day Parade Committee	Kansas City St. Patrick's Day Parade	\$10,000
Kansas City Symphony	Bank of America Celebration at the Station presented by the Kansas City Symphony	\$42,000
Kansas City Symphony	Holidays with the Kansas City Symphony	\$30,000
Kansas City Women's Chorus	Kansas City Women's Chorus 2022/23 Concert Season	\$10,000
Kauffman Center for the Performing Arts	Future Stages Festival	\$6,400
KC Fringe Festival .	KC Fringe Festival	\$1,500
KC Jazz ALIVE	Kansas City Jazz Heritage Outreach Series	\$5,000

Kemper Museum Operating Foundation	2022 Block Party + Roberto Lugo Exhibition Opening	\$6,400
Kids Community Growing Prosperity	10th Annual Kansas City Greek Festival	\$9,000
Kids Community Growing Prosperity	I Am Art! Children's Art- Chella Fest	\$5,000
Kids Community Growing Prosperity	Stomp for Health Greek Step Show	\$19,000
Liberty Memorial Association	Memorial Day Celebration 2022	\$7,200
Liberty Memorial Association	Taps at the Tower 2022	\$2,400
Liberty Memorial Association	Week of Veterans Day Activities 2022	\$7,000
Lincoln High / R.T. Coles National Alumni Association	Celebratory Opening of the Lincoln-RT Coles Alumni Room	\$0
Lyric Opera of Kansas City, Inc.	The Shining	\$10,500
Manheim Park Garden Conservancy	Spring Fling/Harvest Fest Garden Parties	\$3,000
Metropolitan Community College Foundation	Rockin' In The Woods	\$5,000
Mid-America Arts Alliance	Storefront Gallery Series	\$2,100
Mid-Coast Radio Project, Inc	KKFI Crossroads Music Fest	\$3,700
Midwest Music Foundation, Inc.	Apocalypse Meow	\$1,600
Midwest Music Foundation, Inc.	Innovation Festival	\$5,800
MINDDRIVE, Incorporated	2022 Liberty Invitational	\$6,800
Missouri Korean War Veterans Memorial	MKWVM Flag Retirement Ceremony	\$4,500
Musical Theater Heritage	MTH 2021-2022 Annual Season	\$20,000
Musical Theater Heritage	MTH Summer Camps	\$2,000
Musical Theater Heritage	Ruby Room Series	\$3,000
Negro Leagues Baseball Museum	Play Ball 2022: Celebrating Baseball's Game Changers	\$36,400
Nets Developmental League	Phenom Showcase Camp sponsored by Nike	\$4,000

Nets Developmental League Vick	Midwest Super Regional	\$5,900
New Music Institute of Kansas City, Inc.	Kansas City Contemporary Music Festival	\$2,100
No Divide KC	3rd Annual Queer Narratives Festival	\$2,000
No Divide KC KC	When/Time	\$1,400
Northeast Kansas City Historical Society	Ninth Annual Northeast Kansas City Historic Homes Tour	\$1,800
Northland Symphony Orchestra	Strings and Friends Concert	\$2,000
Owen/Cox Dance Group	Creative Intersections	\$3,800
Owen/Cox Dance Group	I am Somebody!	\$3,700
Owen/Cox Dance Group	Owen/Cox Dance Group Spring Performance	\$3,600
Performing Arts Foundation of Kansas City	2022-2023 AMERICANA SERIES	\$10,000
Performing Arts Foundation of Kansas City	2022-2023 JAZZ SERIES	\$10,000
Performing Arts Foundation of Kansas City	2022-2023 Live in the Lounge Concert Series	\$5,000
Performing Arts Foundation of Kansas City	2022 Folly Frolic	\$5,000
Pilgrim Center, Inc.	Hyde Park Pilgrim Run 5K	\$2,750
Platte County Sports Commission, INC.	Youth Sports Festival	\$2,400
Quality Hill Productions	Resident Season Productions	\$12,000
Reel Images Film and Video Group	FRED & ROZELLAR FILM SCREENING	\$2,100
Serve the World Charities	Fireworks at Evangel	\$5,700
Sheffield Place	Off the Wall 2022	\$2,600
Show Me KC Schools Show Me KC Schools	City School Fair	\$5,000
Show-Me Pride Ensembles	Show-Me Pride Ensembles Seasons 19 and 20	\$4,800

Starlight Theatre Association of Kansas City, Inc.	2022 Starlight Broadway Series	\$31,200
Summerfest Concerts and/or Recordings Inc. Unrein	30th Anniversary Season	\$2,500
The Art in the Loop Foundation	2022 Downtown KC Music Series & Art Exhibition	\$12,500
The Don Bosco Centers	Savor The Flavors 2022	\$5,700
The Foundation for Delta Educational and Economic Development	Burning Sands Stepshow - 2022	\$3,000
The Junior League of Kansas City, Missouri	C3KC 2022	\$5,100
The Junior League of Kansas City, Missouri	Holiday Mart 2022	\$0
The Kansas City Boys Choir	Art and Music Therapy	\$0
The Kansas City Jazz Orchestra	Kansas City Jazz Orchestra's 20th Anniversary Season	\$7,400
The Mattie Rhodes Memorial Society	Día de Los Muertos Art Exhibition & Calaca Night Parade	\$15,000
The Society for Friendship with China, Inc.	16th Kansas City International Dragon Boat Festival	\$3,300
The Studios Inc	Studios Inc Exhibition Series	\$8,400
Twelfth Street Heritage Corporation	Santa's Wonderland	\$15,600
UNICO National-Kansas City Men's Chapter, Inc of Kansas City, Missouri	Festa Italiana	\$17,000
Unicorn Theatre	2022-2023 Annual Season	\$15,000
Union Station Kansas City, Inc.	Maya: The Exhibition	\$25,000
Waldo Area Business Association	Waldo Fall Festival	\$6,700
Water Garden Society of Greater Kansas City	2022 Turtle Crawl Water Garden Tour	\$2,000
WaterFire KC, Inc.	WaterFire KC	\$11,400

Westport Regional Business League	42nd Annual Art Westport Show	\$14,400
Westport Regional Business League	Westport New Year's Eve Celebration	\$6,800
Westport Regional Business League	Westport Wine Walk	\$1,500
Wylliams/Henry Contemporary Dance Co.	Spring for Dance with Wylliams/Henry	\$1,700
Youth Symphony Association of Kansas City, Inc.	Youth Music Fest22!	\$10,000

\$1,233,850

..end

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

Tammy Queen
Director of Finance

Approved as to form and legality:

Emalea Black
Assistant City Attorney

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	220342						
LEGISLATION IN BRIEF:								
Approving 131 contracts in the amount of \$1,233,850 for promoting Kansas City's neighborhoods through cultural, social, ethnic, historic, educational and recreational activities, while promoting our city as a premier convention, visitor and tourist center.								
What is the purpose of this legislation?	OPERATIONAL GRANT							
<i>For Accepting financial contributions from Federal State and/or third parties to fund municipal programs. Programs supported by grants may require matching contributions from the City, or for the City to pay for program activities beyond the lifespan of the grant.</i>								
Does this grant require a match? <i>See Section 00: " Notes" Below</i>	<input type="button" value="NO"/>	Yes/No						
Does this legislation estimate Grant Revenues? <i>See Section 00: " Notes" Below</i>	<input type="button" value="NO"/>	Yes/No						
Does this legislation estimate Grant Appropriations? <i>See Section 00: " Notes" Below</i>	<input type="button" value="NO"/>	Yes/No						
Does this grant create an ongoing expense for the city? <i>See Section 00: " Notes" Below</i>	<input type="button" value="NO"/>	Yes/No						
Section 00: Notes:								
If this grant is renewable, we do not assume that it will renew. If it is not, the city assumes the full cost in out years.								
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			
2350	57	672100			1,233,850.00			
Section 02: If applicable, where will new revenues be estimated?				FY 21-22 BUD	FY 22-23 EST			
FUND	DEPTID	ACCOUNT	PROJECT					
Section 03: If applicable, where will appropriations be increased?				FY 21-22 BUD	FY 22-23 EST			
FUND	DEPTID	ACCOUNT	PROJECT					
NET IMPACT ON OPERATIONAL BUDGET				-	-			
<i>RESERVE STATUS:</i>								
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
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2350	Neighborhood Tourist Develo		1,233,850					
TOTAL EXP		-	1,233,850	-	-	-	-	-
NET Per-YEAR IMPACT		-	(1,233,850)	-	-	-	-	-
NET IMPACT (SIX YEARS)		(1,233,850.00)						
REVIEWED BY		DATE	4/18/2022					

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File #: 210919

RESOLUTION NO. 210919

RESOLUTION - Adopting an AdvanceKC Purpose and Values Statement and directing the Advance KC 2.0 Standing Committee to evaluate the tiering of incentives, use of an equity scorecard, and a housing continuum.

WHEREAS, the Council adopted Committee Substitute for Resolution No. 210180 Directing City Manager to convene a workgroup of community stakeholders to review the AdvanceKC Process and Scorecard and make recommendations for improvement; and

WHEREAS, the workgroup, known as the AdvanceKC 2.0 Standing Committee, has been established and has been undertaking a review of the AdvanceKC process and policies; and

WHEREAS, a values statement for economic development creates a shared set of beliefs which guides the City in its decision making, system designs, and organizational behaviors related to the utilization and application of incentive tools against which the Council can evaluate its policy decisions; and

WHEREAS, the AdvanceKC 2.0 Standing Committee, has met, and identified value statements related to the use of incentives for Council's consideration and adoption; and

WHEREAS, the AdvanceKC Purpose and Values Statement will guide and direct the City's policies, priorities, processes and its organizational culture towards the advancements of economic development in Kansas City; and

WHEREAS, the AdvanceKC 2.0 Standing Committee has identified certain policy frameworks related to tiering of incentives, an equity scorecard, and a housing continuum, which may advance the economic development policy goals of the City Council; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY

Section 1. That the City Council hereby adopts the following AdvanceKC Purpose and Values Statement and directs the City Manager to submit a copy to the AdvanceKC 2.0 Standing Committee.

2021 AdvanceKC Purpose and Values

The AdvanceKC and its associated plan, processes, and scorecard are a means by which the City Council enacts its shared values and priorities related to economic development and should therefore be implemented in a manner consistent with the following:

1. Make economic development equitable/inclusive;
2. Make economic development more effective for small scale and incremental neighborhood and community developers and development;
3. Ensure that projects eligible for incentives fulfill an adopted economic development policy goal and create desired community outcomes;
4. Ensure economic development tools are accessible to developers and businesses of all sizes without the need for legal representation;
5. Ensure that projects are evaluated based on a consistent set of criteria that is appropriate for the type of development being proposed;
6. Make the process and review of economic development applications/proposals transparent and accountable;
7. Ensure that applications and approvals are considered in a timely manner;
8. Provide relevant and reliable project information to encourage strategic investment of resources;
9. Focus incentives on projects that address economic inequities or where there is a historic lack of investment activity, which is inhibiting economic growth of the surrounding neighborhood or the City overall; and
10. Ensure that the positions of any contributing taxing districts are considered for all projects seeking incentives

Section 2. That the Council states its intention to review these statements and update if appropriate at a minimum every five years in conjunction with the City's Economic Development and Incentives Policy,

Section 3. The Council directs the City Manager to work with the AdvanceKC 2.0 Standing Committee to evaluate policies related to tiering of incentives, use of an equity scorecard, and a housing continuum, in the furtherance of these policy statements, and to provide final recommendations to the City Council by November 30, 2021.

..end

**No Fact Sheet
Provided for
Resolution No.**

210919



File #: 210920

ORDINANCE NO. 210920

Enacting an updated Economic Development and Incentives Policy, replacing the policy enacted by Committee Substitute for Ordinance No. 140031, As Amended.

WHEREAS, on October 25, 2012, the City Council adopted Committee Substitute for Resolution No. 120836 expressing its support for the AdvanceKC Strategic Plan and the related underlying planning process; and

WHEREAS, the City Council then passed Ordinance No. 120966 adopting the AdvanceKC Strategic Plan as the Economic Development Strategic Plan for the City of Kansas City and directing the City Manager to proceed with supporting the planning and development of the implementation phase of the project; and

WHEREAS, the implementation phase began with the April 11, 2013, adoption of Committee Substitute for Resolution No. 130274 which provided a single point of entry for development projects through the Economic Development Corporation of Kansas City Missouri (the “EDC”); and

WHEREAS, the process continued on February 20, 2014, when the Council passed Committee Substitute for Ordinance No. 140031, which adopts the Economic Development and Incentives Policy; and

WHEREAS, a sound economic development and incentive policy must identify objectives supported by the City Council, which evolve and adapt over time, to provide clarity to developers and businesses seeking incentives, stakeholders impacted by economic development policy decisions, and policy guidance to staff responsible for advancing economic development projects; and

WHEREAS, the Council wishes to update the City Economic Development and Incentives Policy enacted by Committee Substitute for Ordinance No. 140031; NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Economic Development and Incentives Policy attached hereto as Exhibit A is hereby adopted, replacing the Economic Development and Incentives Policy previously enacted by Committee Substitute for Ordinance No. 140031, As Amended.

Section 2. That the Council states that the policy enacted herein is an expression of intent of the City Council regarding the use of economic incentives and is not to be construed as granting any rights or expectations to any developer, agency, taxing jurisdiction, or citizen with regard to any particular project or process. Within the bounds of applicable law, the Council retains its full authority to use its best reasonable discretion in considering applications for public economic incentives.

Section 3. That the Council states its intension to review and, if appropriate, update, its Economic Development and Incentives Policy at least every five years.

..end

Approved as to form and legality:

Emalea Black
Associate City Attorney

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

210920



File #: 220233

ORDINANCE NO. 220233

Amending Section 68-449, Code of Ordinances, to provide parameters for the amendment of contracts for Central City Economic Development Sales Tax funds without City Council approval.

WHEREAS, Ordinance No. 160861 put before the voters the question of enacting an economic development sales tax devoted to projects located within the area bounded by 9th Street on the north, Gregory Boulevard on the south, The Paseo on the west, and Indiana Avenue on the east; and

WHEREAS, in a Special Election called on April 4, 2017, the voters of the City of Kansas City, Missouri approved Question 4 allowing the City of Kansas City to impose a sales tax of 1/8 percent to be used for funding economic development projects within the above defined area; and

WHEREAS, upon the voters' approval of Question 4, the imposition of this sales tax and the establishment of a Central City Economic Development ("CCED") Sales Tax Board responsible for analyzing and considering project proposals for the use of CCED sales tax revenues and providing the Council with its recommendations regarding which projects to fund with CCED sales tax revenues were codified in Section 68-449, Code of Ordinances; and

WHEREAS, Section 68-449, Code of Ordinances was amended in 2019 by Ordinance. No. 190738; and

WHEREAS, the Council recognizes the need for contracts for the use of CCED sales tax funds to be flexible with an efficient process, while still ensuring accountability and appropriate use of funds, and wishes to set standards for the amending of contracts without city council approval; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 68-449, Code of Ordinances, is hereby amended by repealing Section 68-449 and enacting a new subsection, to read as follows:

Sec. 68-449. Imposition of tax (Central City Economic Development Sales Tax 2017)

(a) *Sales tax enacted.* Pursuant to the authority granted by and subject to the provisions

of section 67.1305, RSMo, a tax for the benefit of the city is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 – 144.525 RSMo, and the rules and regulations of the director of revenue issued pursuant thereto. The rate of the tax shall be 1/8 percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the city, if such property and such services are subject to taxation by the state under the provisions of section 144.010 – 144.525 RSMo. The tax shall become effective October 1, 2017, for a period of 10 years and shall apply to all sales made after September 30, 2017, and shall be collected as provided in section 67.1305, RSMo.

(b) *Use of sales tax - geographic limitations.* The sales tax authorized pursuant to this section shall be used for projects located in the area bounded by 9th Street on the north; Gregory Boulevard on the south; The Paseo on the west; and Indiana Avenue on the east.

(c) *Economic development tax board.* A five member economic development tax board shall be established with City representatives appointed by the Mayor and approved by the City Council pursuant to section 67.1305, RSMo. prior to the expenditure of any revenue received pursuant to this sales tax for the purpose of:

- (1) considering economic development plans, economic development projects, or designations of an economic development area;
- (2) holding public hearings and providing notice of any such hearings;
- (3) recommending to the City Council actions concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area;
- (4) considering, as to each proposed project, the following criteria: (i) effect on the City's long-term strategic plans for the impacted community, (ii) economic impact, including impact on the tax base, (iii) compliance with the City's existing zoning and area plan, (iv) relevant demographic data, including, but not limited to, the current population and expected population growth or decline in the impacted community, (v) current neighborhood stabilization and potential disruption of the neighborhood and (vi) environmental impacts; and
- (5) performing other duties established by the City Council.

(d) *Exclusion of revenues.* When imposed within a special taxing district this economic development sales tax shall be excluded from the calculation of revenues available to such districts, and no revenues from this sales tax shall be used for the purposes of any such special taxing district unless recommended by the economic development tax board and approved by the governing body imposing the tax. A special taxing district includes, but is not limited to a tax increment financing district, neighborhood improvement district, or community improvement district.

(e) *Debt retirement.* No revenues generated from the sales tax authorized pursuant to this section shall be expended for the retirement of debt under previously authorized bonded indebtedness or to repay bonds not yet issued unless such expenditures are expressly authorized by ordinance or resolution adopted by the City Council. The appropriation of funds to the Central City Economic Development Sales Tax Fund shall not be deemed sufficient for purposes of granting the authorization required herein.

(f) *Assistance of strategic long-term planner.* Without utilization of revenues from this sales tax, the economic development tax board shall be provided an experienced long-term strategic planner to assist it in carrying out its responsibilities. In addition to other assigned responsibilities, the strategic long-term planner shall assist the economic development tax board with analyzing all of the criteria listed above in Subsection 68-449(c)(4), as well as with the preparation of a chronological timeline of activities related to the assessment of proposed projects, an evaluation presented in an easily understood format compiling relevant data regarding each proposed project's impacts on population growth or decline, economic impact, economic impact on the tax base, a detailed listing of the individual and business organizations working on the proposed project and a detailed compilation of resources related to the proposed project and any cross benefits to be derived from the proposed project.

(g) *Amendment of contracts.* Any contract entered into upon authorization by city council for use of revenues of this sales tax may subsequently be amended by written agreement signed by the director of housing and community development without further city council authorization, provided that the amendment has been considered and recommended by the economic development tax board, does not alter the amount of this sales tax contributed under the contract by more than ten percent, and does not substantively change the development project. The city council may by ordinance modify the threshold for amendment without council approval.

..end

Approved as to form and legality:

Emalea Black
Assistant City Attorney

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

220233