

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 221092

Amending Ordinance No. 200550 by repealing Section A.1 and enacting a new section A.1 to provide for the completion of all public improvements required by Public Works in accordance with a schedule approved by the city manager in consultation with the developer.

WHEREAS, on July 16, 2020, the Council passed Ordinance No. 200550 which approved an amendment to a previously approved MPD Plan (the "MPD Plan") on approximately 80 acres in an area generally bordered by the Missouri river on the north and west, I-29 on the east, and railroad tracks on the south, for the purpose of amending the MPD Plan to allow for a hotel, site layout modification, and increase in square footage and building height within the mixed use development in multiple phases on 13 parcels; and

WHEREAS, Ordinance No. 200550 incorporated all of the conditions of approval of Ordinance No. 140583 passed by the Council on July 31, 2014; and

WHEREAS, Condition 20 in Ordinance No. 140583 required that prior to each phase of the MPD Plan after Phase 1, the developer submit a traffic impact study update to the Public Works Department for review and approval, and that the developer construct any improvements as required by the Public Works Department based on the approved updated traffic impact study for each phase; and

WHEREAS, Condition 26 in Ordinance No. 140583 required the developer submit a final MPD Development Plan for each project or phase of the MPD Plan to the City Plan Commission (the "CPC") prior to the issuance of the building permit; and

WHEREAS, the updated traffic impact study was initially completed on November 11, 2022, and is being further updated at the request of MoDOT, with an anticipated completion date of March 2023, at which point it will be submitted to the Public Works Department for review and approval; and

WHEREAS, on July 29, 2022 the developer submitted or caused to be submitted a final MPD development plan for the KC Current stadium project (the "Project") for the MPD Plan; and

WHEREAS, the Council desires to acknowledge developer's compliance with Condition 26 in Ordinance No. 140583 as intended by such condition to allow for the issuance of building permits for the Project and amend Ordinance No. 200550 so that the improvements as required by the Public Works Department based on the approved updated traffic impact study for each phase be completed in accordance with a schedule approved by the city manager in consultation with the developer and that a final certificate of occupancy for each project be issued upon completion of the applicable required improvements; and

WHEREAS, adoption of this ordinance is critical to the construction of the Project and continued development by Port KC at Berkley Riverfront; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

221092

Section 1. That the developer has submitted the final MPD plan for approval by CPC meeting the intent of the condition to allow for the issuance of building permits for the Project notwithstanding final approval of the final MPD plan.

Section 2. That Section A.1. of Ordinance 200550 is hereby repealed and a new section enacted in its place, to read as follows:

Conditions of approval of Ordinance No. 140583 passed by the City Council on July 31, 2014, still apply and shall be carried forward (Case No. 14462-MPD), with the exception of Condition 20 in Ordinance No. 140583, which shall be amended as follows:

20. That the developer submit a traffic impact study update to the Public Works Department for review and approval using specific detailed land uses for the applicable phase or project, and that the improvements as required by the Public Works Department based on the approved updated traffic impact study for each phase or project be constructed accordingly; provided that the completion of the traffic impact study for the Project is to be completed not later than issuance of the temporary certificate of occupancy for the Project, and all public improvements required by the Public Works Department based on the approved traffic impact study for the Project are to be completed pursuant to a schedule approved by the city manager in consultation with the developer. A final certificate of occupancy for the Project will be issued upon completion of all improvements scheduled for completion with the Project.

Approved as to form:



Sarah Baxter
Senior Associate City Attorney



Authenticated as Passed



Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

IAN 12 2023
Date Passed