

General Development Plan:

Westport High School
PIEA Planning Area
Kansas City, Missouri

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INTRODUCTION

Pursuant to Section 100.400 (4), Revised Statutes of Missouri, as amended, the Planned Industrial Expansion Authority (PIEA) has prepared or caused to be prepared a plan for development of the Planning Area (the “Plan”). The Plan provides information to indicate its relationship to adopted City policies as to appropriate land uses, enhanced employment, multi-modal transportation environments, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the project area. The information set forth in this Plan includes the following specific information as well as other information concerning the redevelopment of the property described herein:

- (a) The boundaries of the project area, with a map showing the existing uses and condition of the real property therein;
- (b) A diagram showing the existing land use;
- (c) A future land use plan showing proposed uses of the Planning Area;
- (d) Information showing population densities, unemployment within area and adjacent areas, land coverage and building intensities in the area after completion of the Plan;
- (e) A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances, and amendments to adopted land use plans;
- (f) A statement as to the kind and number of additional public facilities or utilities which will be required in the area after completion of the plan; and
- (g) A schedule indicating the estimated length of time needed for completion of each phase of the Plan.

Planning Area Boundaries

Street Boundaries

The proposed Westport High School PIEA Planning Area (the “Planning Area”) lies within the Midtown Neighborhood of Kansas City, Missouri. The redevelopment area is generally located within an area that has historically been single- and multi-family residential and commercial land uses. The Planning Area is depicted in the following map images.

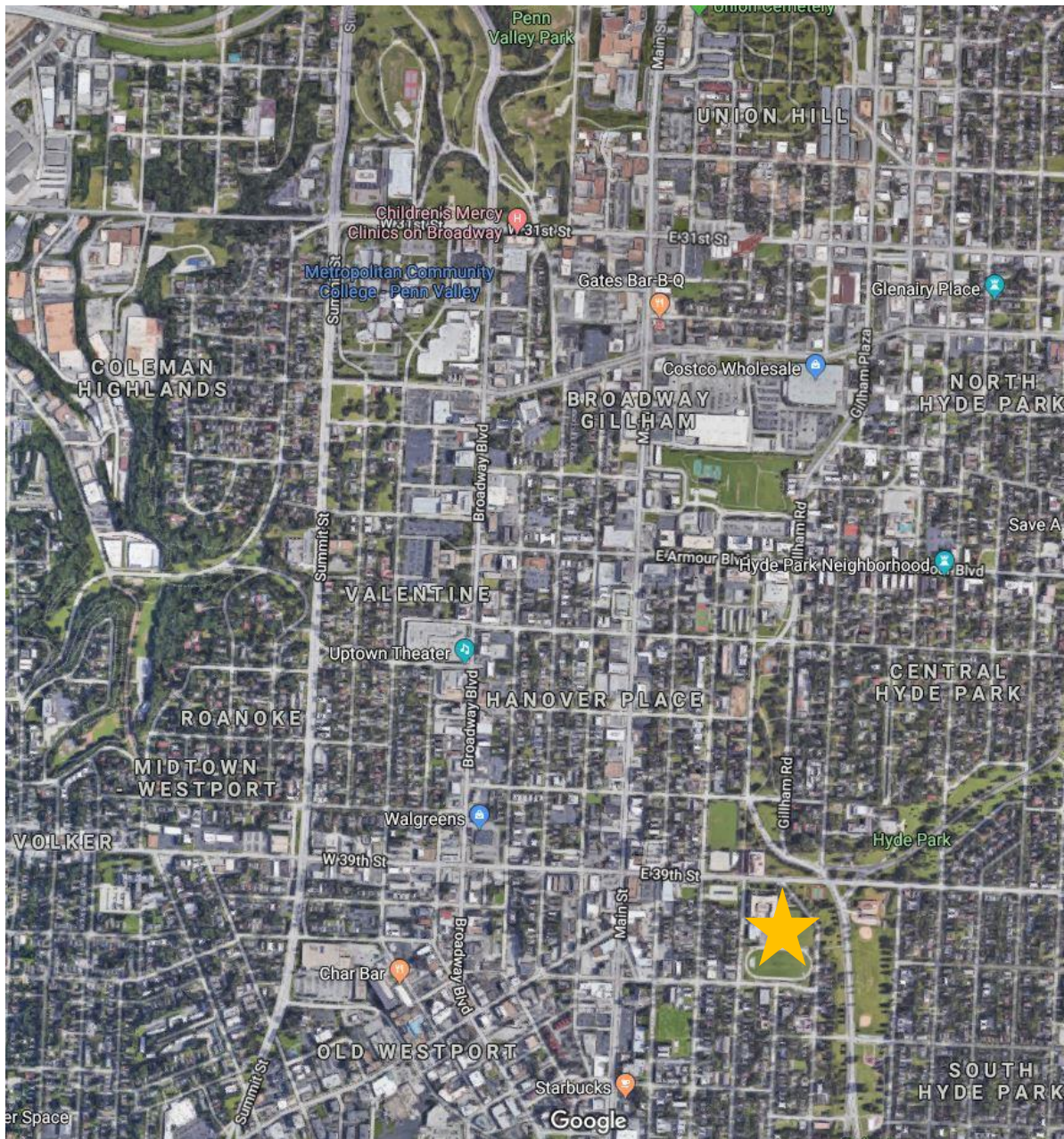


Figure 1 - Proposed Westport High PIEA Planning Area.

Property within the Planning Area is divided into five (5) property parcels. Ownership is vested in one (1) entity. The subject parcel is identified by the Jackson County Assessor's office. A complete listing of tax parcels, identification numbers, legal descriptions, property addresses and owners are included in Appendix 1.



Figure 2 - General Location Aerial Map. Property outlined in yellow.

Land Area

As mentioned, there is a total of five (5) property parcels within the Planning Area. The Planning Area contains a total of 499,322 square feet, or 11.46 acres of property, not including public rights of way.

Jackson County Tax Parcels

The Planning Area contains five (5) tax parcels as identified by the Jackson County Assessor. A complete listing of tax parcels, identification numbers, legal descriptions, property addresses and owners are included in Appendix 1 – Property Ownership.



Figure 3 - Westport High PIEA Planning Area: Ownership Map.

Planning Area Description

As previously mentioned, the Planning Area encompasses an area approximately 11.46 acres and consists of five (5) tax parcel within Kansas City, Jackson County, Missouri.

Access

General regional access to the Planning Area is via Interstate 49 (I-49)/Highway 71 located approximately 1.08 miles to the east. Local access to the Planning Area is via numerous surface streets located throughout the area, including; Main Street, Gillham Road and East 39th Street.

Topography

The topography of the Planning Area is generally flat. According to the Federal Emergency Management Agency (FEMA), the Planning Area is not located within a 100 year or 500 year flood zone.

Existing Development/Improvements

The Planning Area, as well as the immediate surrounding area, is dominated by multi- and single-family residential, commercial (office/retail), and surface parking lots. The Planning Area exhibits numerous improvements which are presently under-utilized or vacant. These parcels account for an approximate total of 100% of the Planning Area

The Planning Area is not located within any pre-existing incentive or blighted areas. However, it is located within the proposed Midtown Affordable Housing PIEA which was approved by the PIEA on August 15, 2019. As of the issuance of this document the Plan has not been approved the City Council of Kansas City, Missouri.

Approved Public Planning Guidelines

There are two primary documents which govern official City land uses and development within the Planning Area. These are the Midtown/Plaza Area Plan and the FOCUS Kansas City Plan. Both plans specifically address Planning Area.

Official land use planning guidelines and standards for the Planning Area are governed by the City of Kansas City, Missouri's Midtown/Plaza Area Plan. The Midtown/Plaza Area Plan covers an area with the following boundaries:

- North: the 31st Street,
- South: 55th Street,
- East: Paseo Boulevard,
- West: State Line.

The purpose of the plan is to:

- Recommend guidelines and strategies related to development, housing, neighborhoods, economic development, transportation, capital improvements, open spaces and urban design.
- Serve as the "plan of record" for the area and will be fully integrated with other adopted plans resulting in a single, coordinated policy for the area.
- Build on the foundation of previous planning efforts in the area.

FOCUS Kansas City Plan

The FOCUS Kansas City Plan was created over the course of several years with the input of many thousands of area residents. FOCUS was approved as a formal policy

of the City by the City Council in 1997. The document has a number of specific recommendations which relate to the area, including;¹

- Encouraging community anchors to work with their surrounding neighborhood(s) on area improvements and activities.
- Designing commercial development so that it fits with the existing character, scale and style of adjacent neighborhoods.
- Provide an opportunity for reinvestment in Kansas City. Basic infrastructure may already exist and the presence of vacant or declining properties/structures may accommodate redevelopment proposals that can have a significant positive influence on the area.
- Widely promote the existing availability of credits on local property taxes for small owners who invest in the rehabilitation of buildings.
- Encourage commercial rehabilitation.
- Create or strengthen programs to assist small developers and nonprofit corporations to redevelop small-scale commercial development.
- Integrate community anchors as part of overall neighborhood amenities.

Conformance with Other Planning Documents

Major Street Plan

This Plan conforms with the *Major Street Plan* as approved by the City Council of Kansas City, Missouri and amended in December 2016. There are two streets in or adjacent to the Planning Area that are included within the Major Street Plan. These include:

- 39th Street, which is an “Established Arterial”,
- Gillham Road, which is an “Established Parkway”.

This Plan anticipates no changes to the *Major Street Plan*. If any activities within the Planning Area affects the *Major Street Plan*, such impact will be reviewed and considered as part of the review process.

Additionally there is only one known existing or planned bicycle route through or adjacent to the Planning Area. That is a route which runs along Warwick Boulevard. If any proposed redevelopment within the Planning Area affects any existing or proposed bike route, then such impact will be reviewed and considered as part of the review process.

¹ FOCUS Neighborhood Plan

Other Development Designations

The Planning Area is located within an area designated by the City of Kansas City, Missouri as an Enhanced Enterprise Zone. The Planning Area lies within the EEZ Kansas City Zone #2. Benefits of the Enhanced Enterprise Zone designation may include the following:

- Local property tax abatement of 50% for 10 years for real estate improvements

Tax abatement granted by Enterprise Zone designation is limited in its application to improvements for certain type uses (manufacturing, processing, distribution, etc.).

The Planning Area is also located within an area that qualifies for automatic benefits under the Missouri Works program. The level of benefits may vary depending on the number of new jobs created and the average wage per employee, but generally consists of a) the retention of the state withholding tax of the new jobs and/or b) state tax credits. The program benefits are based on a percentage of the payroll of the new jobs. Certain projects may also be eligible for discretionary benefits, limited to the net state fiscal benefit.

The majority of the Planning Area is located within a census tract that is eligible for New Markets Tax Credits (NMTC). The eastern most portion of the Planning Area (east of James A Reed Road) is not located within an eligible area for NMTC. Based on the qualifying definitions of low-income communities per IRC§45D(e)(1). A program of the U.S. Department of the Treasury and Community Development Financial Institutions (CDFI) Fund, the NMTC program permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities (CDEs) which in turn use substantially all of the qualified equity investment to provide investments in low-income communities.

Any project considered for PIEA tax abatement within the Planning Area may be considered in combination with New Markets Tax Credits (NMTC).

Zoning-Existing

The existing zoning in the Planning Area falls within three zoning classes. Definitions for the purpose of each classification is included in Table1 below.

Table 1 – Planning Area Zoning Classifications.

Zoning Classification	Purpose*
MPD Master Planned Development District: 88-280-01	The MPD, Master Planned Development district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards.
R-1.5 Residential 1.5: 88-110-01	The R-1.5 is a short-handed reference to the residential district that generally allows one dwelling unit per minimum lot area of 1,500 square feet of gross site area.
B 3-2 Community Business: 88-120-01	The primary purpose of the B3, Community Business district is to accommodate a broad range of retail and service uses, often in the physical form of shopping centers or larger buildings than found in the B1 and B2 districts.

*City of Kansas City, Missouri Zoning and Development Code.

As part of the redevelopment of the Planning Area, rezoning to UR will be required for all redevelopment seeking PIEA abatement or other PIEA incentives, pursuant to this Plan, unless the developer follows the Department of the Interior Standards or rezoning is waived by the City Planning Director.

It is anticipated that redevelopment projects may be phased within the Planning Area as market conditions warrant. As these phases occur the UR will be presented to include the appropriate project information for that particular phase or project.



Figure 4 – Westport High PIEA Planning Area - Existing Zoning.
Planning Area location identified.

Blight Finding

Upon inspection and analysis of the proposed Westport High PIEA Planning Area, there are a number of existing conditions or factors in the area which comply and meet the statutory definitions of blight and therefore support a finding of Blight for the Planning Area. These conditions include:

- Deteriorating Site Improvements: Due to the age, deferred maintenance and neglect of improvements within the Planning Area, scattered structure and site improvement deterioration has occurred.
- Insanitary or Unsafe Conditions: Due to the presence of vacated structures, illegally deposited trash and debris, environmental conditions, code violations insanity and unsafe conditions within the Planning Area currently exist.
- Existence of Conditions which Endanger Life or Property: Primarily due to the presence of a significant amount of vacated property within the Planning Area, conditions which endanger life or property is present.

Furthermore these blighting conditions have led to the following:

- An Economic or Social Liability. Due to the varying age and deterioration of improvements within the Planning Area, stagnant assessed values, the presence of insanitary and unsafe conditions, and vacancy, the Planning Area represents an economic liability or an economic underutilization to itself and the surrounding areas.

Statistical Profile of the Planning Area

Population

Population figures for the Planning Area are provided by the American Community Survey (ACS), US Census Bureau, and the Mid-America Regional Council (MARC). For ease of data acquisition we utilized ACS data for the ZIP Code 64111 which covers the entire Planning Area.

Table 2 - Planning Area Population by Zip Code.

Population by Zip Code	2011 Census	2017 Estimate	% Chg 10-20
64111	15,691	17,398	9.81%
Source: MARC, 2019			

The data show population increases within the Planning Area through the most recent census and current estimate. Total anticipated population gain (2011-2017) for the Planning Area is estimated to be 1,707 or 9.81%

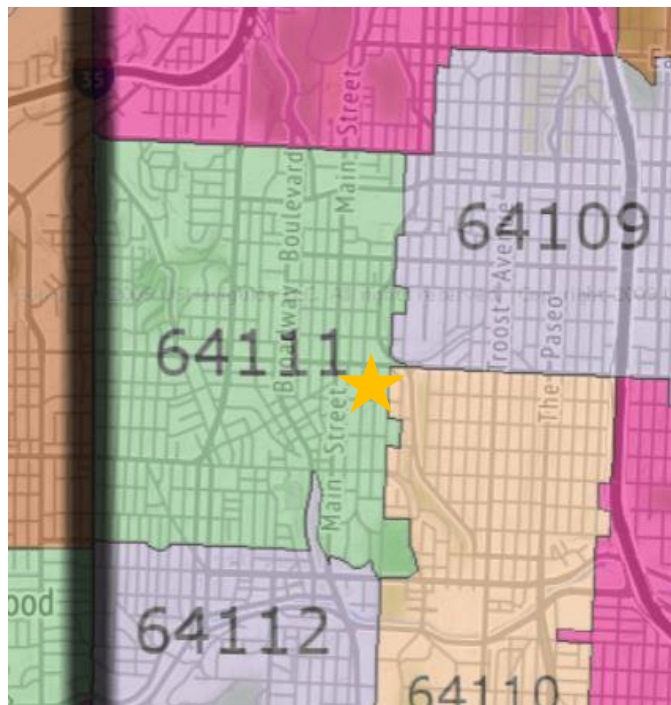


Figure 5 – ZIP Code Map, 64111. Project Location Identified.

Population Densities

The population density (persons per square mile of the Planning Area (2019 ZIP Code – 64111) is shown in Table 3.

Table 3 - Population Density (Persons per square mile).

Population by ZIP Code	Square Miles	2011 Population	2011 Census Density	2017 Population Estimate	2017 Census Density	% Chg 2011-2017
64111	2.65	15,691	2,477	17,398	2,234	9.81%
Source: MARC, 2019						

Population density corresponds the growing historical population figures previously stated. According to Census records, total gain of population density between 2011 and 2017 was 243 persons per square mile or approximately 9.81%.

Unemployment

Unemployment data for the Planning Area is taken from Census Data and American Community Survey Data for ZIP Code 64111, Kansas City, MO. Unemployment rates ZIP Code 64111 are significantly below the Kansas City MSA unemployment rate of 5.1%. Jackson County, Missouri unemployment rate year ending 2017 was 3.8%.

Table 4 - Work Force Indicators.

ZIP Code	Labor Force (2017)	Labor Force Unemployed	Unemployment Rate
64111	9,612	310	3.2%
Source: MARC, 2017. American Community Survey, 2011-2015.			

The Planning Area is currently located within a *distressed census tract* as defined by the City of Kansas City, Missouri and the Advance KC evaluation process.

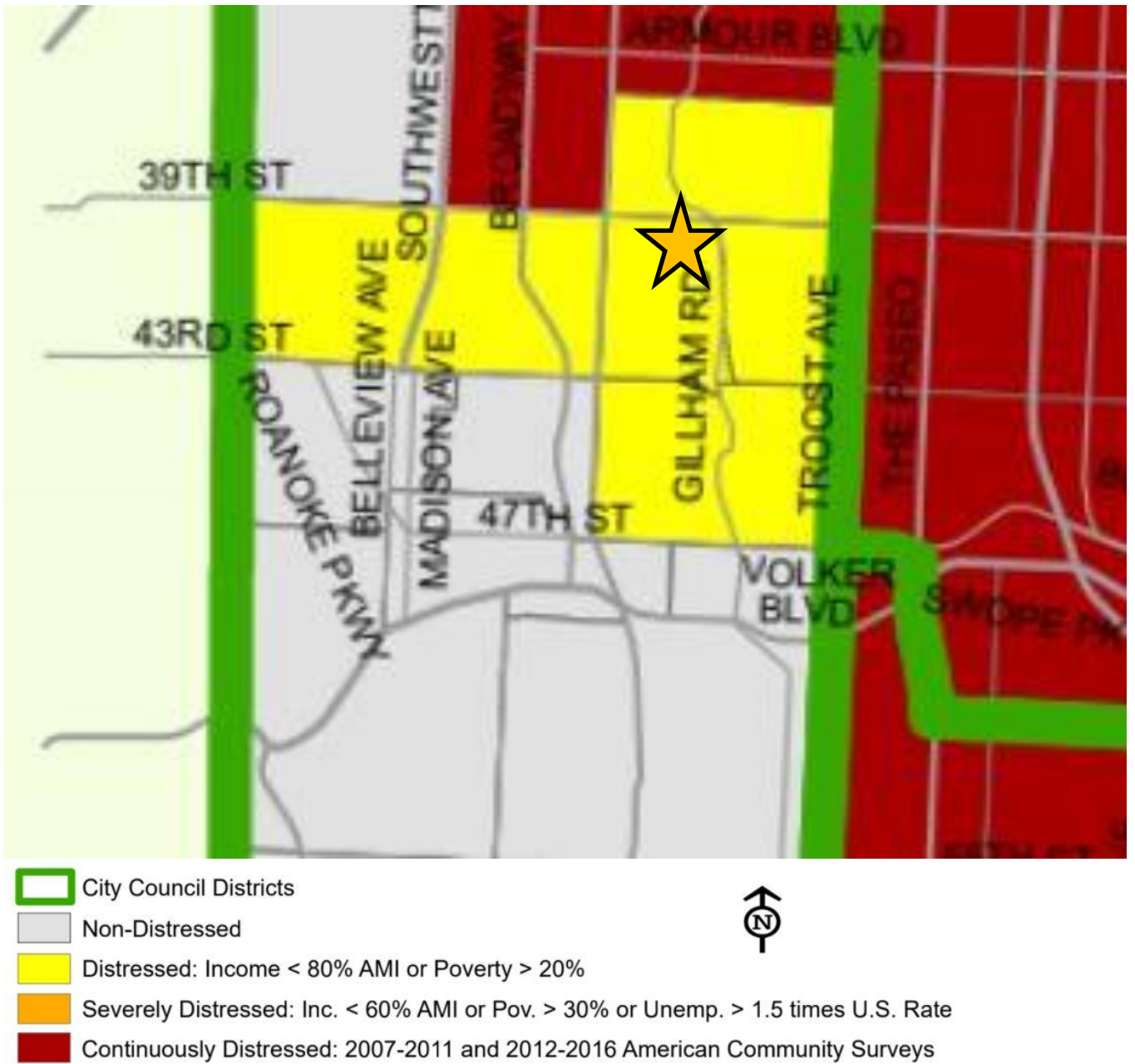


Figure 6 - Distressed Census Tract Map.

Land Use Plan

Existing Land Use

Existing land use within the Planning Area can be organized into four (4) general land use codes, as outlined below. Recommended land use indicates a Mixed Use Neighborhood for the Planning Area.

Table 5 - Planning Area Land Use Distribution.

Land Use	Square Footage	Overall Area Percentage
Paved Parking	63,013	12.62%
School	414,438	83.0%
Commercial (non-office)	10,421	2.09%
Vacant Residential	11,450	2.29%
Total	499,322	100%

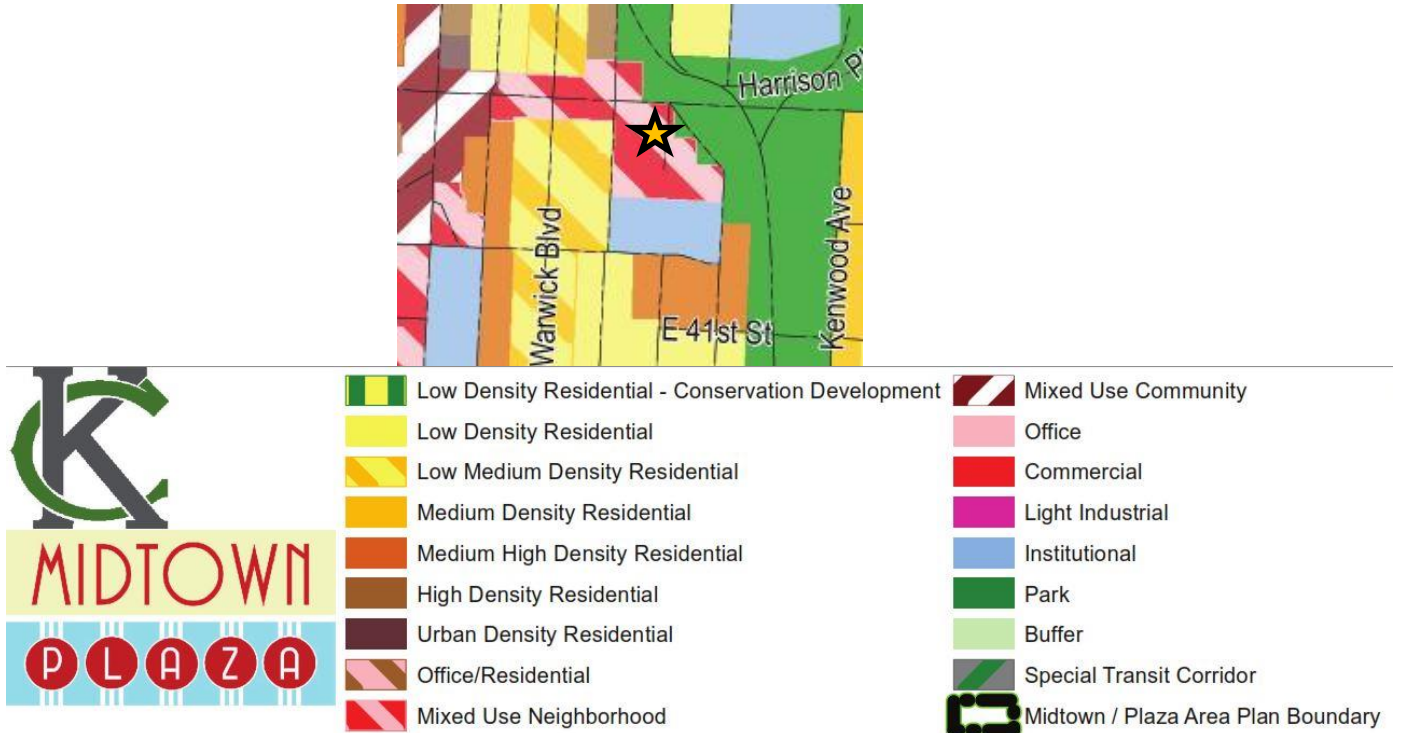


Figure 7 - Planning Area Recommended Land Use.

Land Use Provisions and Building Requirements

Statement of Uses to be Permitted

Proposed land uses within the Planning Area are authorized by RSMo. Section 100.310 (9), as amended, and shall further be in conformance with the uses designated on the Proposed Land Use section and map contained in this plan to be eligible for tax abatement.

Regulations and Controls

All municipal ordinances, codes and regulations related to the buildings, properties and development, as such may be amended by variance or otherwise, shall apply within the Planning Area.

Proposed Land Use

The proposed land uses and building requirements contained herein are designated with the general purpose of accomplishing, in conformance with this general development plan, a coordinated, adjusted and harmonious development of the city and its environs which, in accordance with the present and future needs, will promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, employment opportunities, the provision of adequate transportation, water, sewage and other requirements, the promotion of sound design and arrangement, the prevention of the occurrence of insanitary areas, conditions of blight or deterioration of undeveloped industrial or commercial uses.

All uses within the Planning Area shall conform to City Code requirements. It is anticipated that proposed land uses within this Plan will conform to designated land uses as outlined by the City. If a project requires a different land use designation, the plan applicant will be required to change the City's official land use designation to conform to the proposed land use.

Land Coverage and Building Densities

The Planning Area encompasses a land area which is 100% developed. Anticipated land coverage and building densities of future uses within the Planning Area may vary from its current land coverage and density, since the development strategy for the Planning Area anticipates the redevelopment of existing properties and new development. Any change in land coverage or building density that does occur will be in conformance with the provisions of the City's applicable development code, as such may be amended pursuant to variances or otherwise. All uses within the Planning Area shall not exceed the maximum floor area ratios as required within the development code of the City of Kansas City, Missouri Code of Ordinances.

Project Proposals

Proposed Development

It is contemplated that proposed redevelopment within the Planning Area will include; the historic redevelopment of the former high school facility into multi-family housing and associated uses. Additional redevelopment plans contemplate the development and construction of family oriented entertainment and restaurant uses in other portions of the Planning Area. Any specific development proposals will require review and approval by PIEA staff and Board. All development uses will conform to associated City requirements as outlined in this document.

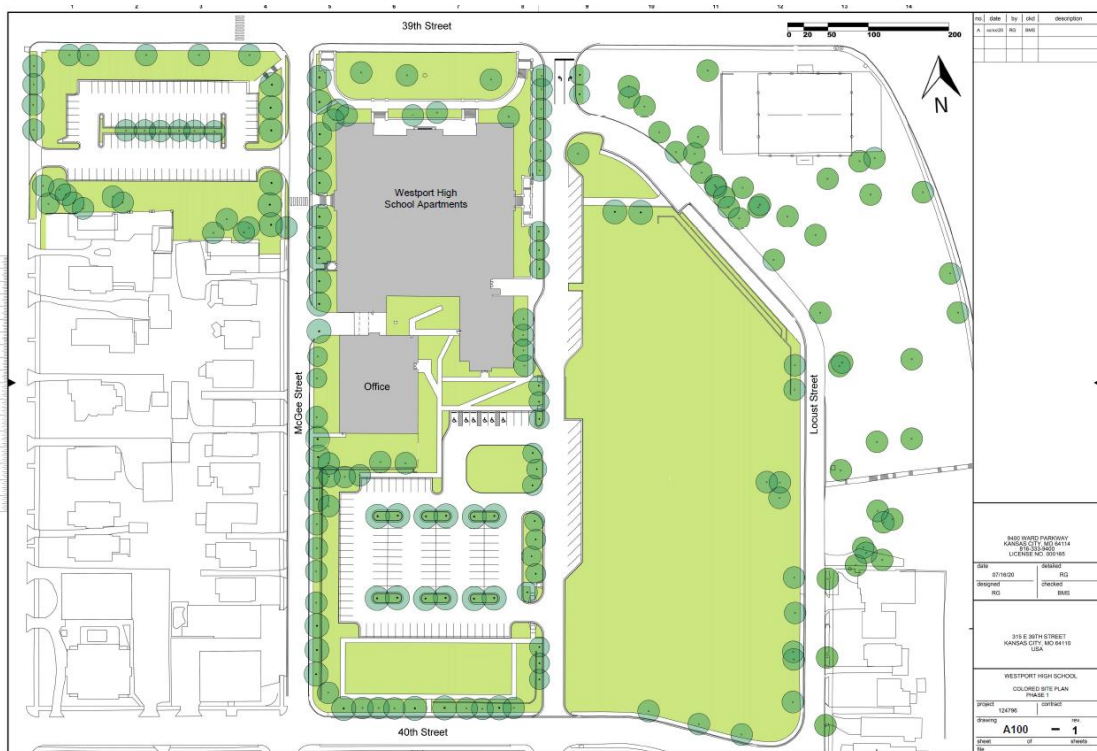


Figure 8 - Proposed Redevelopment Site Plan-Phase I. Courtesy Burns & McDonnell.

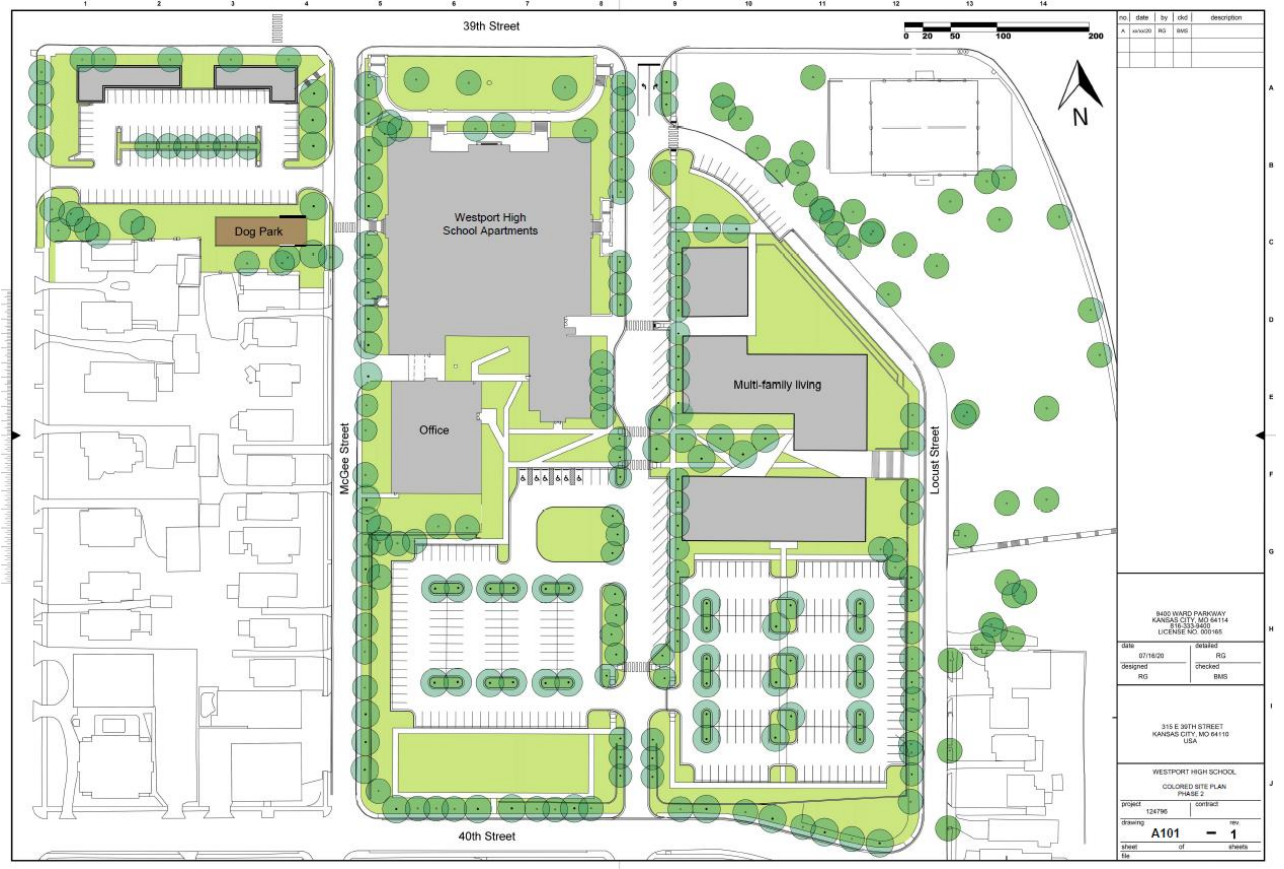


Figure 8 - Proposed Redevelopment Site Plan- Phase II. Courtesy Burns & McDonnell.

Development Strategy

It is expected that assistance available under this Plan, alone or in conjunction with other public investment and/or assistance programs, will leverage private investment within the Planning Area. Development strategies include, but are not exclusive of, the redevelopment of existing facilities and infrastructure and new infill construction within the Planning Area, and leveraging other public assistance sources where applicable.

All development proposals submitted to the PIEA for consideration of assistance must satisfy the requirements of the Economic Development policy of the City of Kansas City currently in force at the time of application, and any other applicable program application and policy requirements. In addition, any development proposal must address remediation of the blighting conditions found in the separate Qualifications Analysis.

The overall redevelopment strategy for the Planning Area will emphasize the following:

- Sustainable development and redevelopment incorporating innovative green practices that will protect the environment, conserve natural resources, and promote public health, safety and welfare;

- Development proposals must be consistent with the policies established within the FOCUS Kansas City Plan;
- Integrate development to be consistent with the existing character of the surrounding natural environment and neighborhoods;
- Develop and revitalize vacant and underutilized property;
- Increase safety in the area through the use of improved lighting, fencing, and general maintenance;
- Provide safe, convenient surface and/or structured parking;
- Beautify the area by improving streetscapes, cleaning up the Planning Area, and generally removing the existing blighting elements;
- Improve basic infrastructure within the Planning Area; and
- Require development within the Planning Area to conform with the current updates of plans and planning guidelines, as such may be amended:
 - FOCUS, Kansas City,
 - Midtown/Plaza Area Plan,
 - Major Street Plan,
 - Parks, Recreation, Boulevards and Greenways Plan,
 - Trails KC Plan, and
 - All other adopted City Plans.

Additional Considerations

Within the Planning Area, in exchange for benefits through the PIEA Planning Area, the owner of a property, Developer or lessor of a billboard agrees to remove the billboard after the expiration of the existing lease agreement or within five (5) years of the approval of the General Development Plan, whichever occurs first.

Methods of Financing

It is anticipated that any land acquisition, demolition, relocation and redevelopment activities within the Planning Area will be financed privately through developer financing and/or conventional financing. Any financing terms and/or methods will be specified by the project developer to the PIEA.

Land Acquisition Costs

Land acquisition is not anticipated within the Planning Area, but any land acquired will be completed in compliance with the requirements of Chapter 523, RSMo.

Tax Abatement

In the event any redevelopment corporation as defined in Chapter 353, RSMo., shall, with the approval of the Authority, acquire in fee simple, any land for redevelopment and redevelop such land in accordance with the plan for redevelopment adopted by the PIEA, then such land shall be subject to the ad valorem tax abatement provisions contained in Section 353.110, RSMo., as amended, as authorized by Section 100.570, RSMo., provided that the PIEA will require said redevelopment corporation, its successors and assigns, to pay to the City and the County for the benefit of the taxing entities for which the County collects ad valorem taxes, with respect to each such tract of land, in addition to the ad valorem taxes computed under Section 353.110, RSMo., an amount annually equal to the amounts by which the actual tax on such land computed pursuant thereto is less than the tax which would have resulted in the calendar year in which the redevelopment corporation acquired title to the property. Abatement for projects within the redevelopment area will not exceed 10 years at 100% abatement and 15 years at 50% abatement unless otherwise merited by the nature of a particular project.

The provisions of Section 100.570 RSMo. concerning the ad valorem tax exemption benefits contained in Chapter 353, RSMo., and more specifically set forth in Sections 353.110 and 353.150(4) RSMo. shall be available to a redevelopment corporation designated by the PIEA if the designated redevelopment corporation acquires fee simple interest in any real estate for the redevelopment and redevelops and uses such real estate in accordance with this Plan and if the PIEA approves such acquisition. Such tax exemption benefits shall be available to any successor, assign, purchaser or transferee if the designated redevelopment corporation provided that such successor, assign, purchaser or transferee continues to use, operate and maintain such real estate in accordance with this Plan. The PIEA will require the designated redevelopment corporation, its successors, assigns, purchasers or transferees, to make payments in lieu of real property taxes to the PIEA for the appropriate political subdivisions in the amount set forth in the preceding paragraph. Distribution of such payments shall be pursuant to Section 353.110 (4), RSMo.

All applicants requesting tax abatement must submit to the PIEA for approval a redevelopment proposal which includes the justification for the requested tax abatement.

Staff shall make the recommendation to continue, terminate, extend or otherwise provide tax abatement for any parcel/parcels within the planned boundaries that has previously received tax abatement under a previously approved abatement tool, at the time of the Preliminary Project Proposal Review, under the requirement of the City of Kansas City's economic development policy. The recommendation shall be made on a case by case basis and shall depend on the individual circumstances of each case, including any compelling reasons to continue, terminate, extend or otherwise provide tax abatement, and shall be subject to legal review.

Any award of real property tax abatement shall be based on both the completion of the proposed development as well as the fulfillment of agreed upon performance measures to include, where and when appropriate, removal and prevention of blight, creation of jobs and maintenance of market value of the completed development or redevelopment property with specific terms and conditions to be established at the time of the development project consideration and made part of the Redevelopment Agreement.

Notwithstanding anything herein to the contrary, this General Development Plan shall be subject to the provisions of Second Committee Substitute for Ordinance No. 160383, As Amended, and as may be further amended from time to time, which was adopted by the City Council on or about October 6, 2016. See Appendix 4-Ordinance 160383.

In the event that the developer believes it should be granted an abatement in excess of that provided for herein with respect to any project, the developer may require that the PIEA request the City Council waive the limitations of this provision if the City Council shall not have otherwise acted to do so. The City Council retains final discretion to authorize the abatement, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law. The City Council shall give particular consideration to the following exceptions in determining whether to authorize any abatement, or approve any development plan providing for incentives to be conveyed on a project-specific basis, at any level other than what has been provided for herein:

- A. Projects qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s Economic Development and Incentive Policy.
- B. Projects located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

Deed Restriction

When the property known as the former Westport High School and associated property was acquired by the Developer in August, 2016, the parties agreed to a Deed Restriction which restricts the Developer from seeking incentives affecting future KCPS revenues for a period of 20 years from the acquisition date.

The Deed Restriction also indicates that the development will be a “mixed-use development and shall include some level of open space and either a walking trail or track on the Property that is available for community use”. Additionally, “the existing field/track area shall not be developed for any use other than parking, open space and/or recreational use without written consent from the KCPS Board of Directors”.

Other Restrictions include restricting the use as a school and a right of first refusal for purchasing said property. This includes future use of the property as school use, which is prohibited within the Deed Restriction. The Deed Restrictions shall be in force and effect unless a separate agreement is approved between the KCPS and the Developer.

Please refer to Appendix 2-Deed Restriction for further information.

Developer's Obligations

Any company or developer which proposes to construct, lease or sublease facilities, or to purchase land or redevelop within the area which is the subject of this Plan, if not the owner of the subject property or properties, shall mail a courtesy notice to said owner or owners, as determined by the ownership records of Jackson County at the time of mailing, concurrently with plan submittal and prior to starting a project; and no building permit shall be issued without the prior approval of all agencies. The developer will also be obligated to maintain adequate and direct access either through or around constructed areas.

In addition, any company or developer submitting a redevelopment project proposal to the PIEA for construction or redevelopment with the Planning Area shall send a courtesy notice to the owner or owners of property adjacent to the site of the proposed project and also to area neighborhood and/or community groups known and registered with the City. For guidance in obtaining the applicable neighborhood and/or civic organizations developers are encouraged to contact the City's Neighborhood Services Division, and the identity of each neighborhood and/or civic organization identified by the City and provided to the developer shall be dispositive as to the parties to which or whom the developer must provide its notice. The notice shall contain a summary of the content of the proposal and provide the name, address, and phone number of a person or persons representing the company or developer that can be contacted for information regarding the proposed redevelopment project.

Design Guidelines

Projects seeking real property tax abatement from the PIEA shall meet design guidelines for redevelopment within the Planning Area and shall materially conform to the most updated version of the adopted design guidelines outlined within the Plan of Record, and if at any time design guidelines are absent from the Plan of Record, design guidelines for redevelopment shall follow the design guidelines as set forth in Appendix 3 of this Plan.

PIEA Rights of Review

Each industrial development proposal seeking PIEA incentives will be submitted to the PIEA Board of Commissioners for determination that the specific requirements of the Plan have been satisfied, to determine the appropriate level and term of abatement, and if the developer's proposal is in keeping with the appropriate Design Guidelines set forth in Appendix 2 – Design Guidelines. As part of its review, the PIEA will require developers to submit, among other things, evidence in their proposals that their projects are in compliance with this Plan and that the developer has the legal and financial qualifications to undertake and complete the proposed development.

Relocation

Relocation is not anticipated as part of implementation of this Plan. If any relocation is required, all costs will be the responsibility of the developer. PIEA will cooperate, as much as possible, in assisting project developers and property owners in planning for necessary relocation. All relocation shall abide by the requirements of the Federal Uniform Land Acquisition and Relocation Policy, as amended.

Proposed Changes

Proposed Zoning Changes

Rezoning to District UR (Urban Redevelopment) will be required for all redevelopment seeking PIEA property tax abatement or other PIEA incentives, unless the developer follows the Department of the Interior Standards or rezoning is waived by the City Planning Department Director. Such rezoning may only be waived when the proposed redevelopment does not result in any of the following:

1. Increase of building coverage by more than 10%;
2. Increase of the total floor area by more than 10% or 5,000 square feet, whichever is less;
3. Increase of building height by more than 10% or 6 feet, whichever is less;
4. Increase of the total impervious surface coverage by more than 10% or 2,000 square feet, whichever is less;
5. Extensive site modifications involving location of buildings, razing, and reconstruction of approved uses;
6. Increase of the number of dwelling units by more than 10%; or
7. Any other change that the City Planning and Development Director determines will have impacts that warrant full review of the application in accordance with the development plan review procedures.

Rezoning to UR or granting of a waiver must be complete prior to the effective date of any PIEA incentives granted under this Plan.

Proposed Land Use Changes

No change in land use classification is anticipated within the Planning Area. However, all proposed land use classification needs to correspond to the land use specified and approved by the City of Kansas City, Missouri. Therefore, land use provisions within the Planning Area shall be updated to reflect the proposed land uses within this Plan.

Proposed Street Changes

It is not anticipated that any street or street grade changes will be required and submitted as part of the Plan. At the time a specific project plan is developed and a developer is selected, if any street or street grade changes are required, they will be coordinated with the City of Kansas City Public Works and City Planning Departments. Prior to the approval of any project plan, PIEA staff will consult with City Planning and Development staff for the inclusion of improvements of any alleyway, street-scaping, sidewalks and storm water intake improvements to the Plan. Such identified project

shall be subject to approval by the City of Kansas City, Missouri through its stated planning and permitting processes.

Construction and/or reconstruction of curb, gutter and sidewalks along all street frontages and streetscape landscaping will be made as required by the City as a condition of receiving PIEA abatement or other PIEA incentives.

If redevelopment within the Planning Area occurs and fall under the jurisdiction of the City's Parks and Recreation Department (i.e. Boulevard property), any such redevelopment shall be reviewed and approved by the Parks and Recreation Department.

Proposed Building Code or Ordinance Changes

There may be several variance or code modification requests which could be submitted as part of any redevelopment project within the Planning Area. Currently there are no proposed changes to the existing building codes or to city ordinances within the Planning Area. At the time a specific project plan is developed and a developer is selected, if any code or ordinance changes are required, they will be subject to approval by the City through the normal planning and permitting process.

Proposed Changes in Public Utilities

It may be required that as part of a specific project plan, and to remedy blighting conditions, certain utilities will be relocated, buried, installed, extended, or replaced. Any changes will be coordinated with the City of Kansas City, Missouri and expenses related to the same will be incurred and financed by the affected parties other than the City or the PIEA. Upon the request of the PIEA, the City's Director of Public Works shall send a notice to the affected utility of any required relocation and shall work with the utility and the developer to accomplish the relocation in a timely manner.

Proposed Changes in Public Facilities

At this time there are no changes planned to public facilities located within the Planning Area, however, public facilities may need to be updated as necessary to accommodate specific projects approved for redevelopment and to ensure blighting conditions are remedied. At the time a specific project plan is developed and a developer is selected, if any changes to public facilities are required, they will be subject to approval by the City through the normal planning and permitting process. The developer may seek public assistance for these improvements.

Relationship to Local Objectives

General

The proposed land use is consistent with local objectives to stabilize and redevelop the core areas of the center city. Local objectives pertinent to the Planning Area include those stated in the FOCUS Kansas City Plan:

- To enhance the city's quality of life;
- To serve as a source of community and neighborhood identity;
- To encourage more interconnected development patterns structured around existing development and investment areas;
- To create and expand the tax base and provide additional employment, and
- To encourage additional public and private sector investment.

In addition, the Zoning Ordinance of Kansas City, Missouri, lists the following objectives for Urban Redevelopment Districts (UR):

- Encouragement of a more efficient and effective relationship among land use activities.
- Preservation and enhancement of natural phenomena and or architecturally significant features.
- Enhancement of redevelopment areas to accommodate effective redevelopment, and
- Compatible integration of redevelopment projects into development patterns that exist or that may be planned to exist within the subject area.

Appropriate Land Use/Proposed Land Use

In keeping with the aspirations set forth in the FOCUS Kansas City Plan and the various Area Plans approved by the City that affect the Planning Area, land uses within the Planning Area will correspond to the land uses identified and recommended by the appropriate planning document.

Foster Employment

It is anticipated that the redevelopment of the Planning Area and the improved utilization of properties within the Planning Area will foster both temporary (construction and redevelopment) and permanent employment within the City.

Public Transportation

The Planning Area is presently served by public transportation under the Kansas City Area Transportation Authority (KCATA). At this time no anticipated changes to any type of public transportation in the Planning Area are proposed. At the time a specific project plan is developed, any changes will be subject to approval by the City and coordinated with the KCATA through the normal planning and permitting process.

Recreational and Community Facilities

Currently no changes to recreational and community facilities are anticipated. At the time a specific project plan is developed, any changes, modifications and/or improvements will be subject to approval by the City through the normal planning and permitting process.

Public Improvements

It is the objective of this Plan to require any developer or developers to make all necessary public improvements to streets, utilities, curbs, gutters and other infrastructure, and to the extent required by the City of Kansas City, Missouri, in as much as the redevelopment project creates a need for improved public facilities. All improvements will be coordinated with the City of Kansas City, Missouri.

Building Requirements in the Planning Area

The objective of this Plan is to have all current building requirements and codes presently in effect, as such may be amended by variance or otherwise, apply to any development within the Planning Area.

Any specific development proposal approved by the PIEA for the Planning Area will contain, among other things, adequate provision for traffic, vehicular parking, safety from fire, adequate provision for light and air, sound design and arrangement, and improved employment opportunities. The Plan may have an impact on adjacent traffic patterns and any necessary changes and/or improvements will be coordinated with the City of Kansas City, Missouri. The Kansas City Area Transportation Authority currently serves the area and no changes to that service will be attributable to this Project are anticipated.

Procedures for Changes in the Approved Plan

This Plan or the approved plans for any project within the Planning Area may be modified at any time by the PIEA, provided that, if modified after the long-term lease or sale of real estate in the Planning Area, the modification must be consented to by the purchaser (or long-term lessee) of the real property or the successor, or successors in interest, affected by the proposed modification. Where the proposed modification will substantially change the plan or plans as previously approved by the City Plan Commission and/or the City Council, the modification must similarly be approved by those same entities. Any amendment to the requirement for the completion of rezoning to UR or granting of a waiver prior to the commencement of any PIEA incentives under this Plan will be considered a major amendment requiring the approval of the City Plan Commission and City Council.

Eminent Domain

The PIEA has the statutory right to exercise the power of eminent domain to acquire any real property it deems necessary for a project or for its purposes under this law upon the adoption by the PIEA of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. **The PIEA will not exercise the power of eminent domain within the Planning Area.**

APPENDIX 1 – PROPERTY OWNERSHIP & LEGAL DESCRIPTION

Table 6 - Property Ownership.

Ownership **West Port High PIEA**

#	County Parcel #	Address	Owner	SF
1	30-230-01-26-00-0-00-000	315 E. 39th St.	HP Development Partners 2, LLC 815 W. 51st St. Kansas City, MO 64112	414,438
2	30-230-02-36-00-0-00-000	3919 Warwick Blvd.	HP Development Partners 2, LLC 815 W. 51st St. Kansas City, MO 64112	63,013
3	30-230-03-01-00-0-00-000	131 E. 39th St.	HP Development Partners 2, LLC 300 E. 39th St. Kansas City, MO 64111	10,421
4	30-230-03-25-00-0-00-000	3906 Warwick Blvd.	HP Development Partners 2, LLC 300 E. 39th St. Kansas City, MO 64111	5,485
5	30-230-03-24-00-0-00-000	3910 Warwick Blvd.	HP Development Partners 2, LLC 300 E. 39th St. Kansas City, MO 64111	5,965

Total SF 499,322
Total Acreage 11.46

Table 7 - Property Legal Descriptions.

Legal Description **West Port High PIEA**

#	County Parcel #	KCMO Pin	Address	Owner	Legal Description
1	30-230-01-26-00-0-00-000	132591	315 E. 39th St.	HP Development Partners 2, LLC 815 W. 51st St. Kansas City, MO 64112	WESTPORT PLAT LOT 3
2	30-230-02-36-00-0-00-000	132590	3919 Warwick Blvd.	HP Development Partners 2, LLC 815 W. 51st St. Kansas City, MO 64112	WESTPORT PLAT LOT 2
3	30-230-03-01-00-0-00-000	132538	131 E. 39th St.	HP Development Partners 2, LLC 300 E. 39th St. Kansas City, MO 64111	MURRAY HILL N 80.74 2/3' OF E 133' OF LOT 1 (EX PT IN 39TH ST)
4	30-230-03-25-00-0-00-000	132540	3906 Warwick Blvd.	HP Development Partners 2, LLC 300 E. 39th St. Kansas City, MO 64111	MURRAY HILL S 10 1/3' OF E 133' LOT 1 & N 34 2/3' OF E 133' LOT 2
5	30-230-03-24-00-0-00-000	132539	3910 Warwick Blvd.	HP Development Partners 2, LLC 300 E. 39th St. Kansas City, MO 64111	MURRAY HILL S 45.33' OF E 133' LOT 2



Figure 9 - Westport High PIEA Planning Area: Ownership Map.

APPENDIX 2 – DEED RESTRICTION

ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
08/12/2016 04:39:11 PM
WD FEE: \$ 39.00 7 Pages



INSTRUMENT NUMBER:
2016E0074430

ASSURED QUALITY TITLE CO.
AL 105988
Title of Document: Special Warranty Deed
Date of Document: August 12, 2016
Grantor(s): The School District of Kansas City, Missouri, also known as the School District of Kansas City 33 Doing Business as Kansas City Public Schools
Grantee(s): HP Development Partners 2, LLC
Mailing Address: 815 W. 51st Street, Kansas City, MO 64112
Legal Description: See "Exhibit A" on Page 4 of the Deed
Reference Instrument No.: N/A

SPECIAL WARRANTY DEED

THIS INDENTURE, made on the 12th day of August, 2016, by and between THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ALSO KNOWN AS THE SCHOOL DISTRICT OF KANSAS CITY 33 DOING BUSINESS AS KANSAS CITY PUBLIC SCHOOLS, a Missouri urban school district, Grantor, and HP DEVELOPMENT PARTNERS 2, LLC, a Missouri limited liability-company, Grantee, with an address at 815 W. 51st Street, Kansas City, MO 64112.

WITNESSETH: THAT GRANTOR, in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other valuable consideration, to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does by these presents, sell and convey unto Grantee and its successors and assigns, the following described real estate and interests in real estate lying, being and situate in the County of Jackson and State of Missouri (the "Property") to-wit:

See Exhibit "A", attached hereto and incorporated herein.


Subject, however, to taxes and assessments for 2016 and subsequent years, all zoning laws, all easements, covenants, restrictions, and community contracts and only those matters of record appearing on Exhibit "B" attached hereto, the right of first refusal described in Exhibit "C" attached hereto and incorporated herein, and the tax abatement restriction described on Exhibit "D" attached hereto and incorporated herein.

TO HAVE AND TO HOLD, the Property aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto Grantee and unto its successors and assigns forever, Grantor hereby covenanting that the Property is free and clear from any encumbrance done or suffered by it, except as to Exhibits "B", "C", and "D"; and that Grantor will warrant and defend the title of the Property unto Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever, lawfully claiming or to claim the same by, through or under the party of the Grantor.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused this Indenture to be executed by its duly authorized officer, the day and the year first above written.

THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ALSO KNOWN AS THE SCHOOL DISTRICT OF KANSAS CITY 33 DOING BUSINESS AS KANSAS CITY PUBLIC SCHOOLS

By: 
Name: Melissa Robinson
Title: Board Chair

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 10 day of August in the year 2016, before me, the undersigned, a Notary Public in and for said state, personally appeared Melissa Robinson Board Chair of The School District of Kansas City, Missouri, also known as the School District of Kansas City 33 Doing Business as Kansas City Public Schools, a Missouri urban school district, personally known by me to be the person who executed the same instrument, on behalf of said school district and acknowledged to me that he/she executed the same for the purposes therein stated.

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



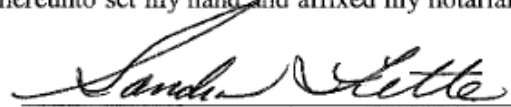

Notary Public
Name: Sandra Fette
My Commission Expires: 10-1-16

EXHIBIT "A" TO SPECIAL WARRANTY DEED

Legal Description

Tract I

All of Lot 2, WESTPORT PLAT, a Subdivision in Kansas City, Jackson County, Missouri

Tract II

All of Lot 3, WESTPORT PLAT, a Subdivision in Kansas City, Jackson County, Missouri

4

EXHIBIT "B" TO SPECIAL WARRANTY DEED**Permitted Encumbrances**

- 1) Easement for retaining wall, sidewalk or passageway for pedestrians only, as reserved in Warranty Deed filed as Document No. 1019908 in Book B-1604 at page 589. (affects Lot 3)
- 2) Easement for retaining wall, sidewalk or passageway for pedestrians only, as reserved in Warranty Deed filed as Document No. 1019909 in Book B-1610 at page 187. (affects Lot 3)
- 3) Right of Way for sewers as set forth in the Decree Order filed as Document No. 1281973 in Book B-1918 at page 457.
- 4) Easement for retaining wall, sidewalk or passageway for pedestrians only, as reserved in Quit Claim Deed filed as Document No. A-308192 in Book B-2730 at page 357. (affects Lot 3)
- 5) Non-Exclusive Easement granted to Kansas City Power & Light Company by instrument filed October 22, 1990 as Document No. K945290 in Book K-2068 at page 1861 and filed December 23, 1991 as Document No. K1002207 in Book K-2192 at page 920.
- 6) Easement for Water Main and appurtenances granted to Kansas City by instrument filed March 27, 1992 as Document No. K1016452 in Book K-2226 at page 369. (affects Lot 3)
- 7) Sewer Easement reserved by Kansas City over that part of the premises in question in vacated alley as set forth in Ordinance filed March 12, 1991 as Document K962254 in Book K-2105 at page 789. (affects Lot 3)
- 8) Water Main Easements reserved by Kansas City over that part of the premises in question in vacated Oak Street and 40th Street as set forth in Ordinance filed March 12, 1991 as Document K962256 in Book K-2105 at page 794. (affects Lot 3)
- 9) Building set back line over the Westerly 25 feet of Lot 2 as shown on the recorded plat, filed in Plat Book 38 at Page 75.
- 10) Non-Exclusive Easement granted to Kansas City Power & Light Company by instrument filed November 20, 1992 as Document No. K1053790 in Book K-2321 at page 2336. (affects Lot 2)

EXHIBIT “C” TO SPECIAL WARRANTY DEED**Right of First Refusal**

Grantee hereby grants to The School District of Kansas City, Missouri, also known as the School District of Kansas City 33 doing business as Kansas City Public Schools, a Missouri urban school district (the “School District”), a continuing right of first refusal to purchase the Property. In the event that Grantee elects to sell the Property and receives a bona fide offer to purchase, whether verbal or written, that Grantee is prepared to accept, Grantee shall immediately notify the School District (by written notice delivered to The School District of Kansas City, Missouri, 2901 Troost Avenue, Kansas City, MO 64109, Attn: General Counsel) of all of the material terms of such offer, including any written correspondence and documentation provided therewith. The School District will have thirty (30) days from the submission of the terms of said offer by Grantee to the School District to exercise its right of first refusal. In the event that the School District exercises its right of first refusal, the School District and Grantee shall promptly negotiate and execute a Contract for Sale, which Contract for Sale shall contain the same terms and conditions that are set forth in Grantee’s Offer. In such event that the School District does not exercise its right to purchase the Property on the terms set forth in Grantee’s Offer, then Grantee will have one hundred eighty (180) days thereafter to complete a sale of the Property with the prospective buyer on said terms and conditions. In such event that a sale transaction is not consummated, or if such sale contract is not executed in accordance with the terms and conditions set forth in Grantee’s Offer, then, thereafter the School District’s right of first refusal will continue to be in full force and effect and the School District shall have the right to review the transaction on the basis of any such modified terms, in accordance with the process previously set forth herein.

This Right of First Refusal described in this Exhibit “C” shall not apply to circumstances where the Property is assigned, transferred or conveyed to an entity controlled by, controlling, or under common control with Grantee; provided, however, that all rights and obligations of the Grantee under this Right of First Refusal are also assigned, transferred or conveyed to the new entity.

EXHIBIT "D" TO SPECIAL WARRANTY DEED**Property Tax Abatement Restriction**

Grantee, its successors and assigns, shall not pursue property tax abatement or a similar program that impacts future tax revenues to the School District of Kansas City, Missouri, a Missouri urban school district (the "School District"), such as tax increment financing, in connection with the Property for a period of twenty (20) years following the date of this deed; provided, however, such prohibition shall not extend to or impede the right of Grantee, its successors and assigns, to challenge, appeal, or seek exemption from any tax assessment value as determined by the county assessor or other governmental body with the power to assess the value of real property and levy taxes on real estate. This restriction shall run with the land and bind future owners of the Property for the stated period. This restriction will automatically extinguish on August 12, 2036, and no further action shall be necessary to recognize or otherwise enforce its extinguishment. In the event Grantee requests a release be filed, a release shall be filed by Grantor in a reasonable manner.



THIS SPACE FOR RECORDER'S USE ONLY

Date: April 10, 2019

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

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

FIRST AMENDMENT TO PROPERTY USE RESTRICTION AGREEMENT

GRANTOR: HP DEVELOPMENT PARTNERS 2, LLC, a Missouri limited liability company

GRANTEE: THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ALSO KNOWN AS THE SCHOOL DISTRICT OF KANSAS CITY 33 DOING BUSINESS AS KANSAS CITY PUBLIC SCHOOLS, a Missouri urban school district

GRANTEE MAILING ADDRESS: 2901 Troost Avenue, Kansas City, MO 64109

LEGAL DESCRIPTION: See attached Exhibit "A"

DEED REFERENCE (IF APPLICABLE): Property Use Restriction Agreement dated August 12, 2016, and recorded August 12, 2016, as Document No. 2016E0074445 in the real estate records of Jackson County, Missouri.

FIRST AMENDMENT TO PROPERTY USE RESTRICTION AGREEMENT

This FIRST AMENDMENT TO PROPERTY USE RESTRICTION AGREEMENT (this "**Amendment**") is made and entered into as of the _____ day of _____, 2019, by and between HP DEVELOPMENT PARTNERS 2, LLC, a Missouri limited liability company ("**Buyer**"), and THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ALSO KNOWN AS THE SCHOOL DISTRICT OF KANSAS CITY 33 DOING BUSINESS AS KANSAS CITY PUBLIC SCHOOLS, a Missouri urban school district (the "**District**" or "**Seller**").

WITNESSETH:

WHEREAS, Kansas City Sustainable Development Partners, LLC ("**KCSDP**") and Seller entered into that Commercial Real Estate Sales Contract (the "**Contract**") pursuant to which Seller agreed to sell, and KCSDP agreed to purchase, certain real property located at 315 East 39th Street, which property is otherwise known as the former Westport High School in Kansas City, Jackson County, Missouri (the "**Property**") and is more specifically described on Exhibit "A" attached hereto.

WHEREAS, KCSDP assigned its rights and obligations as buyer under the Contract to Buyer pursuant to that certain Assignment of Commercial Real Estate Sale Contract dated as of July 27, 2016.

WHEREAS, Seller has conveyed to Buyer fee title to the Property by way of a Special Warranty Deed dated August 12, 2016, and recorded August 12, 2016, as Document No. 2016E0074430 in the real estate records of Jackson County, Missouri (the "**Deed**");

WHEREAS, the District and Buyer (collectively, the "**Parties**") entered into that certain Property Use Restriction Agreement dated as of August 12, 2016, and recorded August 12, 2016, as Document No. 2016E0074445 in the real estate records of Jackson County, Missouri, in order to memorialize and grant public notice of the restrictions on the development and use of the Property as set forth in the Contract (the "**Agreement**");

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

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

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

Permitted Use of the Property. Buyer's use of the Property shall be for a mixed use development and shall include the adaptive reuse of the original school building, circa 1908 (the "**Property Use Description**"). Buyer's development of the Property may be in phases and the Property Use Description shall not be construed to prevent a phase from being solely one development

use type (ex: community park). Buyer's development of the Property shall include some level of open space and either a walking trail or track on the Property that is available for community use; however, Buyer may perform these conditions in a commercially reasonable manner. No K-12 school use is allowed without written consent from The School District of Kansas City, Missouri Board of Directors. In addition, the existing field/track area shall not be developed for any use other than parking, open space and/or recreational use without written consent from the Kansas City Missouri School District Board of Directors.

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

[SIGNATURE PAGE FOLLOWS]

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

SELLER:

THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ALSO KNOWN AS THE SCHOOL DISTRICT OF KANSAS CITY 33 DOING BUSINESS AS KANSAS CITY PUBLIC SCHOOLS, a Missouri urban school district

By: 

Name: Melissa Robinson

Title: Board Chair

BUYER:

HP DEVELOPMENT PARTNERS 2, LLC, a Missouri limited liability company

By: MREM Westport-HS LLC, Manager

By: Platform Investments, LLC, its Manager

By: Platform Ventures, LLC, its Manager

By: 

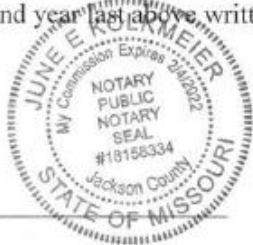
Name: Corey Walker

Title: SVP

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 10 day of April in the year 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Melissa Roberson President of the THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ALSO KNOWN AS THE SCHOOL DISTRICT OF KANSAS CITY 33 DOING BUSINESS AS KANSAS CITY PUBLIC SCHOOLS, a Missouri urban school district, personally known by me to be the person who executed the same instrument, on behalf of said district, and acknowledged to me that he/she executed the same for the purposes therein stated.

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



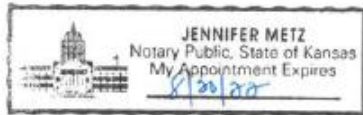
June E Kolkmeier
Notary Public
Name: June Kolkmeier
My Commission Expires: 2/4/2022

[SEAL]

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

On this 10th day of April in the year 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Carey Walker, Senior Vice President of Platform Ventures, LLC, a Kansas limited liability company, as Manager of Platform Investments, LLC, a Delaware limited liability company, as Manager of HP DEVELOPMENT PARTNERS 2, LLC, a Missouri limited liability company, personally known by me to be the person who executed the same instrument, on behalf of said limited liability company, and acknowledged to me that he/she executed the same for the purposes therein stated.

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



Jennifer Metz
Notary Public

Name: Jennifer Metz
My Commission Expires: 8/20/22

[SEAL]

EXHIBIT "A"

Legal Description

Tract I

All of Lot 2, WESTPORT PLAT, a Subdivision in Kansas City, Jackson County, Missouri

Tract II

All of Lot 3, WESTPORT PLAT, a Subdivision in Kansas City, Jackson County, Missouri

APPENDIX 3 – RECOMMENDED URBAN DESIGN GUIDELINES

The following are the Development Guidelines for the Westport High PIEA Planning Area. The guidelines are contained in Appendix A of the Midtown Plaza Area Plan, are incorporated here by reference.



DEVELOPMENT FORM APPLICATION

Currently, the Development Form Map and Guidelines provide urban design guidance. Any property that requires a rezoning, a special use permit, receives tax incentives or requires a development plan, or receives tax incentives shall be subject to the plan's development form guidelines.

There are two key ways to require conformance with the design guidelines provided in the Development Form Map and Guidelines for every development: amending the development code and adopting zoning overlay districts.

For the guidelines that are fundamental, quantifiable, and could be applied citywide, the recommendation is to amend the Zoning and Development Code by adding those guidelines from the Development Form Map and Guidelines directly into the Zoning and Development Code.

These guidelines would then be required and reviewed and approved by staff, not requiring an applicant to apply to a separate board or committee and not changing the time required for staff review.

Some design guidelines are appropriate only to certain neighborhoods, corridors, districts, etc. When customization is needed and enforcement is desired zoning overlays are the tool within the Development Code that should be utilized. Stakeholders can work with City staff to establish an overlay zoning district (further defined on page 40) that is more appropriate for their specific area and needs.

GUIDELINE ORGANIZATION

The Development Form Guidelines include a set of citywide guidelines that apply generally to all areas. These are supplemented by a set of development guidelines for each of the 4 area types: Corridor; District; Neighborhood; and Node (see below).

The general development form guidelines are organized into the following categories:

- **Architectural Character** - These guidelines address the design and appearance of buildings and structures on the site. Guidelines are provided for the following topics:
 - General Character
 - Massing and Scale
 - Materials
 - Structured Parking
 - Windows/Transparency
 - Topography



- **Site Arrangement** - These guidelines address the preservation of open and natural spaces, location of buildings and parking and the general pattern of development. Guidelines are provided for the following topics:
 - Building Placement
 - Development Pattern
 - Parking
 - Natural Resource Preservation



- **Transitions and Screening** - These guidelines address how to appropriately buffer and transition from one type of use to another and guide the use of walls, fences and landscaping to appropriately screen certain site elements. Guidelines are provided for the following topics:

- Transitions
- Screening



- **Public and Semi Public Spaces** - These guidelines address the design, programming and location of public and semi-public spaces, streetscape enhancements and gateway treatments. Guidelines are provided for the following topics:

- Public Spaces
- Streetscape
- Gateways



Additional guidelines are provided for each of the 4 types of areas that comprise the Development Form framework. These areas are described below.

NEIGHBORHOODS

Areas for household living featuring primarily residential land uses, but occasionally supported by related civic or institutional uses (parks, community centers, schools). There are a variety of neighborhoods that differ primarily by: the mix of building types, the design character of buildings and public spaces; the road patterns and civic space (parks, boulevards, etc.)

CORRIDORS

Linear land use patterns typically along major roadways that quickly transition to different patterns - either at nodes or off of side streets (1/2 to 1 block depth of corridor pattern is typical). Corridors are generally Residential or Mixed-Use. Corridors are typically major roadways that connect districts, nodes, and neighborhoods featuring a greater density of commercial and/or residential uses.

NODES

A small, compact area that diverges from the surrounding patterns, but due to scale and design complements both the function and character of the area. Nodes generally serve as a center of activity but can have different intensities of use and building scale.

DISTRICTS

Regional destinations that are a distinct place - different from surrounding areas - through common activities or themes among uses, the intensity of building patterns, the design characteristics of buildings and civic spaces. Districts typically have a defined "center" and recognized edges or transitions to surrounding areas.

USE AND INTERPRETATION

The guidelines are intended to be flexible. While not every guideline will apply for each project, as many guidelines should be incorporated into development as are practicable, feasible and applicable to the unique site characteristics. Exceptions to the guidelines should be weighed against the goals and objectives of the applicable area plan and the principles of the *FOCUS Kansas City Plan*. These guidelines are not intended to be all inclusive of acceptable materials and/or design features or to preclude or inhibit creative and eclectic ideas.

These guidelines are not meant to supersede any applicable laws, regulations, standards, or other requirements related to the development of a site as may be required by existing city code or other governmental agencies. These guidelines are intended to guide future development to be consistent with the character of the existing urban development form.

ARCHITECTURAL CHARACTER

GENERAL CHARACTER

- Preserve and enhance historic and cultural resources as development occurs.
- Encourage public art to be integrated into the building and site design.

MASSING AND SCALE

- New construction should relate to the mass, pattern, alignment and proportion / scale of the existing or traditional building stock.
- Significant departures in height and mass can be visually disruptive. Building proportions should strive for a cohesive rhythm.
- Design buildings to provide human scale, interest, and variety using the following techniques:
 - Use the highest level of architectural detail and incorporate human scale elements near streets and entries, and around the ground floor. Incorporate building entry details like porches and recesses, occupied spaces like bay windows and balconies
 - Vary building form with recessed or projecting bays and changes in materials, details, surface relief, color, and texture.
 - Windows and other openings should relieve blank walls where possible, adding visual interest, improving pedestrians' sense of security, and introducing a human scale to street-level building frontages.
- Building orientation and massing should respond to the existing character and built environment.

MATERIALS

- Architectural materials should complement the character of the existing built environment.
- Applied ‘faux’ facades or other inappropriate materials should not be used and should be removed as building renovation and reuse occurs.
- Sustainable design techniques and materials such as green roofs are encouraged to reduce the amount of storm water runoff, enhance the local environment and reduce energy costs.
- New buildings should be designed in such a way that they don’t appear to have been built significantly earlier than they were.
 - Care should be taken to avoid nostalgic reproductions and confusion of the historical record.
 - This guideline does not preclude consideration of the use of materials, scale or massing found on older buildings. Preservation or restoration of original facade materials is desired.

STRUCTURED PARKING

- Design new parking structures so that they are not significantly visible from the public right-of-way. Underground parking is encouraged.
- Structured parking garages should be located on the interior or rear of the block surrounded by buildings whenever possible.
- When located along a street frontage, structured parking should include first floor pedestrian active uses such as retail and services, unless inconsistent with the land use plan.
- “Parking podiums,” where new development is placed above structured parking, are not desirable.
- Parking structure façades should relate to the scale, proportion, and character of the district.
- The exterior finish and architectural articulation should reflect the level of detail of surrounding buildings and screen the parking area. Blank walls on parking structures are discouraged.
- Openings should be screened to obscure parked vehicles. Ramps and sloping floors should not be expressed on the outside of the building, particularly on a facade with frontage on a street.
- Screening should not reduce visibility for “natural surveillance.”

WINDOWS/TRANSPARENCY

- The street level of commercial/mixed use structures should have a dominant transparent quality.
- Windows at the street level of all buildings should be transparent. Building renovation projects are encouraged to restore windows to the original design and restore window openings that have been closed during past renovations.
- Windows and doors on street-fronting facades shall be vertically proportioned that are similar in size and shape to adjacent buildings.
- Design buildings to minimize long windowless walls and service areas visible from public streets. Large blank walls along streets should be avoided whenever possible. Where blank walls are unavoidable they should be designed to increase pedestrian comfort and interest, through Some combination of the following methods:
 - Installing vertical trellis in front of the wall with climbing vines or plant materials.
 - Providing art over a substantial portion of the blank wall surface.
 - Providing display windows.
 - Dividing the mass of the wall into sections.

TOPOGRAPHY

- Topography that varies greatly on a site could present a design challenge, but should not result in blank walls, screens, or other façade treatment that is not pedestrian friendly. Active uses should occupy ground floors.

SITE ARRANGEMENT GUIDELINES

BUILDING PLACEMENT

- Buildings should define a majority of the street edge. Surface parking lots, large courtyards, plazas and open space areas are encouraged behind or alongside buildings.
- Additional setback may be considered for purposes that augment street level pedestrian activity and extend the public realm including:
 - Outdoor café
 - Primary entrance enhancement
 - Sidewalk retail
 - Public plaza
 - Landscaping which is complementary and accessory to pedestrian activity and public spaces (not the primary use).
- In order maintain a pedestrian scale development pattern, buildings built to the street line should consider stepping back after three floors in order to avoid the “canyon effect” along corridors, nodes and districts.
- In mixed use areas, buildings should maintain and reinforce street level pedestrian activity regardless of size or use. This should include a design that:
 - Provides street-level, pedestrian-oriented uses.
 - Maintains a continuous, transparent, highly permeable and active street wall.
- Where a consistent street setback exists along a block, that setback should be maintained.
- Use landscaping to define and enhance the sense of arrival at appropriate site entries, and to visually frame buildings.

DEVELOPMENT PATTERN

- In mixed use and commercial areas create a compact, dense and pedestrian friendly development pattern. Avoid large scale; auto dominated commercial developments with large parking areas and impervious surfaces.

PARKING

- Parking lot lighting and light from vehicles should not glare into adjacent properties. Exterior lighting should be shielded downward and located so as to minimize light into adjacent properties. Vehicle entrances and pedestrian entrances should be clearly marked and visible from the street.
- Parking Lot Location - Design new development so that parking is not located between the street and the building frontage, in order to maintain an active street wall, sense of enclosure, and quality pedestrian environment.
- If walls are utilized to screen surface parking lots, materials should complement the architectural character of the associated building.
- Multiple small parking lots are more desirable than single large lots. Larger surface lots should be subdivided with landscaped islands including shade trees.
- Parking lots should include bicycle and scooter parking facilities and include designated pedestrian pathways.

NATURAL RESOURCE PRESERVATION

- Preserve the environmental qualities of the site to protect sensitive natural areas, landscape character and drainage patterns.
- Natural areas should be accessible to neighborhoods, nodes, corridors or districts and connected to greenways where possible.
- Manage storm water runoff as part of the overall open space system.
- Discourage development and grading/filling on steep slopes and in floodplains.
- Plant materials should be suited to an urban environment and local climate. Native plant materials are encouraged. A mix of evergreen and/or deciduous plant material should be used.
- Alternative storm water solutions should be considered in the design / construction phase, examples include: storm water inlet alternatives, rain gardens and drought tolerant plants.
- Retaining walls should be avoided. If necessary, walls should be architecturally incorporated into the design of the building. Retaining walls should be designed to reduce their apparent scale. Materials like brick or stone should be used, or architectural treatments that create an appropriate scale and rhythm. Hanging or climbing vegetation can soften the appearance of retaining walls. High retaining walls should be terraced down and include landscaped setbacks.

TRANSITIONS AND SCREENING GUIDELINES

TRANSITIONS

- Dissimilar or incompatible uses should be separated by a street or alley when possible.
- When dissimilar or incompatible uses are located adjacent to one another, the following Architectural Transitions and Green/Open Space Transitions techniques should be the primary transition technique used:
 - Architectural Transitions include:
 - Use similar building setbacks, height, roof forms, and massing.
 - Mitigate any larger mass of buildings with façade articulation.
 - Reduce building heights, intensity of use and densities as development moves closer to low intensity areas.
 - Use complementary materials, architectural character, and orientation of buildings.
 - Building elevations facing a less intensive use shall provide “finished” edges using materials consistent with primary elevations and adjacent neighborhood.
 - Reduce building height, scale, and intensity of use as development moves closer to low intensity areas
 - Green/Open Space Transitions include:
 - Small green spaces, courtyards, squares, parks and plazas.
 - Existing natural features, including changes in topography (not retaining walls), streams, existing stand of trees, etc...
- A combination of landscaping, walls, and / or fences should be used where other transitions tools are not possible or not adequate.
- Transitions and screening should not mask areas from view and decrease “natural surveillance.”
- Developments should be designed to minimize ingress or egress from commercial projects into adjacent residential neighborhoods (see Access and Circulation guidelines).

SCREENING

- Screen all trash dumpsters, storage areas, service areas, loading areas and mechanical and technology equipment with a combination of landscaping, decorative walls, fences and/or berms.
- Any wall or fences shall be constructed of durable materials such as masonry, wrought iron or heavy wood that complement the materials used in the building facade. Plywood, chain link, and transparent materials are discouraged.
- Where chain link or security fencing is required, landscaping should be used to screen such fencing from view from adjoining streets and development. Plastic slats should not be used as an alternative.
- Equipment or other items placed on roofs should be screened from view from adjacent taller buildings using the techniques described above.
- Any lights or outdoor speakers should be arranged to reflect the light and transmit the noise away from adjacent buildings.
- All screening should be designed to maintain visibility for “natural surveillance” and incorporate Crime Prevention Through Environmental Design (CPTED) principles in design.

PUBLIC AND SEMI PUBLIC SPACES GUIDELINES

PUBLIC SPACES

- Locate and design public space to support dense, mixed use development, ensuring that the provision of public space does not inhibit the potential to concentrate development in transit corridors.
- Design public space to maintain a comfortable sense of enclosure for pedestrians, with a size, proportion, and location that integrate thoughtfully with surrounding uses.
- Locate public space in high use areas with good visibility, access, and proximity to active uses in order to encourage activity and “eyes on the street.”
- Ensure that public spaces are accessible and comfortable for all users. Private, fenced, and restricted access open spaces, and open spaces that are isolated from activity are discouraged.
- Incorporate elements in public space design that enhance a sense of comfort and safety for users, including lighting, visibility, enclosure, and proximity to active uses.
- Include a variety of amenities in public space design to enhance user experience, including seating, lighting, shade, landscaping, wayfinding, art, interpretive and interactive features, public facilities, special pavement, and other amenities.
- Where integrated with transit facilities, design public spaces to include amenities such as bike racks, lockers, ticket kiosks, or other amenities that support the use of transit and greater mobility in general.

STREETSCAPE

- Streetscape enhancements should include “green” stormwater management elements.
- On-street parking should be preserved or included wherever possible. Where possible, design on-street parking to function as a buffer for pedestrians and cyclists.
- Design sidewalks to comfortably accommodate pedestrians, with landscaping, amenities, and other functions supportive of a complete street.
- Support a quality pedestrian environment by focusing active uses and amenities at street level, orienting buildings toward the street, and encouraging transparency, variety, visibility, and interactivity for ground level uses fronting the sidewalk.
- Design streets and sidewalks to incorporate elements that enhance a sense of comfort and safety for users, including lighting, visibility, enclosure, and proximity to active uses.
- Design streets to enhance comfort and safety, and minimize conflicts between pedestrians, cyclists, transit, and automobiles, using access management, buffering, intersection treatments, elimination of unnecessary drives, narrowing of driveway widths, and other design elements.
- Incorporate traffic calming measures for streets to manage the speed of traffic and increase the comfort and safety of pedestrians and cyclists (see Walkability Plan level of service guidelines).
- Design intersections to efficiently manage all modes of transportation while enhancing comfort, safety, and ease of use. Implement Kansas City Walkability Plan level of service guidelines for pedestrian street crossings.

GATEWAYS

- Gateways should be integrated into overall streetscape design where appropriate. Place gateways at key intersections, and entries into neighborhoods, nodes and districts.
- Gateways and intersection enhancements should include vertical architectural features or focal points constructed of high-quality materials such as stone, cast stone, tile, metal, or masonry and a combination of the following elements:
 - Landscaping, water features and public art.
 - Plazas with pedestrian amenities such as seating, shade, and triangulation elements.
 - Decorative lighting, walls or fencing.
 - Monument-style signs, if appropriate, with landscaping to announce district or neighborhood.
 - Enhancement to crosswalks, including color, stenciling, and pavement treatment
- Where right-of-way permits, develop intersection enhancements such as gateways and landscaped focal points at nodes and major intersections. Focal points could include vertical architectural features, fountains, public art, and/or public plazas.
- Parking areas should not abut a major street intersection or gateway.

ACCESS AND CIRCULATION GUIDELINES

MULTIMODAL

- Streets should be the minimum width practicable and should accommodate pedestrians, bicyclists, transit and automobiles. Minimize street crossing distances and meet minimum level of service as recommended in the Kansas City Walkability Plan.
- Provide on-site bicycle parking areas in visible, active, well lit areas near building entries.

PEDESTRIAN

- Each development should provide and contribute to an on-site system of pedestrian walkways. To the maximum extent feasible, on-site walkways should provide the most direct access route to and between the following points:
 - The primary building entry to the street sidewalk. Buildings should have pedestrian entrances accessible directly from the adjacent street.
 - All buildings, plazas, open space and parking areas within a development
 - All internal streets/drives to sidewalks along perimeter streets;
 - Major pedestrian destinations located within the adjacent areas, including but not limited to parks, schools, commercial districts, multi-family residential, adjacent major streets, transit stops and park n rides;
- Provide direct, safe and convenient access to public transit facilities and integrate into the overall site design whenever applicable.
- Avoid disruption of the dense urban street grid and maintain pedestrian scale blocks. Consolidation into “super blocks,” street closures and vacations that incrementally erode the character and connectivity of the area should be avoided. When large developments do occur, they should be designed to maintain pedestrian permeability.
- In mixed use areas, drive-through uses are discouraged.
- Ensure that pedestrian street crossings meet Walkability Plan level of service recommendations. At a minimum provide crosswalks that:
 - Are well-marked and visible to vehicles;
 - Include pedestrian and intersection amenities to notify drivers that there is a pedestrian crossing present and enhance the local urban design context and character
 - Provide for safety for all age/ability groups.
 - Ensure adequate line-of-sight from pedestrian to automobile and automobile to pedestrian.
- Pedestrian and bike access should be provided to adjacent or onsite regional trail corridors (see Trails KC Plan) or other established trail corridor.
- Provide pedestrian access along all publicly controlled portions of the city's waterways, and encourage pedestrian access for privately controlled areas.
- Pedestrian walkways and plazas should be clearly delineated or spatially separated from parking and driveways through use of elements including bollards, lighting, landscaping, and special pavement treatments. Where a walkway crosses a street, drive-aisle or driveway, it should be clearly delineated by a change in paving materials, color, texture, or height.

VEHICULAR

- Streets should form a network with frequent intersections and connect neighborhoods, nodes, corridors and districts. Continue streets through to as many adjacent developments as possible or allow for future connections where topography permits. Maximize street connections in new development.
- Preserve, enhance, and restore the existing grid network of streets, where applicable. Avoid street closures and vacations, as they erode the connectivity of the area.
- Locate major entry driveways away from building entrances where pedestrians cross.
- Provide convenient access for service and delivery vehicles without disrupting pedestrian flow.
- Curb cuts should be kept to a minimum. Continuous curb cuts are not appropriate. Where curb cuts and entry drives are allowed, they should be kept as narrow as possible.
- Alleys should be integrated with overall access and site circulation whenever possible. Utilize alleys for vehicular access whenever possible instead of providing access to/from major streets.

NEIGHBORHOOD GUIDELINES

DEFINITION

Neighborhoods are areas for household living featuring primarily residential land uses, but occasionally supported by related civic or institutional uses (parks, community centers, schools). There are a variety of neighborhoods that differ primarily by: the mix of building types, the design character of buildings and public spaces; the road patterns and civic space (parks, boulevards, etc.).

NEIGHBORHOOD CHARACTERISTICS

- Neighborhoods are connected to, but buffered from adjacent development with appropriate transitions.
- Neighborhood streets should be “calm” while also providing a high level of access for area residents without encouraging high “through” traffic or high traffic volumes or speeds within neighborhoods.
- Neighborhoods should provide physical and social connections, have an identity, meet residents housing needs, and be clean, healthy and well maintained.
- Neighborhoods should be connected by providing physical links (bike, pedestrian and automobile connections) with other neighborhoods, corridors, nodes and districts. Neighborhoods should have community gathering spaces for neighborhood events which help create social connections.
- Neighborhood identities should be supported through design standards for quality infill housing that helps maintain the “sense of place.” Adaptive re-use and conservation of existing buildings should be used to preserve historic assets.
- Neighborhoods should be inviting and safe places to live, learn, worship and recreate and to interact with other people.

GUIDELINES FOR NEIGHBORHOODS:

- Arterials or through traffic streets should be located on the periphery of residential neighborhoods. Arterials should not bisect neighborhoods.
- Where alleys exist, they should be utilized.
- Homes should have prominent front doors facing the street.
- Useable porches facing the street are encouraged in order to promote social interaction and provide passive “eyes on the street.” Locate houses parallel to the street to further define the street edge and public presence.
- Transitions should be provided between varying uses and developments of differing intensity and scale. Transitions should fit within the context of the area, utilizing the techniques listed in the Citywide “Transitions and Screening” section.
- Preserve the environmental qualities (topography, mature vegetation, etc.) of the site to protect sensitive natural areas and drainage patterns.
- Natural areas should be accessible to the neighborhood and connected to greenways where possible.
- Dead end and cul-de-sac streets are discouraged.

ADDITIONAL GUIDELINES FOR INFILL HOUSING

As new construction on infill sites occurs within older, established urban neighborhoods the following basic guidelines should be utilized. To preserve the special qualities of an older neighborhood, new construction should respect the existing character. New construction includes “infill” (replacement) buildings, additions to existing buildings and new outbuildings such as garages, sheds, and carports. New construction should be compatible but differentiated from the older buildings. It should reflect the use of mass, pattern, alignment and proportion/scale of other buildings on the block.

Alignment - Alignment is the arrangement of objects in a straight line. The directional emphasis of those objects is also important (i.e. horizontal, vertical, north / south). Alignment also may refer to how a building is sited on a lot and how the setbacks relate to other buildings along the street.



The floor lines, roof, windows, and entry of the third house do not align with those typically found along this street.

Proportion / Scale - Proportion is a ratio which compares the dimensions of one object to another. Proportion can be used to relate elements of a building (i.e. windows, porches, trim) to the building as a whole, or it can relate one building to another. When the dimensions of an element or a building are too small or too large, it is describing as being “out of scale.”



Although the second house reflects alignment in the placement of the windows, entry, cornice and roof, its proportions are not appropriate. Note the large horizontal windows, the double doors, and the overall width of the house.

Mass - Mass deals with the size of a building (or building part) as well as its form. The dimensions of height, width, and depth contribute to a building's overall volume (the amount of space a structure occupies). The form of a building gives shape to a building's volume.

Pattern - Pattern is the arrangement of similar objects in a regular and repetitive manner. Patterns can be found within individual buildings, such as the arrangement of windows, or in groupings of buildings along a street.



The volume and form of the third house distracts from the



The patterns found along this street are not reflected in the second house. Unlike the other houses, this house has disproportionate windows, no porch, a low hip roof, and sits low to the ground.

CORRIDOR GUIDELINES

DEFINITION

Corridors are linear land use patterns typically along major roadways that quickly transition to different patterns - either at nodes or off of side streets (1/2 to 1 block depth of corridor pattern is typical). Corridors are generally Residential or Mixed-Use. Corridors are typically major roadways that connect districts, nodes, and neighborhoods featuring a greater density of commercial and/or residential uses.

Corridors represent more than mere physical connections. They also link history, culture, and ideas. Like all cities, Kansas City is made up of many corridors. In all their varieties, they provide an overlapping web, which gives the City form and enriches the lives of its residents. Corridors link areas within and outside the City, provide settings for important amenities, and establish a series of landmarks by which to navigate.

CORRIDOR CHARACTERISTICS

- Corridors serve to connect our vital institutions and activity centers, carrying all forms of transportation.
- Corridors generally benefit from a high level of access for vehicles, transit and pedestrian and therefore are generally appropriate for higher intensity uses.
- Corridors are often a part of the Great Streets framework identified in the *FOCUS Kansas City Plan* and/or “Image Streets” which are the streets that help set the tone of the area by establishing visual and aesthetic standards.
- Corridors should have a diversity and density of activities to encourage pedestrian movement.
- Corridors generally provide “through” access to connect different areas of the city.

CORRIDOR DEVELOPMENT GUIDELINES:

- Corridors should have smaller scale elements and storefronts at the street level to encourage pedestrian activity.
- Zero or near zero lot line development in many instances is the most appropriate siting for a building along a corridor.
- Where corridors also correspond with an area’s image streets or Great Streets (FOCUS), enhanced streetscape/gateway improvements and a high quality of development should be provided.
- Corridors should have attractive streetscape amenities such as lighting, benches, signage, trees, etc.
- Corridor should include “green” stormwater management elements as well as landscaped open spaces.
- Curb cuts and access points should be consolidated and kept to a minimum to manage access and enhance walkability.
- Provide cross-access between parking areas to minimize street curb cuts and adjacent access points.
- Corridors should be highly permeable to provide frequent “local” access to adjacent neighborhoods, districts and nodes, particularly for pedestrians.
- Development along transit corridors should incorporate the principles of Transit Oriented Development.
- Building orientation should generally run parallel to the corridor.
- Corridors are an area of higher pedestrian activity. Provide abundant windows on the corridor facing façade to allow more opportunities for “eyes on the street.” Views into and out of windows should not be obstructed by signage or obstructed by window material.
- Parking should be located at the rear of the property behind buildings, or in a parking structure.
 - Where this is not feasible, parking beside the building may be appropriate but parking should comprise a small percentage of the street frontage on the block.
 - Where feasible, parking is encouraged to be in below grade structures.
- Additional surface parking lots are discouraged.
- Buildings should have a primary entrance facing and directly accessible from the public street, rather than oriented towards side or rear parking areas. For corner lots in, building entrances are encouraged on both streets. Buildings are encouraged to have multiple entrances that open out to the public realm of the street. Buildings should be sited in ways to make their entries or intended uses clear to pedestrians.

NODE GUIDELINES

DEFINITION

Nodes are small, compact areas that diverge from the surrounding patterns, but due to scale and design complement both the function and character of the area. Nodes typically occur at or adjacent to the intersection of major corridors. Nodes can have different intensities of use and building scale.

NODE CHARACTERISTICS

- An example of this development type is the historical fabric demonstrated at 39th and Main Street.
- Buildings that reinforce or re-create the street wall, place inviting entrances on the sidewalk and shift parking lots to the side and rear areas.
- Intersections are reinforced with building mass.
- Nodes serve the driver, the transit-user and the pedestrian.
- Nodes range in scale (per the FOCUS Urban Core Plan) from small neighborhood centers to regional centers.

NODE DEVELOPMENT GUIDELINES

All new development within nodes should incorporate the following elements, where applicable. Corridor guidelines should also be consulted and incorporated into the development design as applicable.

- Small pedestrian scale blocks should be utilized in nodes. Large “superblocks” that degrade the street connections and are discouraged.
- Traffic calming strategies should be applied at entry points to neighborhoods.
- A dense and diverse mix of buildings should be situated on compact pedestrian scale blocks with high lot coverage, and typically at a higher scale and intensity than other areas of the City.
- Transitions to a Node from other area types should be relatively seamless while maintaining a sense of place and arrival to the Node (see Transition and Screening Guidelines).
- Nodes should be well connected to but appropriately transitioned to adjacent neighborhoods, districts and corridors.
- Nodes should complement adjacent development.
 - Special care should be taken to protect surrounding neighborhoods from encroachment of nodal development and potential resulting nuisances.
 - Building architecture, orientation and scale should be harmonious with adjacent residential areas.
- Building placement should reinforce the street edge.
- Surface parking lots should be located behind or alongside buildings.
- Any new structure should be built with the facade covering at least 70% of the primary street frontage.
- Buildings should be designed to provide “human scale” and high level of transparency at the ground level. All buildings shall maintain a continuous, transparent, highly permeable and active street wall. The use of spandrel, reflective and mirrored glass is not appropriate.
- Nodes should have smaller scale elements and storefronts at the street level to encourage pedestrian activity.
- Streets should accommodate all modes of transportation.
- Sidewalks should accommodate landscaping, pedestrian lighting, outdoor seating and other elements/activities that encourage pedestrian activity.

- Nodes should include streetscape improvements, gateways, and public spaces/plazas integrated with development to create a cohesive and special character.
- Some nodes may have a special or distinctive architectural theme and where this exists it should be reflected in new buildings.
- Development within nodes should preserve and reuse historically valuable buildings.

DISTRICT GUIDELINES

DEFINITION

Districts are regional destinations that are a distinct place - different from surrounding areas - through common activities or themes among uses, the intensity of building patterns, or the design characteristics of buildings and civic spaces. Districts typically have a defined "center" and recognized edges or transitions to surrounding areas.

DISTRICT CHARACTERISTICS

- Districts include a diverse range of regional destinations for tourism, shopping, culture, entertainment, education and employment.
- Districts are often in a campus setting with a collection of buildings and grounds that belong to a given institution.
- Districts are diverse and each should have a unique set of guidelines which are customized to their architectural character, predominant use, setting and location. Ideally a district should have a "master plan" prepared to guide future development which addresses all topics covered in the Citywide Guidelines. It is recommended that these master plans be enforced through a Master Planned Development (MPD) zoning or similar planned zoning district, particularly in single ownership situations.

DISTRICT DEVELOPMENT GUIDELINES

Districts of all types should generally follow these guidelines:

- Districts should have clearly defined edges which provide harmonious transitions to adjacent areas.
 - It is important to ensure a harmonious interface with adjacent neighborhoods, nodes and corridors. Appropriate transitions should be employed where a higher scale or intensity of development is adjacent to lower scale or intensity.
 - Locate buildings, parking lots and access to avoid conflicts with adjacent areas.
 - Where applicable, incorporate relevant guidelines of the adjacent area as a means to help ensure compatibility.
 - Service facilities, loading docks, parking lots and open storage areas should be located away from public view and adequately screened from surrounding uses with landscaping, fencing or walls.
- New development should reflect and complement that character by incorporating key materials and building styles; utilizing consistent building heights and setbacks, massing, scale and pattern; and including similar or complementary uses.
- Development within districts should generally avoid being overly insular. Development and overall district layout should embrace adjacent major corridors and nodes. Where possible development should be oriented to and well connected (visually and physically) to adjacent areas. High quality architectural finishes should be used on all buildings facing adjacent areas.
- Districts are regional attractions and therefore should be designed to ensure a high level of access and way finding for all modes of transportation.
 - Districts should generally be walkable, bikeable and transit accessible, exhibiting high pedestrian connectivity at the edges and overall highest pedestrian level of service (see Walkability Plan) throughout.
 - Vehicular access and circulation should be designed to provide multiple vehicular entrances to provide route options and not overload an individual street. Districts should balance the need to be highly permeable along

their edges, with the need to avoid excessive traffic on adjacent neighborhood streets.

- Districts should include a clear way finding system for both pedestrians and vehicles, which directs visitors to key destinations and parking. Districts which host large events should consider a traffic management plan.
- For industrial areas, truck traffic through adjacent neighborhoods should not be permitted.
- High pedestrian level of service may not be necessary for industrial districts which are inherently more vehicular oriented with a lower need for pedestrian mobility.
- Districts should include individual gateway features which establish an overall gateway theme for the district (see Citywide Guidelines for Gateways). Where topography permits, key view sheds and view corridors should be established and utilized to create a gateway effect as visitors approach the district.
- Buildings should have a primary entrance facing and directly accessible from the public street, rather than oriented towards side or rear parking areas. For corner lots in, building entrances are encouraged on both streets. Buildings are encouraged to have multiple entrances that open out to the public realm of the street. Buildings should be sited in ways to make their entries or intended uses clear to pedestrians.

APPENDIX 4 – Ordinance

ORDINANCE NO. 160383

Repealing Committee Substitute for Resolution No. 150571; enacting guidelines on the use of abated and exempted real property taxes in funding economic development projects; establishing the Shared Success Fund to further economic development in severely distressed census tracts within the City; and establishing an effective date.

WHEREAS, pursuant to the Land Clearance for Redevelopment Authority Law, Sections 99.300 to 99.660 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 16120 passed on November 21, 1952, created the Land Clearance for Redevelopment Authority of Kansas City, Missouri (the "LCRA"); and

WHEREAS, pursuant to the Planned Industrial Expansion Law, Sections 100.300 to 100.620 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Ordinance No. 34677 passed on February 9, 1968, created the Planned Industrial Expansion Authority of Kansas City, Missouri (the "PIEA"); and

WHEREAS, pursuant to the provisions of Chapter 68 of the Revised Statutes of Missouri, as amended, the City Council of Kansas City, Missouri by Resolution No. 47523 adopted on February 11, 1977, created the Kansas City, Missouri Port Authority (the "PortKC"); and

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

WHEREAS, pursuant to the provisions of Sections 100.010 to 100.200 of the Revised Statutes of Missouri, as amended, and the provisions of Committee Substitute for Resolution No. 041033 adopted on September 16, 2004, the City Council of Kansas City, Missouri is authorized to approve the issuance of revenue bonds for the purpose of promoting industrial development through, among other things, the abatement of real property taxes; and

WHEREAS, pursuant to Committee Substitute for Resolution No. 121013 adopted on December 20, 2012 and Committee Substitute for Resolution No. 130297 adopted on April 25, 2013, the City Council of Kansas City, Missouri expressed its support for and authorized the use of sale-leasebacks by certain economic development entities as a mechanism for abating, among other things, real property taxes; and

WHEREAS, pursuant to Urban Redevelopment Corporations Law, Sections 353.10 to 353.190 of the Revised Statutes of Missouri, as amended, the City Council of

ORDINANCE NO. 160383

Kansas City, Missouri is authorized to promote urban renewal through the abatement of real property taxes and has, by Committee Substitute for Ordinance No. 140306 passed on May 1, 2014, created the Kansas City Chapter 353 Advisory Board and vested it with certain powers in furtherance of such urban renewal efforts; and

WHEREAS, the City is empowered, directly or through one or more of the aforementioned agencies, to offer public incentives for economic development projects in the form of, among other things, a capture and redirection, or abatement or exemption, in whole or in part, of real property taxes; and

WHEREAS, AdvanceKC, the City's adopted economic development and incentives policy, encourages the use of incentives only as necessary to fill financial gaps, and limits them to reasonable and appropriate project expenses which have a public benefit and which are essential to the successful completion of projects, and which provide a positive fiscal impact on taxing jurisdictions; and

WHEREAS, the City contracts with the Economic Development Corporation of Kansas City, Missouri (the "EDC") for purposes of managing the City's economic development projects and providing varying levels of support to each of the aforementioned agencies, among others; and

WHEREAS, the City has been working collaboratively with other taxing jurisdictions and the EDC towards the establishment of economic development policies and practices that are in the best interest of the public good, and which strive to reasonably limit the extent to which incentives are utilized, while still working to aggressively eliminate blight and encourage redevelopment and business and job growth in our community; and

WHEREAS, it is proper that the City Council should declare its expectations with regards to how the EDC administers the tasks assigned to it and evaluates financial need prior to the City Council's being asked to make determinations with respect to the capture and redirection, or abatement or exemption of taxes; and

WHEREAS, it is further proper that the City's policies for granting any approval, directly or through one of the aforementioned agencies, take into account the impact of the loss of revenues on the affected taxing jurisdictions and the extent to which the use of such revenues might be minimized consistent with maintaining a viable economic development project; and

WHEREAS, it is also proper that the City's policies take into account how certain revenues flowing back to the City as a result of incentivized economic development projects could be utilized to facilitate new economic development in distressed areas of our community; and

WHEREAS, investing the financial fruits of economic development projects into distressed areas of the City promotes a cycle of investment and re-investment that benefits the City as a whole; NOW, THEREFORE,

ORDINANCE NO. 160383

BE IT ORDAINED BY THE CITY COUNCIL OF KANSAS CITY, MISSOURI:

Section 1. That Committee Substitute for Resolution No. 150571 is hereby repealed.

Section 2. That the EDC shall not recommend a project to the City Council for the capture and redirection, or abatement or exemption of real property taxes unless the following, at a minimum, shall have occurred.

- A. The EDC shall have evaluated the project using the AdvanceKC Scorecard for the purposes of determining the extent to which the project aligns with the City Council's priorities as set forth therein.
- B. The EDC shall have prepared, or caused a third party to prepare, a financial return analysis for the purposes of comparing the leveraged and unleveraged internal rate of return to determine whether and to what extent the project warrants public assistance consistent with incentivizing the project to an appropriate market benchmark. That analysis shall specifically include a review of the project's economic viability were the real property tax incentives limited to that which is provided herein.

Section 3. **TIF Commission.** That the City Council shall not approve any redevelopment plan providing for, with respect to payments in lieu of taxes ("PILOTS") pursuant to Section 99.845.1(2)(a), RSMo, the redirection of such sums in an amount that would exceed seventy-five percent (75%) of the PILOTS captured by the special allocation fund for the duration of the relevant redevelopment project. The City Council shall accomplish the same by excluding from any pledge of funds in and to be deposited in the special allocation fund an amount equal to twenty-five percent (25%) of the PILOTS and shall, to the extent permitted by law, annually surplus such sums for distribution by the applicable county collector in accordance with Section 99.850.1, RSMo.

Section 4. **PIEA.** That the City Council shall not grant its approval to any plan, or substantial modification thereto, recommended by the PIEA unless such plan shall provide for not greater than a seventy-five percent (75%) abatement of real property taxes for the first ten years and thirty-seven and one-half percent (37.5%) for the following fifteen years, , and which taxes shall, for the entire term, be measured by the assessed valuation thereof, inclusive of any improvements, as assessed by the applicable county assessor. The inclusion of such a term shall be regarded as a substantial element of any plan so approved and shall be incorporated as a material term of any applicable contract.

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Section 5. **LCRA.** That the City Council shall not grant its approval to any redevelopment plan, urban renewal plan, or substantial modification thereto, recommended by the LCRA unless such plan shall provide for not greater than a seventy-five percent (75%) abatement of real property taxes for the duration of the public incentives, and which taxes shall, for the entire term, be measured by the assessed valuation thereof, inclusive of any improvements, as assessed by the applicable county assessor. The inclusion of such a term shall be regarded as a substantial element of any plan so approved and shall be incorporated as a material term of any applicable contract.

Section 6. **Chapter 353.** That the City Council shall not grant its approval to any development plan or amendment thereto recommended by the Kansas City Chapter 353 Advisory Board, unless such plan shall provide for not greater than a seventy-five percent (75%) abatement of real property taxes for the first ten years and thirty-seven and one-half percent (37.5%) for the following fifteen years, and which taxes shall, for the entire term, be measured by the assessed valuation thereof, inclusive of any improvements, as assessed by the applicable county assessor. The inclusion of such a term shall be regarded as a substantial element of any plan so approved and shall be incorporated as a material term of any applicable contract.

Section 7. **Chapter 100.** That the City Council reaffirms its policies as established by Committee Substitute for Resolution No. 041033. Any leaseback structure pursuant to the provisions of Sections 100.010 through 100.200, RSMo, shall ensure that the lessee thereunder be contractually obligated to tender payments in lieu of taxes in an amount not less than fifty percent (50%) of the amount of real property taxes that would have been due and payable but for the public ownership of the real property for the duration of the public incentives, and which taxes shall, for the entire term, be measured by the assessed valuation thereof, inclusive of any improvements, as assessed by the applicable county assessor. Such requirement shall be incorporated as a material term of any applicable contract.

Section 8. **Sale-Leasebacks; PortKC.** That the City Council reaffirms its policies as established by Committee Substitute for Resolution No. 130297. No sale-leaseback structure purporting to convey an exemption of real property taxes in excess of fifty percent (50%) shall become effective without the approval of the City Council. Furthermore, any such sale-leaseback structure shall ensure that the lessee thereunder be contractually obligated to tender payments in lieu of taxes in an amount not less than twenty-five percent (25%) of the amount of real property taxes that would have been due and payable but for the public ownership of the real property for the duration of the public incentives thereafter, and which taxes shall, for the entire term, be measured by the assessed valuation thereof, inclusive of any improvements, as assessed by the applicable county assessor. Such requirement shall be incorporated as a material term of any applicable contract. PortKC shall comply with requirements of this section with regards to any sale-leaseback structure approved by it on land which PortKC proposes to own and thereby exempt from real property taxation.

Section 9. That in the event any provision of Sections 4, 5 or 6 of this ordinance is deemed unenforceable by reason that it conflicts with a provision of state

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law providing for a differing level of abatement for all or any portion of the term of the public incentives, or providing that the assessed valuation be determined by some other measure than is set forth therein, then the LCRA, PIEA or City, as applicable, shall, to the maximum extent permitted by law, contractually require payments in lieu of taxes structured to achieve the objectives of this ordinance, such payments to be distributed pro rata to the affected taxing jurisdictions. Such requirement shall be included within the body of the redevelopment plan, urban renewal plan, plan, or development plan, as applicable, and shall be regarded as a substantial element of any plan so approved.

Section 10. That notwithstanding the foregoing provisions of this ordinance, the City Council shall retain its discretion to authorize the capture and redirection, or abatement or exemption, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law. The City Council shall give particular consideration to the following categories of projects in determining whether to authorize any abatement/exemption structure, or approve any development plan providing for incentives to be conveyed on a project-specific basis at any level other than what has been provided for herein:

- A. Projects qualifying for "High Impact" designation as determined by the AdvanceKC Scorecard, derived from the City Council's Economic Development and Incentive Policy.
- B. Projects that promote sustainability by seeking LEED or Passive House certification.
- C. Projects that qualify for Federal and State Historic Tax Credits.
- D. Projects wholly within a census tract in which the City Council determines that each of the eligibility factors listed in 26 U.S.C. §1400E(c)(3)(A)-(D) exists.
- E. Projects located in a severely distressed census tract that has continuously maintained such status for not less than fifteen (15) years immediately prior to the effective date of the request.
- F. Projects within any council district in which at least 50 percent of the households living in the council district have incomes below 80 percent of the median income of households within the city.

Section 11. That the Shared Success Fund is hereby established and shall exist to provide funding to qualified redevelopment projects ("Shared Success Projects") in economically distressed areas of the City in need of those benefits derived from economic development (the "Shared Success Fund Eligible Areas").

Section 12. That the Shared Success Fund shall initially be funded from certain payments in lieu of taxes distributed to and retained by the City, and which are derived from projects benefiting from tax abatements or tax redirections through an economic

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development agency or program (“Shared Success PILOTS”). The City shall endeavor to identify additional one-time and recurring funding sources as may be appropriate for the purpose of ensuring the viability of the Shared Success Fund.

Section 13. That the Shared Success PILOTS shall be deposited to the Shared Success Fund and shall be appropriated at the direction of the City Council only to Shared Success Projects located within Shared Success Fund Eligible Areas. The City Council’s Planning, Zoning and Economic Development Committee shall make such recommendations to the City Council as it determines appropriate in consultation with such representatives as the City Manager and the Economic Development Corporation of Kansas City, Missouri may identify for such purposes.

Section 14. That the Shared Success Projects located within Shared Success Fund Eligible Areas shall be limited to those projects and areas meeting one or more of the following classifications:

- A. Projects wholly within a census tract in which the City Council determines that each of the eligibility factors listed in 26 U.S.C. §1400E(c)(3)(A)-(D) exists.
- B. Projects located in a severely distressed census tract that has continuously maintained such status for not less than fifteen (15) years immediately prior to the effective date of the request.
- C. Projects within any council district in which at least 50 percent of the households living in the council district have incomes below 80 percent of the median income of households within the city.

Section 15. That this ordinance shall be reviewed by the City Council within three years with the consideration of the appropriate level of the capture and redirection, or abatement or exemption of taxes.

Section 16. That this ordinance shall apply prospectively only and shall not be construed in a manner as to impair any tax abatement, tax exemption, tax capture and redirection, or any transaction related thereto authorized by the City, any agency referenced herein, or any other public entity, prior to the effective date thereof.

Approved as to form and legality:

Brian T. Rabineau
Assistant City Attorney

APPENDIX 5 – PIEA RESOLUTION

TO BE INSERTED UPON PIEA APPROVAL.