



Agenda - Final

Neighborhood Planning and Development Committee

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

Wednesday, March 23, 2022

1:30 PM

26th Floor, Council Chamber

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

PUBLIC OBSERVANCE OF MEETINGS

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

Any closed session may be held via teleconference.

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

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

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

FIRST READING(S)

220228

Accepting and approving a \$60,642.00 grant award agreement from the Food & Drug Administration and the National Environmental Health Association to support the Health Department's Food Safety Program advancement with the FDA Voluntary National Retail Food Regulatory Program Standards; estimating and appropriating \$60,642.00 in the Health Grants Fund; and designating requisitioning authority.

Attachments: [FDA - NEHA Grant FY22 - Fiscal Note](#)

[FDA - NEHA Grant FY22 - Budget](#)

[FDA - NEHA Grant FY22 - Fact Sheet](#)

220231

Approving an Industrial Development Plan for Block 139 Residential, LLC for the purpose of constructing a project for economic development consisting of the purchase of construction materials and the construction of a multifamily residential building with approximately 288-300 residential units and approximately 7,500 square feet of retail space, including the construction of a six-level parking structure with approximately 476 parking spaces (collectively, the "Project") located upon land generally bounded by Walnut Street on the east, East 14th Street on the north, East Truman Road on the south and Main Street on the west in Kansas City, Missouri (the "Project Site"); authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Block 139 Residential, LLC; authorizing the issuance of taxable industrial revenue bonds in an amount not to exceed One Hundred and Thirty Two Million Dollars and 00/100 (\$132,000,000.00); authorizing and approving other documents; authorizing certain other actions in connection with the issuance of said bonds; and directing the City Clerk to provide a copy of this Ordinance to the Director of the Missouri Department of Economic Development.

Attachments: [Fact Sheet](#)

220232

Approving an Industrial Development Plan for Midland Residential, LLC for the purpose of constructing a project for economic development consisting of the purchase of construction materials and the construction of a multifamily residential building with approximately 133 residential units (the "Project") located at 1221 Baltimore Avenue in Kansas City, Missouri (the "Project Site"); authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Midland Residential, LLC; authorizing the issuance of taxable industrial revenue bonds in an amount not to exceed Thirty Five Million Eight Hundred Thousand Dollars and 00/100 (\$35,800,000.00); authorizing and approving other documents; authorizing certain other actions in connection with the issuance of said bonds; and directing the City Clerk to provide a copy of this Ordinance to the Director of the Missouri Department of Economic Development.

Attachments: [Fact Sheet](#)

Robinson

220233

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

Attachments: [220233com](#)

Loar

- [220235](#) Rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract. (CD-CPC-2021-00208)

Attachments: [1604 fact sheet](#)
[1604 staff report](#)

O'Neill and Hall

- [220236](#) RESOLUTION - Amending the Briarcliff-Winnwood Area Plan by amending the Proposed Land Use Plan and Map for an approximately 4.0 acre tract of land generally located at the southeast corner of N.E. 42nd Street and N. Antioch Road by changing the recommended land use designation from "Residential Low Density" to "Residential High Density." (CD-CPC-2021-00244)

O'Neill and Hall

- [220237](#) Rezoning an approximately 4.0 acre tract of land generally located at the southeast corner of N.E. 42nd Street and N. Antioch Road from R-6 to R-1.5 and approving a development plan to allow for a 108 unit multi-family residential development. (CD-CPC-2021-00243 and CD-CPC-2021-00242)

HELD IN COMMITTEE

- [220212](#) Approving a Kansas City Brownfields Regional Coalition Revolving Loan Fund Program loan application submitted by Zhou B Art Center LLC for remediation of the former Crispus Attucks Elementary School in the amount of \$200,000.00; authorizing the Director of City Planning and Development to execute the necessary loan documents; and recognizing this ordinance as having an accelerated effective date.

Attachments: [Fact Sheet \(Zhou B Art Center\)](#)
[Fiscal Note \(Zhou B Art Center\)](#)

ADDITIONAL BUSINESS

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

2. Closed Session

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

3. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment

LEGISLATIVE FACT SHEET		Legislation Number:	220228
		Approval Deadline:	
LEGISLATION IN BRIEF:			
Authorizing the acceptance of a \$60,642.00 grant from the Food and Drug Administration (FDA) and National Environmental Health Association (NEHA). Estimating and appropriating \$60,642.00 in the Health Grants Fund and designating requisitioning authority.			
What is the reason for this legislation?		Fact Sheet Color Codes	
<p>This grant will support the Health Department's Food Safety Program in advancing conformance with the FDA Voluntary National Retail Food Regulatory Program Standards in an effort to reduce the occurrence of food-borne illness risk factors.</p>		User Entered Field	
		User Select From Menu	
		For OMB Use	
		Sponsor(s)	
		Programs, Departments, or Groups Affected	
		Food Safety Program, Health Department,	
		Sub-Program in Budget (page #)	
		City Department	
		Health	
		Other	
Applicants/ Proponents		Staff Recommendation	
Discussion (including relationship to other Council actions)		For	
		Board or Commission Recommendation	
<p>The 9 FDA retail program standards are provide a framework for the Food Safety Program to improve upon existing programs to reinforce proper sanitation and focus on factors that contribute to food-borne illness. By meeting these Standards, the City is ensuring a comprehensive strategic approach to the safety and security of the food supply at the retail level.</p>		N/A	
		Future Impacts	
Citywide Business Plan Goal		Cost of Legislation current Fiscal Year	
Housing and Healthy Communities		0	
Citywide Business Plan Objective		Costs in Future Fiscal Years?	
Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures		No	
		Annual Revenue Increase/Decrease	
Citywide Business Plan Strategy		N/A	
Propose and support legislation to address environmental health hazards, including air and noise pollution		Applicable Dates:	
		Prepared by:	
		Abby Edsall	
		Date Prepared:	
		2/23/2022	
		Reviewed by:	
		Kimberlee Sawyer	
		Date Reviewed	
		3/8/22	
		Reference Numbers	



File #: 220228

ORDINANCE NO. 220228

Accepting and approving a \$60,642.00 grant award agreement from the Food & Drug Administration and the National Environmental Health Association to support the Health Department’s Food Safety Program advancement with the FDA Voluntary National Retail Food Regulatory Program Standards; estimating and appropriating \$60,642.00 in the Health Grants Fund; and designating requisitioning authority.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a grant award, in the amount of \$60,642.00 between the City of Kansas City, Missouri, acting through its Director of Health, and the Food & Drug Administration (FDA) and the National Environmental Health Association (NEHA), whereby the FDA & the NEHA will provide funding to support the Health Department’s Food Safety Program on conforming with the FDA Voluntary National Retail Food Regulatory Program Standards in an effort to reduce the occurrence of food-borne illness risk factors within Kansas City, Missouri for the period beginning February 1, 2022 through December 31, 2024, for a total amount not to exceed \$60,642.00, is hereby accepted and approved. A copy of the grant award agreement, in substantial form, is on file with the Director of Health.

Section 2. That revenue in the following account of the Health Grants Fund are hereby estimated in the following amounts:

22-2480-500001-474062-G50507825	NEHA-FDA Flexible Funding Model Grant Program	\$60,642.00
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Section 3. That the sum of \$60,642.00 is hereby appropriated from the Unappropriated Fund Balance of the Health Grants Fund in the following accounts:

22-2480-505078-A-G50507825	NEHA-FDA Flexible Funding Model Grant Program	\$58,392.00
22-2480-505078-B-G50507825	NEHA-FDA Flexible Funding Model Grant Program	<u>2,250.00</u>
	TOTAL	\$60,642.00

Section 4. That the Director of Health is hereby authorized to expend the sum of \$60,642.00 from funds appropriated to Account No. 22-2480-505078-G50507825 for the aforesaid contract, for the portion of the contract to be expended this fiscal year.

..end

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

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Joseph Guarino
Assistant City Attorney

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

220228

LEGISLATION IN BRIEF:

FDA - NEHA Flexible Funding Model Grant Program

What is the purpose of this legislation?

LEGISLATIVE

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

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

Does this grant require a match?

NO

See Section 01 for the City's Grant Match in the Current Fiscal year

Does this legislation estimate Grant Revenues?

YES

See Section 02 for the New Estimated Revenues by Year.

Does this legislation estimate Grant Appropriations?

YES

See Section 03 Below, Note all future Revenues in Section 04.

Does this grant create an ongoing expense for the city?

NO

See Section 04 for five years of ongoing operational Impacts.

Section 00: Notes:

FINANCIAL IMPACT OF LEGISLATION

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-:

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-:
2480	500001	474062	G50507825	60,642.00	

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-:
2480	505078	Various	G50507825	60,642.00	

NET IMPACT ON OPERATIONAL BUDGET

RESERVE STATUS:

REVENUE SUPPORTED

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

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27
2480	Health Grants	60,642.00					
1000		-					
1000		-					
1000		-					
TOTAL REV		60,642.00					

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27
2480	Health Grants	60,642.00					
1000							
1000							
1000							
TOTAL EXP		60,642.00					

NET Per-YEAR IMPACT	-	-	-	-	-	-	-
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NET IMPACT (SIX YEARS)

REVIEWED BY

Vickie Watson

DATE

3/16/2022

User entered field
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Calculated Field

lank

Yes/No
Yes/No
Yes/No
Yes/No

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23 EST

23 EST

23 EST

All Outyears

All Outyears

FDA - NEHA Flexible Funding Model Grant Program

Revenues		Revenue Account Title	Current Budget Estimate	Revised Estimate	Dollar Change
Account Number		FDA - NEHA Flexible Funding			
22-2480-500001-474062-G50507825		Model Grant Program	\$ 60,642.00	\$ 60,642.00	\$ 60,642.00

Appropriations		Appropriation Account Title	Current Estimate	Revised Estimate	Dollar Change
Account Number		FDA - NEHA Flexible Funding			
22-2480-505078-A-G50507825		Model Grant Program	\$ 58,392.00	\$ 58,392.00	\$ 58,392.00
22-2480-505078-B-G50507825		Model Grant Program	\$ 2,250.00	\$ 2,250.00	\$ 2,250.00
			\$ 60,642.00	\$ 60,642.00	\$ 60,642.00

GENERAL

Ordinance Fact Sheet

Brief Title:

Approving an Industrial Development Plan and authorizing the issuance of Industrial Revenue Bonds in an amount not to exceed \$132 million for a project bounded by Walnut Street on the east, East 14th Street on the North, East Truman Road on the south and Main Street on the west in Kansas City, Missouri.

220231

Reason: To redevelop the real property as described for Block 139 Residential, LLC, located at the property bounded by Walnut Street on the east, East 14th Street on the North, East Truman Road on the south and Main Street on the west in Kansas City, Missouri.

Details

Positions / Recommendations

<p>Reason for Legislation</p> <p>The project will consist of constructing a new facility at a site generally bounded by Walnut Street on the east, East 14th Street on the North, East Truman Road on the south and Main Street on the west in Kansas City, Missouri, for the purpose of a multifamily residential building with approximately 288-300 residential units, approximately 7,500 ft of retail space, and a six-level parking structure with approximately 476 parking spaces. Bonds will be issued in one or more series of taxable Chapter 100 industrial development revenue bonds not to exceed \$132 million</p>	<p>Sponsor(s)</p>										
<p>Discussion</p> <p>Block 139, LLC is seeking approval of an Industrial Development Plan which will authorize a sales tax exemption on construction materials during the construction period, and the issuance of taxable industrial development revenue bonds in a maximum aggregate principal amount not to exceed \$132 million to facilitate financing of the project.</p> <p>The Project and the Project Site are part of a larger, comprehensive development plan for certain portions of the downtown Kansas City, Missouri area which is governed by that certain Master Development Agreement dated April 27, 2004 by and between the City and Kansas City Live, LLC ("KC Live"), as amended thirteen times, and as may further be amended.</p> <p>The Company is requesting a sales tax exemption on construction materials for the construction period (as contemplated in the Master Development Agreement), which is less than the standard abatement stated in the City's Chapter 100 Policy. To the extent there exists any conflict between the terms and provisions of this Plan and the terms and provisions of the Master Development Agreement with respect to the Project, the terms and provisions of the Master Development Agreement shall control.</p>	<p>Programs, Departments, or Groups Affected</p> <p>City of Kansas City, Missouri, Jackson County, Missouri, Jackson County Mental Health, Development Disabilities Fund, State of Missouri, Kansas City Public Schools, State Blind Pension Fund, Kansas City Public Library, Kansas City Zoological District, and the Metropolitan Community College.</p>										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Applicants/Proponents</td> <td style="width: 50%; padding: 5px;"> <p>Applicant Block 139 Residential, LLC</p> <p>City Department</p> <p>Other</p> </td> </tr> <tr> <td style="padding: 5px;">Opponents</td> <td style="padding: 5px;"> <p>Groups or Individuals</p> <p>Basis of Opposition</p> </td> </tr> <tr> <td style="padding: 5px;">Staff Recommendation</td> <td style="padding: 5px;"> <p><input type="checkbox"/> For (EDCKC)</p> <p><input type="checkbox"/> Against</p> <p>Reasons Against:</p> </td> </tr> <tr> <td style="padding: 5px;">Board or Commission Recommendation</td> <td style="padding: 5px;"> <p><input type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For, with revisions or conditions</p> </td> </tr> <tr> <td style="padding: 5px;">Council Committee Action</td> <td style="padding: 5px;"> <p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Substitute</p> <p><input type="checkbox"/> No Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do Not Pass</p> </td> </tr> </table>	Applicants/Proponents	<p>Applicant Block 139 Residential, LLC</p> <p>City Department</p> <p>Other</p>	Opponents	<p>Groups or Individuals</p> <p>Basis of Opposition</p>	Staff Recommendation	<p><input type="checkbox"/> For (EDCKC)</p> <p><input type="checkbox"/> Against</p> <p>Reasons Against:</p>	Board or Commission Recommendation	<p><input type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For, with revisions or conditions</p>	Council Committee Action	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Substitute</p> <p><input type="checkbox"/> No Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do Not Pass</p>
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Details

Policy / Program Impact

<p>The Company is to make annual payments in lieu of taxes ("PILOTS") to the City as agreed upon in the Master Development Agreement and the 353 Contract.</p> <p>Sales tax exemption on construction materials will be available for the construction period for all construction materials included in the Project. EDC staff estimates total sales tax exemption to be \$5,482,088. The City's portion of the total estimated sales tax exemption is approximately \$2,310,023 in the event the materials are purchased within city limits.</p> <p>The Company will be subject to operational/performance standards pursuant to the Master Development Agreement and the 353 Contract.</p>		Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes This project is contemplated under the Master Development Agreement between the City and Kansas City Live, LLC.	
		Operational Impact Assessment		
	Finances			
		Cost and Revenue Projections	Cost of Legislation	<p>Chapter 100 Bond issuances are considered "conduit debt" of the City solely repaid by Fidelity Security Life Insurance Company, Inc. The bond issue will not count against the city's debt capacity and will only appear on the City's financial statements as a footnote. Payment of principal and interest is payable solely out of certain payments derived by the City from the lease.</p>
		Fund Sources	Chapter 100 Bonds	

Applicable Dates: Neighborhood Planning and Development Committee: 3/23/2022

Fact Sheet Prepared By:

David Leader, Development Services Specialist, Economic Development Corporation of Kansas City, MO

Reviewed By:

Reference Numbers



File #: 220231

ORDINANCE NO. 220231

Approving an Industrial Development Plan for Block 139 Residential, LLC for the purpose of constructing a project for economic development consisting of the purchase of construction materials and the construction of a multifamily residential building with approximately 288-300 residential units and approximately 7,500 square feet of retail space, including the construction of a six-level parking structure with approximately 476 parking spaces (collectively, the "Project") located upon land generally bounded by Walnut Street on the east, East 14th Street on the north, East Truman Road on the south and Main Street on the west in Kansas City, Missouri (the "Project Site"); authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Block 139 Residential, LLC; authorizing the issuance of taxable industrial revenue bonds in an amount not to exceed One Hundred and Thirty Two Million Dollars and 00/100 (\$132,000,000.00); authorizing and approving other documents; authorizing certain other actions in connection with the issuance of said bonds; and directing the City Clerk to provide a copy of this Ordinance to the Director of the Missouri Department of Economic Development.

WHEREAS, Block 139 Residential, LLC, a Missouri limited liability company (the "Company") anticipates creating 15 full-time employees, plus an additional 1,500 temporary construction jobs, with an anticipated average annual salary of \$45,000.00 during construction of the Project and, upon completion, an anticipated average annual salary of \$50,000.00; and

WHEREAS, the Project will generate an estimated 391 new residents to Downtown Kansas City and will attract new residents to the City, which will result in attracting sales from outside of the City; and

WHEREAS, Company's resident increase, increase in affordable housing units and investments in City would be economic activities that would result in tax revenues to City including, without limitation, expenditures of funds to construct, rehabilitate, remodel or otherwise improve the Project Site; increase in employment resulting in net new payroll to the City; investments in equipment to render the Project Site suitable for Company's intended use; business operations with resulting consumption of goods, services and utilities; employee activity in being located at or traveling to and from the Project Site though retail purchases, and the consumption of goods and services and patronage of restaurant, entertainment and other facilities in the City; and

WHEREAS, participating in such investments serves a public municipal purpose because it will, without limitation, (i) establish or expand Company's economic presence in City, (ii) promote economic development in the area of City in which the Project is located, (iii) result in generation of tax revenues to City from the conduct of business and other activities in City that would not otherwise occur, (iv) serve as a catalyst for additional investment in and further redevelopment and rehabilitation of the area of the City in which the Business Site is located, and (v) further City's policy of encouraging economic stability and growth; and

WHEREAS, the City therefore desires to encourage the Project for the purpose of realizing these predominantly public purposes; and

WHEREAS, the Company requests the issuance of the Bonds to provide a sales tax exemption solely on construction materials for the Project; and

WHEREAS, the Project Site purchased and constructed with Bond proceeds will be owned by the City and leased back to Company pursuant to a short-term Lease Agreement between the City and the Company (the "Lease"), which Lease shall terminate following the issuance of a temporary certificate of occupancy for the Project or sooner at Company's option as described in the Lease; and

WHEREAS, Company shall pay, each full or partial year during the Lease Term (defined below), Chapter 100 payments in lieu of taxes (the "Chapter 100 PILOT Payments") equal to one hundred percent (100%) of the ad valorem real property taxes that would otherwise be payable with respect to the Project and the Project Site but for the City's ownership of the Project and the Project Site; and

WHEREAS, the City Council has approved that certain Chapter 353 Redevelopment Contract by and between Block 139 Redevelopment Corporation and the City dated July 13, 2021 (the "Chapter 353 Contract") in which Company will benefit from twenty-five (25) years of ad valorem real property tax abatement via the Chapter 353 program and more particularly described therein; and

WHEREAS, the Project and Project Site are part of a larger, comprehensive development plan for certain portions of downtown Kansas City, Missouri which is governed by that certain Master Development Agreement dated April 27, 2004, by and between the City and Kansas City Live, LLC, as amended (the "Master Development Agreement"); and

WHEREAS, Company will be subject to performance standards under the Lease, the Chapter 353 Contract and the Master Development Agreement; and

WHEREAS, the City of Kansas City, Missouri, a constitutional charter city and municipal corporation of the State of Missouri (the "City") is authorized pursuant to the provisions of Article VI, Section 27(b) of the Missouri Constitution, as amended, and Sections 100.010 to 100.200, inclusive, of the Revised Statutes of Missouri, as amended, and the City of Kansas City Charter (collectively, the "Act"), to issue its revenue bonds for carrying out a project or projects under the Act, such revenue bonds to be paid solely from revenue received

from such project, and to enter into leases of certain property associated with the project to be financed with the proceeds of such revenue bonds with any person, firm or corporation; and

WHEREAS, the City has heretofore prepared and approved plans for the industrial development for the City and desires to approve an Industrial Development Plan (the "Plan") for the purpose of carrying out the Project for Company; and

WHEREAS, the City intends to issue its Taxable Industrial Revenue Bonds (3 Light Apartments) (the "Bonds") for the purpose of furthering the Project located at the Project Site; and

WHEREAS, notice of the Project was given to the taxing jurisdictions in accordance with Section 100.059.1 of the Revised Statutes of Missouri; and

WHEREAS, the Council has heretofore and does hereby find and determine that it is desirable for the economic development of the city and within the public purposes of the Act that the Council approve a Chapter 100 Industrial Development Plan as proposed by the Company; and that the City issue the Bonds, as more fully described in the Indenture and the Lease, as hereinafter defined and authorized; and

WHEREAS, the principal amount of the Bonds will be issued as taxable Chapter 100 bonds over a period of time not to exceed the year ending December 31, 2026 and which will be repaid solely by the Company under the terms of the Lease (defined herein); and

WHEREAS, for a Chapter 100 bond issuance, the City Council has previously established a policy (Ordinance No. 041033) for the review and approval of these projects, one component of which suggests a maximum bond term of 10 years and another of which suggests payments-in-lieu-of-taxes (PILOTS) at a level of no less than 50% of the amount that would have been paid on the property if it had been fully taxed, to the affected taxing jurisdictions during the term of the bonds; and

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the Project and the issuance of the Bonds that the City enter into certain documents, and that the City take certain other actions and approve the execution of certain other documents as herein provided; and

WHEREAS, on April 8, 2021, the City Council passed Ordinance No. 210205 approving a predevelopment agreement in anticipation of the issuance of the Bonds; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Approval of Plan. The City Council hereby finds and determines that the Project will promote the economic well-being and industrial development of the City and the Project will be in furtherance of the public purposes set forth in the Act. The City Council hereby approves the Plan for the Project, which includes the following provisions:

- (a) Purchasing and acquiring the construction materials for the Project;
- (b) A total estimated project cost of approximately \$131,563,036.00; and
- (c) A sales tax exemption solely for construction materials associated with the construction of the Project will be funded from proceeds of the sale of up to \$132,000,000.00 maximum principal amount of Taxable Industrial Revenue Bonds to be issued by the City and purchased by the Company or other purchaser named in the herein-defined Purchase Agreement.

Section 2. The City is hereby authorized to enter into the following documents for the Bonds (collectively, the "City Documents"), in such form as shall be approved by the officials of the City executing such documents, with such officials' signatures thereon being conclusive evidence of their approval thereof:

- (a) a Trust Indenture (the "Indenture") between the City and the trustee named therein (the "Trustee") pursuant to which the Bonds shall be issued and the City shall pledge the Project, and assign certain of the payments, revenues and receipts received pursuant to the Lease to the Trustee for the benefit and security of the owners of the Bonds upon the terms and conditions as set forth in the Indenture;
- (b) a short-term Lease Agreement, between the City and Company, under which the City will lease the Project to the Company (the "Lease"), which Lease shall terminate following the issuance of a temporary certificate of occupancy for the Project or sooner at Company's option as described in the Lease ("Lease Term"). The Bonds will be repaid solely by Company under the terms of the Lease.
- (c) Purchase Agreement, as defined below, under which the purchaser named therein agrees to purchase the Bonds.

Section 3. Authorization of the Bonds. The City is hereby authorized to issue and to sell its Taxable Industrial Revenue Bonds (3 Light Apartments), in a maximum aggregate principal amount not to exceed \$132,000,000.00, for the purpose of providing funds for the costs associated with the construction, improvement, and renovation of the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denomination, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture.

Section 4. Sale and Terms of Bonds; Authorization and Execution of Bond Purchase Agreement. The Bonds will be sold to the Company or other purchaser under the terms of a Bond Purchase Agreement between the City and the Company or other purchaser (the "Purchase Agreement"). The maximum principal amount of the Bonds shall be \$132,000,000.00, the interest rate on the Bonds shall not exceed 5.00%, principal shall be payable in accordance to the terms of the Lease, the maturity date shall be no later than December 1, 2026, the Bonds shall be

purchased at 100% of the principal amount thereof and the Bonds may be redeemed at any time at a redemption price equal to the principal amount thereof plus accrued interest. The Director of Finance or the City Treasurer is each authorized to execute the Purchase Agreement for or on behalf of and as the act and deed of the City.

Section 5. **Limitation on Liability.** The Bonds and the interest thereon shall be limited obligations of the City payable solely out of certain payments, revenues and receipts derived by the City from the Lease described herein, and such payments, revenues and receipts shall be pledged and assigned to the Trustee as security for the payment of the Bonds as provided in the Indenture. The Bonds and the interest thereon shall not constitute general obligations of the City or the State of Missouri. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not payable in any manner by taxation.

Section 6. **Creation of Bond Fund.** The City is hereby authorized to establish with the Trustee pursuant to the Indenture, a special trust fund in the name of the City to be designated the "City of Kansas City, Missouri, Bond Fund – 3 Light Apartments" and the City shall cause all sums required by the Indenture to be deposited therein and shall create all accounts therein required by the Indenture.

Section 7. **Execution of Documents.** The Mayor is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Director of Finance is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk or a deputy City Clerk, of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds and the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 8. **Further Authority.** The Mayor, Director of Finance and other officials, agents and employees of the City as required, are hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the City Documents, and tax redirection.

Section 9. That the City Clerk is hereby directed to deliver a copy of this ordinance to the State Director of Economic Development within thirty days following passage of this ordinance.

..end

Approved as to form and legality:

Katherine Chandler
Assistant City Attorney

GENERAL Ordinance Fact Sheet

220232

Brief Title:

Approving an Industrial Development Plan and authorizing the issuance of Industrial Revenue Bonds in an amount not to exceed \$35.8 million for a project located at 1221 Baltimore Avenue

Reason: To redevelop the real property as described for Midland Residential, LLC, located at 1221 Baltimore Ave

Details

Positions / Recommendations

<p>Reason for Legislation</p> <p>The project will consist of redeveloping 1221 Baltimore Ave into a multifamily residential building with approximately 133 residential units. Bonds will be issued in one or more series of taxable Chapter 100 industrial development revenue bonds not to exceed \$35.8 million.</p>	<p>Sponsor(s)</p> <p>Programs, Departments, or Groups Affected City of Kansas City, Missouri, Jackson County, Missouri, Jackson County Mental Health, Development Disabilities Fund, State of Missouri, Kansas City Public Schools, State Blind Pension Fund, Kansas City Public Library, Kansas City Zoological District, and the Metropolitan Community College.</p>																
<p>Discussion</p> <p>Midland Residential, LLC is seeking approval of an Industrial Development Plan which will authorize a sales tax exemption on construction materials during the construction period, and the issuance of taxable industrial development revenue bonds in a maximum aggregate principal amount not to exceed \$35.8 million to facilitate financing of the project.</p> <p>The Project and the Project Site are part of a larger, comprehensive development plan for certain portions of the downtown Kansas City, Missouri area which is governed by that certain Master Development Agreement dated April 27, 2004 by and between the City and Kansas City Live, LLC ("KC Live"), as amended thirteen times, and as may further be amended.</p> <p>The Company is requesting a sales tax exemption on construction materials for the construction period (as contemplated in the Master Development Agreement), which is less than the standard abatement stated in the City's Chapter 100 Policy. To the extent there exists any conflict between the terms and provisions of this Plan and the terms and provisions of the Master Development Agreement with respect to the Project, the terms and provisions of the Master Development Agreement shall control.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Applicants/Proponents</td> <td style="width: 50%; padding: 5px;">Applicant Midland Residential, LLC</td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%; padding: 5px;">City Department</td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%; padding: 5px;">Other</td> </tr> <tr> <td style="width: 50%; padding: 5px;">Opponents</td> <td style="width: 50%; padding: 5px;">Groups or Individuals</td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%; padding: 5px;">Basis of Opposition</td> </tr> <tr> <td style="width: 50%; padding: 5px;">Staff Recommendation</td> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> For (EDCKC) <input type="checkbox"/> Against Reasons Against: </td> </tr> <tr> <td style="width: 50%; padding: 5px;">Board or Commission Recommendation</td> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions </td> </tr> <tr> <td style="width: 50%; padding: 5px;">Council Committee Action</td> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass </td> </tr> </table>	Applicants/Proponents	Applicant Midland Residential, LLC		City Department		Other	Opponents	Groups or Individuals		Basis of Opposition	Staff Recommendation	<input type="checkbox"/> For (EDCKC) <input type="checkbox"/> Against Reasons Against:	Board or Commission Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions	Council Committee Action	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass
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Details

Policy / Program Impact

<p>The Company is to make annual payments in lieu of taxes ("PILOTS") to the City as agreed upon in the Master Development Agreement and the PIEA Contract.</p> <p>Sales tax exemption on construction materials will be available for the construction period for all construction materials included in the Project. EDC staff estimates total sales tax exemption to be \$1,311,482. The City's portion of the total estimated sales tax exemption is approximately \$481,576 in the event the materials are purchased within city limits.</p> <p>The Company will be subject to operational/performance standards pursuant to the Master Development Agreement and the PIEA Contract.</p>		Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes This project is contemplated under the Master Development Agreement between the City and Kansas City Live, LLC.	
		Operational Impact Assessment		
	Finances			
		Cost and Revenue Projections	Cost of Legislation	<p>Chapter 100 Bond issuances are considered "conduit debt" of the City solely repaid by Fidelity Security Life Insurance Company, Inc. The bond issue will not count against the city's debt capacity and will only appear on the City's financial statements as a footnote. Payment of principal and interest is payable solely out of certain payments derived by the City from the lease.</p>
		Fund Sources	Chapter 100 Bonds	

Applicable Dates: Neighborhood Planning and Development Committee: 3/23/2022

Fact Sheet Prepared By:

David Leader, Development Services Specialist, Economic Development Corporation of Kansas City, MO

Reviewed By:

Reference Numbers



File #: 220232

ORDINANCE NO. 220232

Approving an Industrial Development Plan for Midland Residential, LLC for the purpose of constructing a project for economic development consisting of the purchase of construction materials and the construction of a multifamily residential building with approximately 133 residential units (the "Project") located at 1221 Baltimore Avenue in Kansas City, Missouri (the "Project Site"); authorizing and approving various agreements for the purpose of setting forth covenants, agreements and obligations of the City and Midland Residential, LLC; authorizing the issuance of taxable industrial revenue bonds in an amount not to exceed Thirty Five Million Eight Hundred Thousand Dollars and 00/100 (\$35,800,000.00); authorizing and approving other documents; authorizing certain other actions in connection with the issuance of said bonds; and directing the City Clerk to provide a copy of this Ordinance to the Director of the Missouri Department of Economic Development.

WHEREAS, Midland Residential, LLC, a Missouri limited liability company (the "Company") anticipates creating 16 full-time employees, plus an additional 100 temporary construction jobs, with an anticipated average annual salary of \$75,000 during construction of the Project and, upon completion, an anticipated average annual salary of \$45,000; and

WHEREAS, the Project will generate an estimated 199 new residents to Downtown Kansas City and will attract new residents to the City, which will result in attracting sales from outside of the City; and

WHEREAS, Company's resident increase, increase in affordable housing units and investments in City would be economic activities that would result in tax revenues to City including, without limitation, expenditures of funds to construct, rehabilitate, remodel or otherwise improve the Project Site; increase in employment resulting in net new payroll to the City; investments in equipment to render the Project Site suitable for Company's intended use; business operations with resulting consumption of goods, services and utilities; employee activity in being located at or traveling to and from the Project Site through retail purchases, and the consumption of goods and services and patronage of restaurant, entertainment and other facilities in the City; and

WHEREAS, participating in such investments serves a public municipal purpose because it will, without limitation, (i) establish or expand Company's economic presence in City, (ii) promote economic development in the area of City in which the Project is located, (iii) result in generation of tax revenues to City from the conduct of business and other activities in City that would not otherwise occur, (iv) serve as a catalyst for additional investment in and further

redevelopment and rehabilitation of the area of the City in which the Business Site is located, and (v) further City's policy of encouraging economic stability and growth; and

WHEREAS, the City therefore desires to encourage the Project for the purpose of realizing these predominantly public purposes; and

WHEREAS, the Company requests the issuance of the Bonds to provide a sales tax exemption solely on construction materials for the Project; and

WHEREAS, the Project Site purchased and constructed with Bond proceeds will be owned by the City and leased back to Company pursuant to a short-term Lease Agreement between the City and the Company (the "Lease"), which Lease shall terminate following the issuance of a temporary certificate of occupancy for the Project or sooner at Company's option as described in the Lease; and

WHEREAS, Company shall pay, each full or partial year during the Lease Term (defined below), Chapter 100 payments in lieu of taxes (the "Chapter 100 PILOT Payments") equal to one hundred percent (100%) of the ad valorem real property taxes that would otherwise be payable with respect to the Project and the Project Site but for the City's ownership of the Project and the Project Site; and

WHEREAS, the Board of Directors of the Planned Industrial Expansion Authority of Kansas City, Missouri (the "PIEA") has approved that certain Development Contract by and between Kansas City Live, LLC and the PIEA dated July 13, 2021 (the "PIEA Contract") in which Company will benefit from twenty-five (25) years of ad valorem real property tax abatement as more particularly described therein; and

WHEREAS, the Project and Project Site are part of a larger, comprehensive development plan for certain portions of downtown Kansas City, Missouri which is governed by that certain Master Development Agreement dated April 27, 2004, by and between the City and Kansas City Live, LLC, as amended (the "Master Development Agreement"); and

WHEREAS, Company will be subject to performance standards under the Lease, the PIEA Contract and the Master Development Agreement; and

WHEREAS, the City of Kansas City, Missouri, a constitutional charter city and municipal corporation of the State of Missouri (the "City") is authorized pursuant to the provisions of Article VI, Section 27(b) of the Missouri Constitution, as amended, and Sections 100.010 to 100.200, inclusive, of the Revised Statutes of Missouri, as amended, and the City of Kansas City Charter (collectively, the "Act"), to issue its revenue bonds for carrying out a project or projects under the Act, such revenue bonds to be paid solely from revenue received from such project, and to enter into leases of certain property associated with the project to be financed with the proceeds of such revenue bonds with any person, firm or corporation; and

WHEREAS, the City has heretofore prepared and approved plans for the industrial development for the City and desires to approve an Industrial Development Plan (the "Plan") for the purpose of carrying out the Project for Company; and

WHEREAS, the City intends to issue its Taxable Industrial Revenue Bonds (Midland Residential Apartments) (the "Bonds") for the purpose of furthering the Project located at the Project Site; and

WHEREAS, notice of the Project was given to the taxing jurisdictions in accordance with Section 100.059.1 of the Revised Statutes of Missouri; and

WHEREAS, the Council has heretofore and does hereby find and determine that it is desirable for the economic development of the city and within the public purposes of the Act that the Council approve a Chapter 100 Industrial Development Plan as proposed by the Company; and that the City issue the Bonds, as more fully described in the Indenture and the Lease, as hereinafter defined and authorized; and

WHEREAS, the principal amount of the Bonds will be issued as taxable Chapter 100 bonds over a period of time not to exceed the year ending December 31, 2024 and which will be repaid solely by the Company under the terms of the Lease (defined herein); and

WHEREAS, for a Chapter 100 bond issuance, the City Council has previously established a policy (Ordinance No. 041033) for the review and approval of these projects, one component of which suggests a maximum bond term of 10 years and another of which suggests payments-in-lieu-of-taxes (PILOTS) at a level of no less than 50% of the amount that would have been paid on the property if it had been fully taxed, to the affected taxing jurisdictions during the term of the bonds; and

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the Project and the issuance of the Bonds that the City enter into certain documents, and that the City take certain other actions and approve the execution of certain other documents as herein provided; and

WHEREAS, on April 8, 2021, the City Council passed Ordinance No. 210206 approving a predevelopment agreement in anticipation of the issuance of the Bonds; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Approval of Plan. The City Council hereby finds and determines that the Project will promote the economic well-being and industrial development of the City and the Project will be in furtherance of the public purposes set forth in the Act. The City Council hereby approves the Plan for the Project, which includes the following provisions:

- (a) Purchasing and acquiring the construction materials for the Project;
- (b) A total estimated project cost of approximately \$35,819,016.00; and

(c) A sales tax exemption solely for construction materials associated with the construction of the Project will be funded from proceeds of the sale of up to \$35,800,000.00 maximum principal amount of Taxable Industrial Revenue Bonds to be issued by the City and purchased by the Company or other purchaser named in the herein-defined Purchase Agreement.

Section 2. The City is hereby authorized to enter into the following documents for the Bonds (collectively, the "City Documents"), in such form as shall be approved by the officials of the City executing such documents, with such officials' signatures thereon being conclusive evidence of their approval thereof:

(a) a Trust Indenture (the "Indenture") between the City and the trustee named therein (the "Trustee") pursuant to which the Bonds shall be issued and the City shall pledge the Project, and assign certain of the payments, revenues and receipts received pursuant to the Lease to the Trustee for the benefit and security of the owners of the Bonds upon the terms and conditions as set forth in the Indenture;

(b) a short-term Lease Agreement, between the City and Company, under which the City will lease the Project to the Company (the "Lease"), which Lease shall terminate following the issuance of a temporary certificate of occupancy for the Project or sooner at Company's option as described in the Lease ("Lease Term"). The Bonds will be repaid solely by Company under the terms of the Lease.

(c) Purchase Agreement, as defined below, under which the purchaser named therein agrees to purchase the Bonds.

Section 3. Authorization of the Bonds. The City is hereby authorized to issue and to sell its Taxable Industrial Revenue Bonds (Midland Residential Apartments), in a maximum aggregate principal amount not to exceed \$35,800,000.00, for the purpose of providing funds for the costs associated with the construction, improvement, and renovation of the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denomination, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture.

Section 4. Sale and Terms of Bonds; Authorization and Execution of Bond Purchase Agreement. The Bonds will be sold to the Company or other purchaser under the terms of a Bond Purchase Agreement between the City and the Company or other purchaser (the "Purchase Agreement"). The maximum principal amount of the Bonds shall be \$35,800,000.00, the interest rate on the Bonds shall not exceed 5.00%, principal shall be payable in accordance to the terms of the Lease, the maturity date shall be no later than December 1, 2024, the Bonds shall be purchased at 100% of the principal amount thereof and the Bonds may be redeemed at any time at a redemption price equal to the principal amount thereof plus accrued interest. The Director of

Finance or the City Treasurer is each authorized to execute the Purchase Agreement for or on behalf of and as the act and deed of the City.

Section 5. **Limitation on Liability.** The Bonds and the interest thereon shall be limited obligations of the City payable solely out of certain payments, revenues and receipts derived by the City from the Lease described herein, and such payments, revenues and receipts shall be pledged and assigned to the Trustee as security for the payment of the Bonds as provided in the Indenture. The Bonds and the interest thereon shall not constitute general obligations of the City or the State of Missouri. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not payable in any manner by taxation.

Section 6. **Creation of Bond Fund.** The City is hereby authorized to establish with the Trustee pursuant to the Indenture, a special trust fund in the name of the City to be designated the "City of Kansas City, Missouri, Bond Fund – Midland Residential Apartments" and the City shall cause all sums required by the Indenture to be deposited therein and shall create all accounts therein required by the Indenture.

Section 7. **Execution of Documents.** The Mayor is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Director of Finance is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk or a deputy City Clerk, of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds and the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 8. **Further Authority.** The Mayor, Director of Finance and other officials, agents and employees of the City as required, are hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the City Documents, and tax redirection.

Section 9. That the City Clerk is hereby directed to deliver a copy of this ordinance to the State Director of Economic Development within thirty days following passage of this ordinance.

..end

Approved as to form and legality:

Katherine Chandler
Assistant City Attorney

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

220233



File #: 220233

ORDINANCE NO. 220233

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

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

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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

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

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

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

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

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

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

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

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

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

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

..end

Approved as to form and legality:

Emalea Black
Assistant City Attorney

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220233

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

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

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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

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

~~(a) Sales tax enacted.~~ Pursuant to the authority granted by and subject to the provisions of ~~RSMo §section 67.1305, RSMo~~, a tax for the benefit of the city is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in ~~RSMo §§sections 144.010 — — 144.525 RSMo~~, and the rules and regulations of the director of revenue

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issued pursuant thereto. The rate of the tax shall be 1/8 percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the city, if such property and such services are subject to taxation by the state under the provisions of RSMo §§section 144.010 -- 144.525 RSMo. The tax shall become effective October 1, 2017, for a period of 10 years and shall apply to all sales made after September 30, 2017, and shall be collected as provided in RSMo §section 67.1305-, RSMo.

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

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

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

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

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

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

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

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Approved as to form and legality:

Emalea Black
Assistant City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00208

Brief Title

To approve a rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract.

220235

Ordinance Number

Details

Location: generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street

Reason for Legislation: Rezoning requires City Council approval

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

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

None

CITY PLAN COMMISSION RECOMMENDATION ON THE PROJECT:

Approval subject to the following conditions:

1. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
2. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
3. The developer must dedicate additional right of way for North Oak Trafficway as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
4. The developer must grant a [BMP and/or Surface Drainage Easement] to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
5. The developer must obtain the executed and recorded city approved grading, temporary

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP Director Department of City Planning & Development
Programs, Departments or Groups Affected	2 nd District (Loar, Fowler)
Applicants / Proponents	<p>Applicant Chris Holmquist, Olsson 1301 Burlington North Kansas City, MO 64116</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals Pam Howard and Janice Prezwodek</p> <p>Basis of Opposition Pam Howard with the homeowner's association voiced her support. Neighbor Janice Prezwodek of 9803 North Oak appeared and voiced her opposition.</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>City Plan Commission ("6-0") (02-15-2022) By (Enders, Rojas, Crowl, Baker, Beasley, Sadowski)</p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
Council Committee Actions	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p>

construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

6. The developer must submit a Macro storm drainage study with the first Plat or Phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division.

7. The developer must secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.

8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

9. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

10. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land

- Without Recommendation
- Hold
- Do not pass

Development Division, prior to recording the plat.

11. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.

12. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.

13. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

14. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, as shown on the approved street plans for N Oak Trfy and to a tie-in point with the existing sidewalks at NE 96th and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.

15. The developer must design and construct all interior streets to City Standards, as required by Chapter 88 and the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks. Tract A must also be covered by a cross access easement to ensure the connection to the development located to the west of this property.

a design guideline to the overall development prior to approval of MPD final plans for each phase/lot.

17. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy.

18. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to Certificate of Occupancy.

19. The developer shall secure approval of a final development plan from the City Plan Commission prior to building permit.

20. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.

21. That Ordinance No.210364, including all conditions provided therein, shall remain in full force and effect.

22. That the developer shall submit an affidavit,

prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to Certificate of Occupancy.

23. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.

24. Landscape Continue work with staff on improving landscape for each lot upon submittal of MPD final plans.

25. Unresolved corrections The applicant shall make the following corrections prior to request for ordinance:

a. Bring the multi-tenant building on Lot 3 closer to the street to create a continuous street view.

26. Water Flow The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)

27. Hydrant Fire hydrant distribution shall follow IFC-2018 Table C102.1

Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)

28. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

29. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.

30. Follow the KCMO Rules and Regulations for domestic water and fire service lines.

31. The developer must submit water main extension drawings prepared by a registered professional Engineer in Missouri to the main extension desk for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations.

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Continued from Page 2

Fact Sheet Prepared By: **Date:** 3/2/2022
Xue Wood
Lead Planner

Reviewed By: **Date:** 3/3/2022
Joseph Rexwinkle
Division Manager

Initial Application Filed: 11/12/2021
City Plan Commission Action: 2/15/2022
Revised Plans Filed: 1/28/2022
Total Days in City Review: 101 more or less
Total Days in Applicant's Hands: 65 more or less

Reference Numbers:
Case No. CD-CPC-2021-00208



File #: 220235

ORDINANCE NO. 220235

Rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract. (CD-CPC-2021-00208)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A1316 rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract, said section to read as follows:

Section 88-20A1316. That an area legally described as:

TRACT 1

A tract of land in the Southwest Quarter of Section 35, Township 52 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jason S. Roudebush, P.L.S. 2002014092 as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 00°19'32" East, on the East line of said Southwest Quarter, 831.13 feet; thence leaving said East line, North 89°40'28" West, 50.00 feet a point on the Existing Westerly right-of-way line of North Oak Trafficway, as know established, also being the Northeast corner of QuikTrip Store 221R, a subdivision of land in said Kansas City, recorded as Instrument Number 2017031605 in Book I at Page 8.1 in Clay County Recorder of Deeds Office, also being the Point of Beginning of the tract of land to be herein described: thence leaving said Existing Westerly right-of-way line, Southwesterly on the Existing Northerly right-of-way line of N.E. 97th Street, as established by said QuikTrip Store 221R, along a curve to the right having an initial tangent bearing of South 00°19'32" West with a radius of 15.00 feet, a central angle of 89°59'55" and an arc distance of 23.56 feet; thence North 89°40'33" West, on said Existing Northerly right-of-way line, 287.67 feet to a point on the Easterly line of 97 at North Oak, a subdivision of land in said

Kansas City recorded as Instrument Number 2021024642 in Book I at Page 136.4 in said Clay County Recorder of Deeds Office; thence North 00°19'49" East, on said Easterly line, 1,039.16 feet to the Northeast corner of said 97 at North Oak, also being a point on the Easterly line of Northland Cathedral, a subdivision of land in said Kansas City recorded as Instrument Number R42190 in Cabinet F at Sleeve 36 in said Clay County Recorder of Deeds Office; thence South 88°54'51" East, on said Easterly line, 302.61 feet to a point on said Existing Westerly right-of-way line; thence leaving said Easterly line, South 00°19'32" West, on said Existing Westerly right-of-way line, 1,020.14 feet to the point of beginning. Containing 313,818 square feet or 7.20 acres, more or less.

is hereby rezoned from District MPD (Master Planned Development) to District MPD (Master Planned Development), as shown outlined on a map marked Section 88-20A1316, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

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

1. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
2. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights shall comply with all adopted lighting standards.
3. The developer shall dedicate additional right of way for North Oak Trafficway as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right-of-way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
4. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
5. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include

said document(s) within the public improvement applications submitted for permitting

6. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.
7. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
8. The developer must pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
9. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
10. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
11. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.

12. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
13. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
14. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, as shown on the approved street plans for N. Oak Trafficway and to a tie-in point with the existing sidewalks at N.E. 96th and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
15. The developer shall design and construct all interior streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks. Tract A must also be covered by a cross access easement to ensure the connection to the development located to the west of this property.
16. The developer shall work with staff on developing a design guideline to the overall development prior to approval of MPD final plans for each phase/lot.
17. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
18. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
19. The developer shall secure approval of a final development plan from the City Plan Commission prior to building permit.
20. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.
21. That Ordinance No. 210364, including all conditions provided therein, shall remain in full force and effect.

22. That the developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
23. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
24. The developer shall continue to work with staff on improving landscape for each lot upon submittal of MPD final plans.
25. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
26. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
27. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
28. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way

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

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

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney



CITY PLAN COMMISSION REPORT

City of Kansas City, Missouri
 City Planning & Development Department
www.kcmo.gov/cpc

March 1, 2022

Project Name
9700 North Oak

Docket # Request
 8 CD-CPC-2021-00208
 Rezoning to MPD

Applicant
 Chris Holmquist
 Olsson
 1301 Burlington
 North Kansas City, MO 64116

Owner
 Jeff Berg
 7121 W. 79th Street
 Overland Park, KS 66204

Location	9700 N. Oak Trfy
Area	About 7.2 acres
Zoning	MPD
Council District	2 nd
County	Clay
School District	North Kansas City

Surrounding Land Uses
 North: undeveloped (zoned MPD)
 East: single-family residential (zoned R-7.5)
 West: multi-family residential (zoned MPD)
 South: Commercial/QuikTrip (zoned MPD)

Major Street Plan
 North Oak Trafficway at this location is a designated thoroughfare, requiring six traffic lanes.

APPROVAL PROCESS



NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of this case was sent to New Mark Brooking Homes Association.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request.

EXISTING CONDITIONS

The subject property, north of the northwest corner of North Oak Trafficway and NE 97th Street. The property is currently undeveloped, a part of a previously approved MPD plan which includes the previously approved QuikTrip and Mazuma Credit Union to the south and a multi-family development to the west.

NEARBY DEVELOPMENTS

North: undeveloped
 East: single family residences
 South: Mazuma Credit Union & QuikTrip
 West: Cottages at North Oak apartments

SUMMARY OF REQUEST

The applicant is proposing a major amendment to a previously approved MPD plan in order to create five lots for restaurants, retail, auto service and a car wash along N. Oak Trafficway between NE 97th Street and NE 98th Terrace.

KEY POINTS

- Rezoning from MPD to MPD in order to amend a previously approved plan
- Creation of five (5) lots
- Drive-through restaurants, limited auto repair, car wash, multi-tenant retail

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation
 8 Approval with conditions

CONTROLLING CASE

Case No. CD-CPC-2020-00191 – Ordinance 210364 was passed by the City Council on April 29, 2021 approving rezoning of about 31.2 acres from MPD (Master Planned Development) to District MPD (Master Planned Development).

RELATED RELEVANT CASES

Case 12419-MPD-3 – Ordinance 150538 was passed by the City Council on July 9, 2015 approving rezoning of about 33 acres from District R-80 (Residential 80) to District MPD (Master Planned Development) and approved a preliminary development plan. This is the approved preliminary development plan for this parcel.

12419-MPD-4: Final plan for the development of QuikTrip

CD-CPC-2019-00001: Rezoning to MPD to develop Cottages of North Oak

CD-CPC-2019-00091: Final MPD plan for the Cottages of North Oak

HISTORY

The subject property was originally rezoned to MPD as part of a master planned development package that included about 33 acres of land. Adjacent sites to the south and west have since been developed.

PLAN REVIEW

Use-Specific (88-300) and Development Standards (88-400)

Standards	Applicability	Meets	More Information
Boulevard and Parkway Standards (88-323)	No	N/A	
Parkland Dedication (88-408)	No	N/A	
Parking and Loading Standards (88-420)	Yes	Yes	
Landscape and Screening Standards (88-425)	Yes	Yes	
Outdoor Lighting Standards (88-430)	Yes	Yes	
Sign Standards (88-445)	Yes	Yes	A sign package was not submitted, but the signs are expected to comply with 88-445 and be permitted separately.
Pedestrian Standards (88-450)	Yes	Yes	

ANALYSIS

The plan, as proposed, is in general conformance with the applicable plans. All the proposed uses fit the neighborhood context and conform to the area plan. Primary vehicular access will be from North Oak Trafficway using NE 98th Terrace and NE 97th Street. Internal vehicular access is served by an access drive located on the western edge of the site that connects to the south at NE 96th Street. There is currently a sidewalk located along North Oak Trafficway and the applicant is providing a sidewalk along NE 97th Street, details for pedestrian circulation for each lot will be examined through the MPD Final Plan process. The proposed development does meet all landscaping requirements and exceeds the minimum requirements for street trees and interior vehicle use areas.

The applicant will work with staff to establish design guidelines prior to approval of any MPD final plans. The purpose is to ensure a uniform design and that each building will fit the nearby characteristics of nearby developments. Each lot will require a Final MPD plan where pedestrian and vehicular circulation and design guidelines will be reviewed by staff.

88-515-08-A. conformance with adopted plans and planning policies;

The plan, as proposed, complies with the applicable plans and policies including the Gashland/Nashua Area Plan.

88-515-08-B. zoning and use of nearby property;

Adjacent properties are zoned MPD and a part of the overall development. To the west of the proposed development is multi-family residential and to the east is single-family residential.

88-515-08-C. physical character of the area in which the subject property is located;

North Oak Trafficway is a designated thoroughfare with many commercial uses located along it. The addition of a credit union is a compatible use.

88-515-08-D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

Infrastructure and services are expected to be built to City standards in a manner which will be adequate for the development.

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

The subject property is suitable for commercial/drive-through uses as proposed in the MPD plan.

88-515-08-F. length of time the subject property has remained vacant as zoned;

The property has never been developed.

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties

The plan is not expected to have a detrimental effect on nearby properties,

88-515-08-H. the gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends Approval with Conditions

Respectfully submitted,



Xue Wood
Lead Planner



Plan Conditions

Report Date: February 14, 2022

Case Number: CD-CPC-2021-00208

Project: 9700 N Oak

Condition(s) by City Planning and Development Department. Contact Stacey Lowe at (816) 513-2552 / stacey.lowe@kcmo.org with questions.

1. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required. (11/29/2021)
2. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards. (11/29/2021)
3. The developer must dedicate additional right of way for North Oak Trafficway as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval. (11/29/2021)
4. The developer must grant a [BMP and/or Surface Drainage Easement] to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits. (11/29/2021)
5. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting (11/29/2021)
6. The developer must submit a Macro storm drainage study with the first Plat or Phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division. (11/29/2021)
7. The developer must secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first. (11/29/2021)
8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division. (11/29/2021)
9. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits. (11/29/2021)
10. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat. (11/29/2021)
11. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations. (11/29/2021)

Condition(s) by City Planning and Development Department. Contact Stacey Lowe at (816) 513-2552 / stacey.lowe@kcmo.org with questions.

12. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy. (11/29/2021)
13. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities. (11/29/2021)
14. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, as shown on the approved street plans for _____ and to a tie-in point with the existing sidewalks at _____ and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach. (11/29/2021)
15. The developer must design and construct all interior streets to City Standards, as required by Chapter 88 and the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks. Tract A must also be covered by a cross access easement to ensure the connection to the development located to the west of this property. (12/20/2021)

Condition(s) by City Planning and Development Department. Contact Xue Wood at (816) 513-8823 / Xue.Wood@kcmo.org with questions.

16. Design Guidelines Work with staff on developing a design guideline to the overall development prior to approval of MPD final plans for each phase/lot. (12/01/2021)
17. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy. (12/01/2021)
18. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to Certificate of Occupancy. (12/01/2021)
19. The developer shall secure approval of a final development plan from the City Plan Commission prior to building permit. (12/01/2021)
20. That all signage shall conform to 88-445 and shall require a sign permit prior to installation. (12/01/2021)
21. That Ordinance No.210364, including all conditions provided therein, shall remain in full force and effect. (12/01/2021)
22. That the developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to Certificate of Occupancy. (12/01/2021)
23. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat. (12/01/2021)
24. Landscape Continue work with staff on improving landscape for each lot upon submittal of MPD final plans. (12/22/2021)
25. Unresolved corrections The applicant shall make the following corrections prior to request for ordinance:
 - a. Bring the multi-tenant building on Lot 3 closer to the street to create a continuous street view. (12/22/2021)

Condition(s) by Fire Department. Contact Michael Schroeder at (816) 513-4604 / michael.schroeder@kcmo.org with questions.

26. Water Flow The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1) (12/01/2021)
27. Hydrant Fire hydrant distribution shall follow IFC-2018 Table C102.1
Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2) (12/01/2021)

Condition(s) by Parks & Recreation. Contact Justin Peterson at (816) 513-7599 / Justin.Peterson@kcmo.org with questions.

28. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way (11/30/2021)

Condition(s) by Water Services Department. Contact Heather Massey at (816) 513-2111 / heather.massey@kcmo.org with questions.

29. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.

<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>
(11/29/2021)

Condition(s) by Water Services Department. Contact Jerald Windsor at (816) 513-0413 / Jerald.Windsor@kcmo.org with questions.

30. Follow the KCMO Rules and Regulations for domestic water and fire service lines.

(<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>)
(11/24/2021)

31. The developer must submit water main extension drawings prepared by a registered professional Engineer in Missouri to the main extension desk for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations.

(<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Main-Extensions.pdf>)
(11/30/2021)

Meeting Sign-In Sheet

Project Name and Address

BB N Oak Dev Co - MPD Development Plan & Preliminary Plat (CD-CPC-2021-00208)

9700 N Oak Trafficway, KCMO

Name	Address	Phone	Email
John Pinzino			nadine.pinzino@nkcschools.org
Bonnie Daniels			bonniemand@icloud.com



CITY PLANNING & DEVELOPMENT

Public Meeting Summary Form

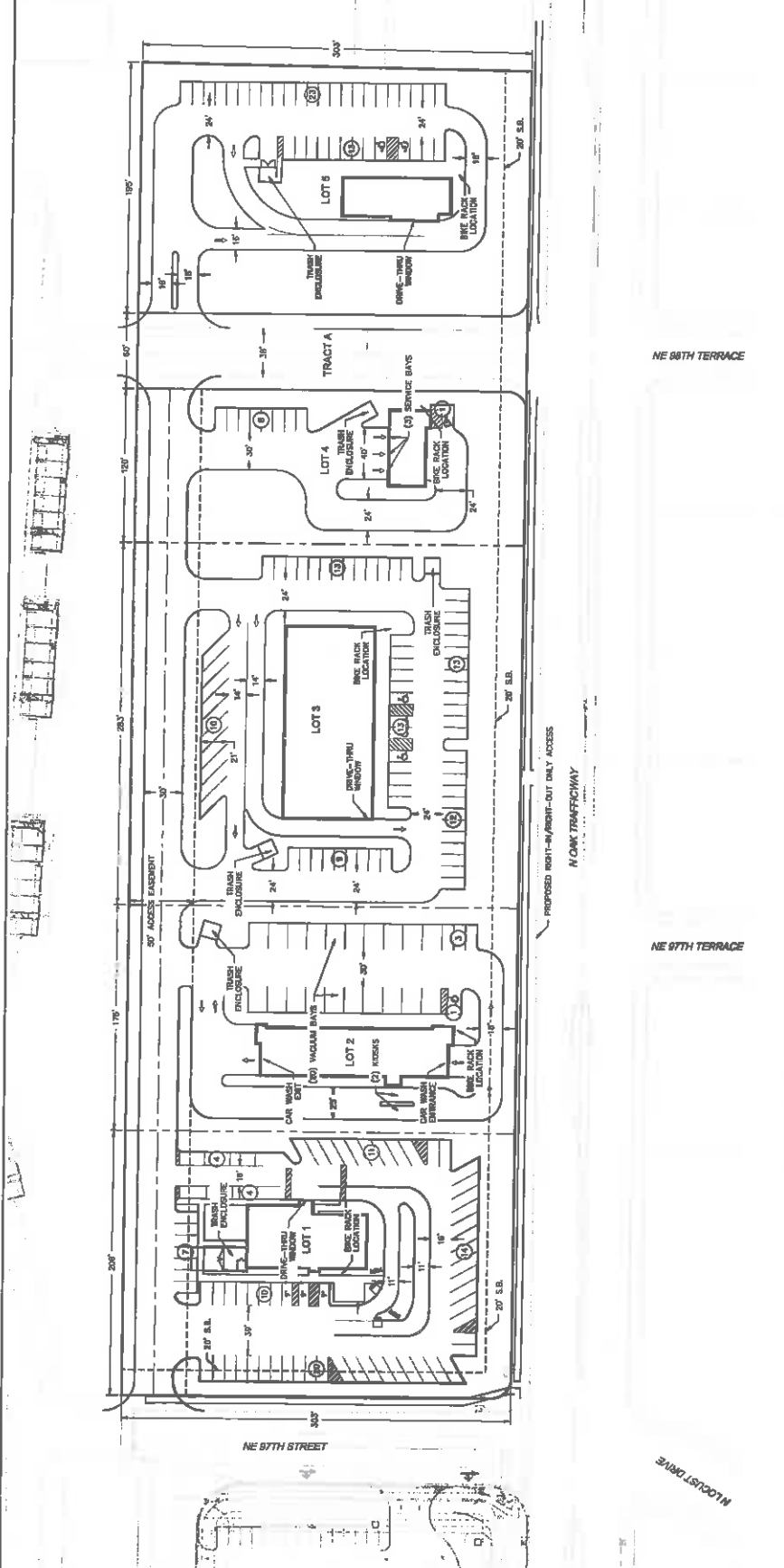
Project Case # CD-CPC-2021-00208

Meeting Date: Monday, December 27, 2021

Meeting Location: online via Zoom. Meeting ID: 897 2065 7739; Passcode: 525964

Meeting Time (include start and end time): 6:00p - 6:35p

Additional Comments (optional):



CATEGORY	BL. NO.	NO. SPACES	DISTANCE	PROPOSED	NETWORK	USE	NUMBER OF SPACES	AREA (SQ. FT.)	S.A.A.	ADMINISTRATIVE REQUIRED		LONG-TERM/NO-PARKING SPACES REQUIRED		SHORT-TERM/NO-PARKING SPACES REQUIRED		COMPLETION DATE
										REQUIRED	PROPOSED	REQUIRED	PROPOSED	REQUIRED	PROPOSED	
LOT 1	MPD	1.5	0.00	0.00	0.00	1.5	1.5	0.00	0.00	0	0	0	0	0	0	2024
LOT 2	MPD	1.5	0.00	0.00	0.00	1.5	1.5	0.00	0.00	0	0	0	0	0	0	2024
LOT 3	MPD	1.5	0.00	0.00	0.00	1.5	1.5	0.00	0.00	0	0	0	0	0	0	2024
LOT 4	MPD	1.5	0.00	0.00	0.00	1.5	1.5	0.00	0.00	0	0	0	0	0	0	2024
LOT 5	MPD	1.5	0.00	0.00	0.00	1.5	1.5	0.00	0.00	0	0	0	0	0	0	2024
TRACT A	MPD	7.5	0.00	0.00	0.00	7.5	7.5	0.00	0.00	0	0	0	0	0	0	2024
TOTAL		7.5	0.00	0.00	0.00	7.5	7.5	0.00	0.00	0	0	0	0	0	0	

NOTES:
1. PROPOSED HEAD-IN PARKING SPACES SHALL BE A MINIMUM OF 8' WIDE BY 22' LONG. PARKING LOT DESIGN SHALL MEET STANDARDS IN M.P.D. MANUAL.
2. PROPOSED LOTS MAY BE SUBDIVIDED IN THE FUTURE AND UNDER SUPERVISION OF M.P.D.

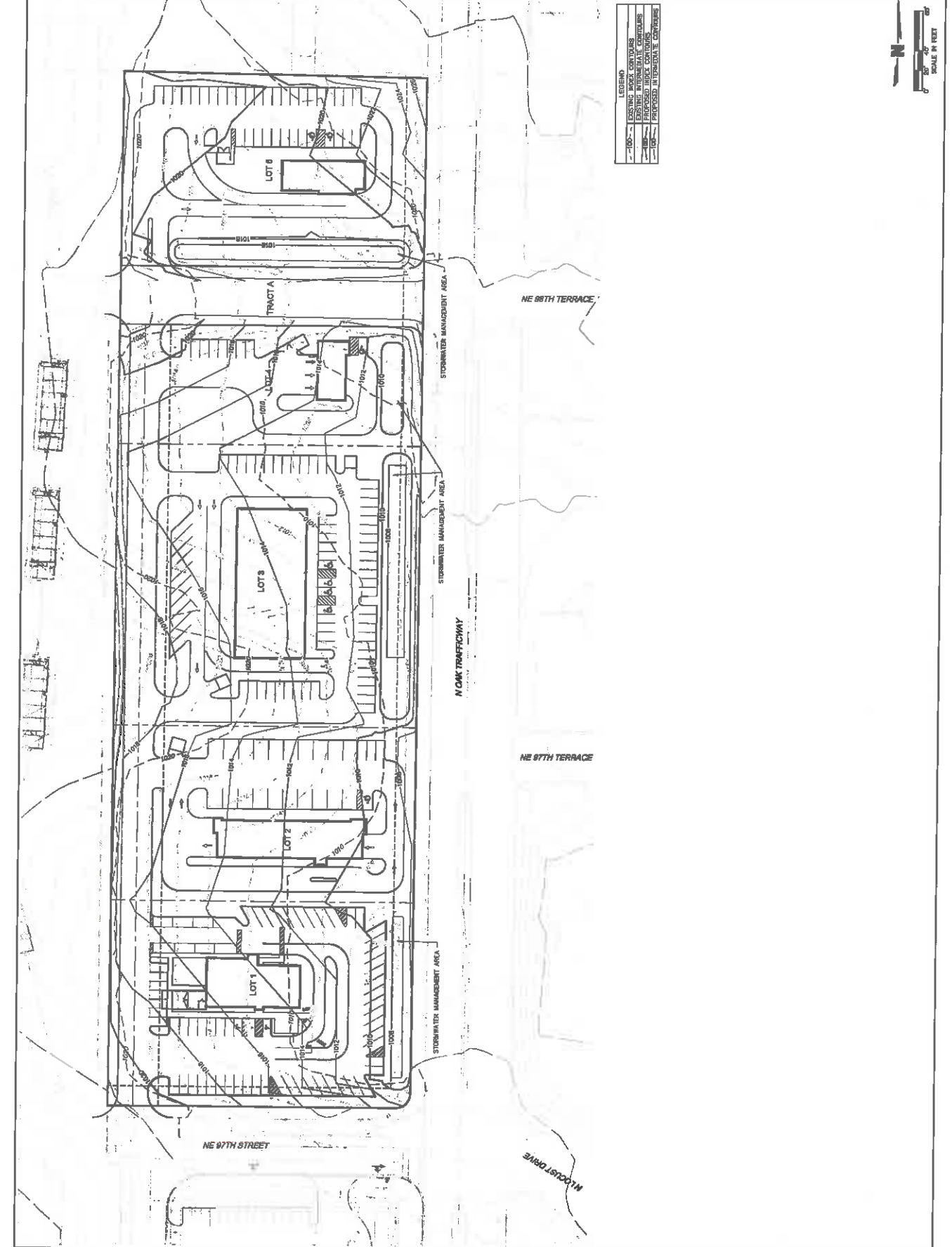
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REAR SETBACK	NONE	NONE	REAR SETBACK	NONE	NONE
FRONT SETBACK	NONE	20 FT.	FRONT SETBACK	NONE	NONE
SIDE SETBACK	NONE	20 FT.	SIDE SETBACK	NONE	NONE
HEIGHT	NONE	20 FT.	HEIGHT	NONE	NONE

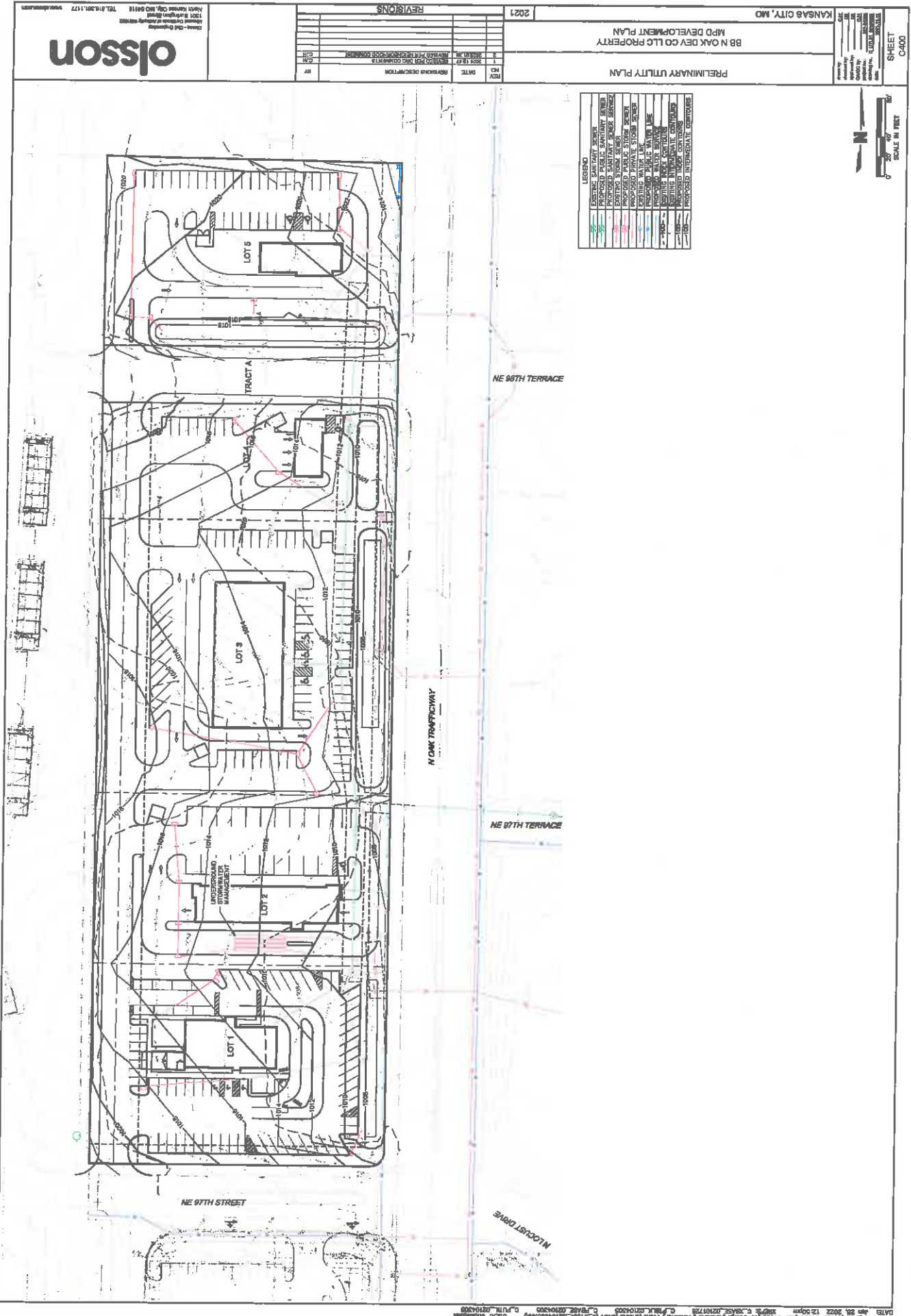
VEHICLE SPACES	REQUIRED	PROPOSED	VEHICLE SPACES	REQUIRED	PROPOSED
VEHICLE SPACES	48	4	VEHICLE SPACES	70 MAX.	7/A
BIKE SPACES	0	0	BIKE SPACES	0	0
TOTAL	48	4	TOTAL	70 MAX.	7/A

EXISTING	PROPOSED	EXISTING	PROPOSED
EXISTING	MPD	EXISTING	MPD
PROPOSED	MPD	PROPOSED	MPD
DEVELOPMENT	MPD	DEVELOPMENT	MPD
PRELIMINARY	MPD	PRELIMINARY	MPD
APPROVED	MPD	APPROVED	MPD

Drawn by: [Name]
 Checked by: [Name]
 Approved by: [Name]
 Date: [Date]
 Project: [Project Name]
 Location: [Location]

REV	DATE	DESCRIPTION	BY
1	08/15/21	ISSUED FOR PERMITS	[Name]
2	08/15/21	REVISED PER PERMITS COMMENT	[Name]
3	08/15/21	REVISED PER PERMITS COMMENT	[Name]
4	08/15/21	REVISED PER PERMITS COMMENT	[Name]





Kansas City Engineering
 1301 Broadway Blvd
 Kansas City, MO 64103
 TEL: 816.234.1377 www.kce.com

Olsson

REV	DATE	REVISION DESCRIPTION
1	10/21/2021	PRELIMINARY UTILITY PLAN
2	10/21/2021	REVISED PER COMMENTS
3	10/21/2021	REVISED PER COMMENTS

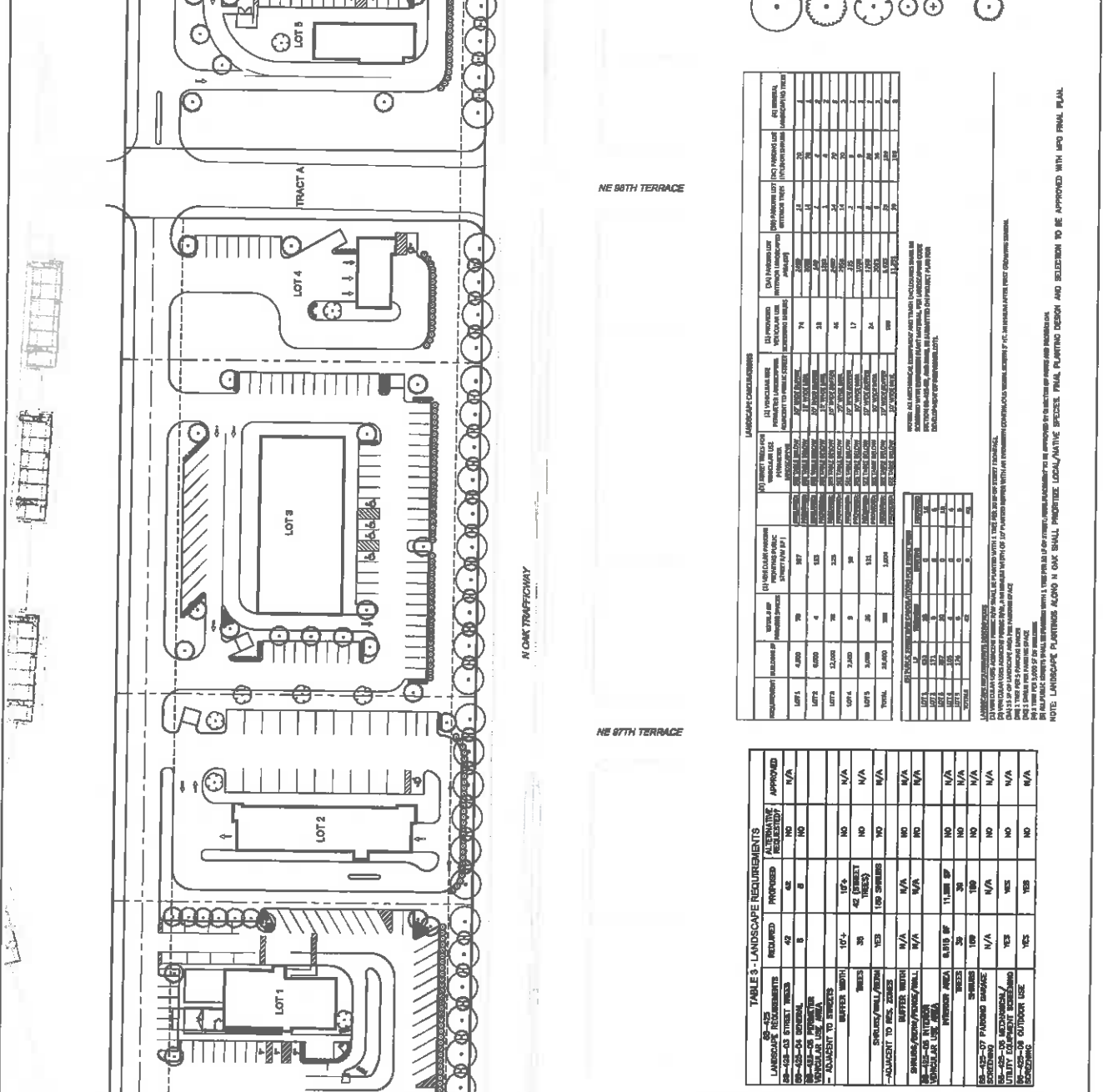
BB N OAK DEV CO LLC PROPERTY
 MAP DEVELOPMENT PLAN
 KANSAS CITY, MO
 SHEET C-400

LEGEND	
(Symbol)	EXISTING SANITARY SEWER
(Symbol)	PROPOSED SANITARY SEWER
(Symbol)	EXISTING WATER
(Symbol)	PROPOSED WATER
(Symbol)	EXISTING PUBLIC UTILITY
(Symbol)	PROPOSED PUBLIC UTILITY
(Symbol)	EXISTING GAS
(Symbol)	PROPOSED GAS
(Symbol)	EXISTING ELECTRIC
(Symbol)	PROPOSED ELECTRIC
(Symbol)	EXISTING TELEPHONE
(Symbol)	PROPOSED TELEPHONE
(Symbol)	EXISTING FIBER OPTIC
(Symbol)	PROPOSED FIBER OPTIC
(Symbol)	EXISTING CABLE TV
(Symbol)	PROPOSED CABLE TV
(Symbol)	EXISTING UNDERGROUND STORAGE TANK
(Symbol)	PROPOSED UNDERGROUND STORAGE TANK
(Symbol)	EXISTING MISC. UTILITY
(Symbol)	PROPOSED MISC. UTILITY



REV	DATE	REVISION DESCRIPTION
1	08/11/2021	ISSUED FOR PERMITS
2	08/11/2021	ISSUED FOR PERMITS
3	08/11/2021	ISSUED FOR PERMITS

Drawn by: [Name]
 Checked by: [Name]
 Approved by: [Name]



SYMBOL	DESCRIPTION
○	88-405 LANDSCAPE SCHEDULE
○	88-406-01 STREET TREES
○	88-405-04 GENERAL
○	88-405-05 TREES/SHRUBS/SCREENING
○	88-405-06 BUFFER TO STREETS
○	88-405-07 BUFFER WIDTH
○	88-405-08 TREES
○	88-405-09 SHRUBS/WALL/STW
○	88-405-10 BUFFER TO RES ZONES
○	88-405-11 BUFFER WIDTH
○	88-405-12 SHRUBS/STW/FENCE/WALL
○	88-405-13 INTERIOR
○	88-405-14 BUFFER TO RES ZONES
○	88-405-15 INTERIOR AREA
○	88-405-16 TREES
○	88-405-17 SHRUBS
○	88-405-18 PARKING GARAGE
○	88-405-19 BUFFER TO RES ZONES
○	88-405-20 BUFFER TO RES ZONES
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○	88-405-100 BUFFER TO RES ZONES

REQUIREMENT	PROPOSED	APPROVED
88-405-01 BUFFER TO STREETS	4'0"	4'0"
88-405-02 BUFFER TO STREETS	6'0"	6'0"
88-405-03 BUFFER TO STREETS	10'0"	10'0"
88-405-04 BUFFER TO STREETS	4'0"	4'0"
88-405-05 BUFFER TO STREETS	4'0"	4'0"
88-405-06 BUFFER TO STREETS	4'0"	4'0"
88-405-07 BUFFER TO STREETS	4'0"	4'0"
88-405-08 BUFFER TO STREETS	4'0"	4'0"
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88-405-72 BUFFER TO STREETS	4'0"	4'0"
88-405-73 BUFFER TO STREETS	4'0"	4'0"
88-405-74 BUFFER TO STREETS	4'0"	4'0"
88-405-75 BUFFER TO STREETS	4'0"	4'0"
88-405-76 BUFFER TO STREETS	4'0"	4'0"
88-405-77 BUFFER TO STREETS	4'0"	4'0"
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88-405-79 BUFFER TO STREETS	4'0"	4'0"
88-405-80 BUFFER TO STREETS	4'0"	4'0"
88-405-81 BUFFER TO STREETS	4'0"	4'0"
88-405-82 BUFFER TO STREETS	4'0"	4'0"
88-405-83 BUFFER TO STREETS	4'0"	4'0"
88-405-84 BUFFER TO STREETS	4'0"	4'0"
88-405-85 BUFFER TO STREETS	4'0"	4'0"
88-405-86 BUFFER TO STREETS	4'0"	4'0"
88-405-87 BUFFER TO STREETS	4'0"	4'0"
88-405-88 BUFFER TO STREETS	4'0"	4'0"
88-405-89 BUFFER TO STREETS	4'0"	4'0"
88-405-90 BUFFER TO STREETS	4'0"	4'0"
88-405-91 BUFFER TO STREETS	4'0"	4'0"
88-405-92 BUFFER TO STREETS	4'0"	4'0"
88-405-93 BUFFER TO STREETS	4'0"	4'0"
88-405-94 BUFFER TO STREETS	4'0"	4'0"
88-405-95 BUFFER TO STREETS	4'0"	4'0"
88-405-96 BUFFER TO STREETS	4'0"	4'0"
88-405-97 BUFFER TO STREETS	4'0"	4'0"
88-405-98 BUFFER TO STREETS	4'0"	4'0"
88-405-99 BUFFER TO STREETS	4'0"	4'0"
88-405-100 BUFFER TO STREETS	4'0"	4'0"

NOTE: LANDSCAPE PLANTINGS ALONG N OAK SHALL PREFERRED LOCAL/NATIVE SPECIES. FINAL PLANTING DESIGN AND SELECTION TO BE APPROVED WITH MPD FINAL PLAN.

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

220236



File #: 220236

RESOLUTION NO. 220236

RESOLUTION - Amending the Briarcliff-Winnwood Area Plan by amending the Proposed Land Use Plan and Map for an approximately 4.0 acre tract of land generally located at the southeast corner of N.E. 42nd Street and N. Antioch Road by changing the recommended land use designation from "Residential Low Density" to "Residential High Density." (CD-CPC-2021-00244)

WHEREAS, on June 18, 2009, the City Council by Resolution No. 090442 adopted the Briarcliff-Winnwood Area Plan as a guide for the future development and redevelopment and public investment for that area generally bounded by the city limits of Gladstone, Missouri and Pleasant Valley Road (north), the city limits of North Kansas City, Missouri and Missouri Highway 210 (south), Interstate Highway I-435 (east) and the city limits of Kansas City, Missouri (west); and

WHEREAS, said Briarcliff-Winnwood Area Plan was previously amended by the City Council through adoption of Resolution No. 130159 on January 14, 2016; by Resolution No. 150518 on July 9, 2015; by Resolution No. 150522 on July 2, 2015; by Resolution No. 160105 on March 3, 201; and by Committee Substitute for Resolution No. 210397 on May 20, 2021; and

WHEREAS, an application was submitted by Hoy Excavating, LLC and Syndicate Real Estate Development, LLC to amend the Briarcliff-Winnwood Area Plan by amending the Proposed Land Use Plan and Map for an approximately 4.0 acre tract of land generally located at the southeast corner of N.E. 42nd Street and N. Antioch Road by changing the recommended land use designation from "Residential Low Density" to "Residential High Density"; and

WHEREAS, the City Plan Commission considered such amendment to the Proposed Land Use Plan and Map on March 1, 2022; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on March 1, 2022, recommend approval of the proposed amendment to the Briarcliff-Winnwood Area Plan; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section A. That the Briarcliff-Winnwood Area Plan is hereby amended by changing the Proposed Land Use Plan and Map for an approximately 4.0 acre tract of land generally located at

the southeast corner of N.E. 42nd Street and N. Antioch Road from "Residential Low Density" to "Residential High Density." A copy of the amendment to the Briarcliff-Winnwood Area Plan is attached hereto as Exhibit A and is incorporated herein by reference.

Section B. That the amendment to the Briarcliff-Winnwood Area Plan is consistent and complies with the FOCUS Kansas City Plan adopted on October 30, 1997, by Committee Substitute for Resolution No. 971268, and is adopted as a supplement to the FOCUS Kansas City Plan.

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

..end

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

220237



File #: 220237

ORDINANCE NO. 220237

Rezoning an approximately 4.0 acre tract of land generally located at the southeast corner of N.E. 42nd Street and N. Antioch Road from R-6 to R-1.5 and approving a development plan to allow for a 108 unit multi-family residential development. (CD-CPC-2021-00243 and CD-CPC-2021-00242)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A___ rezoning an approximately 4.0 acre tract of land generally located at the southeast corner of N.E. 42nd Street and N. Antioch Road from R-6 (Residential dash 6) to R-1.5 (Residential dash 1.5), said section to read as follows:

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

Real property in the City of Kansas City, County of Clay, State of Missouri, Section 6, Township 50 North Range 32 West, described as follows:

All of Lot 23 and the north 2 feet of Lot 24, Midland Height Annex, a subdivision in Kansas City, Clay County, Missouri.

All of Lot 22, lying east of the east line of Antioch Road as now established, Midland Heights Annex, a subdivision in Kansas City, Clay County, Missouri.

is hereby rezoned from District R-6 (Residential dash 6) to District R1.5 (Residential dash 1.5), all as shown outlined on a map marked Section 88 -20A___, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

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

1. The developer shall submit a signage plan for this development as required by Chapter 88-445-10 prior to any signage permits.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in

accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.

3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
4. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
5. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
6. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to issuance of any building permits.
7. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to issuance of a building permit.
8. The developer shall submit a macro and micro storm drainage study with the first phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from the development, prior to issuance of a building permit as required by the Land Development Division.
9. The developer shall improve the east half of North Antioch Road to City standards as required by Chapter 88, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to issuance of a building permit.
10. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and

depending on adequacy of the receiving system, make other improvements as may be required.

11. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to issuance of a building permit.
12. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
13. Fire Department connection buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
14. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
15. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
16. Fire Department access roads shall be provided prior to construction/demolition projects beginning. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
17. The turning radius for Fire Department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
18. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
19. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
20. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to issuance of a building permit.
21. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

22. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.

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

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

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:	TMP - 1550 220212		
		Approval Deadline:	3/10/2022		
LEGISLATION IN BRIEF:					
Approving \$200,000 brownfields loan to cleanup former Attucks School for Zhou B Art Center project.					
What is the reason for this legislation?		Fact Sheet Color Codes			
<p>Approving a Kansas City Brownfields Regional Coalition Revolving Loan Fund Program loan application submitted by Zhou B Art Center LLC for remediation of the former Crispus Attucks Elementary School in the amount of \$200,000.00; authorizing the Director of City Planning and Development to execute the necessary loan documents; and recognizing this ordinance as having an accelerated effective date.</p> <p>Discussion (including relationship to other Council actions)</p> <p>This ordinance approves an application by Zhou B Art Center LLC for a loan of brownfield grant funds for remediation of asbestos, lead-based paint and other hazardous wastes in the former Crispus Attucks Elementary School, located at 1818 E. 19th St., Kansas City, MO. The loan is funded by federal grant funds from the U.S. Environmental Protection Agency (EPA) to capitalize the Kansas City Regional Coalition Brownfield Revolving Loan Fund (RLF). (Ord. No. 200610).</p>		User Entered Field			
		User Select From Menu			
		For OMB Use			
		Sponsor(s)			
		Programs, Departments, or Groups Affected			
		City Planning & Development			
		Sub-Program in Budget (page #)			
				City Department	
				Planning & Development	
				Other	
		Applicants/Proponents			
		Staff Recommendation	For		
		Board or Commission Recommendation	N/A		
		Future Impacts			
		None			
		Cost of Legislation current Fiscal Year	\$200,000		
		Costs in Future Fiscal Years?	No		
		Annual Revenue Increase/Decrease			
		Applicable Dates:	3/10/2022		
		Prepared by:	Andrew Bracker		
		Date Prepared:	2/23/2022		
		Reviewed by:	James Sturdevant		
		Date Reviewed	02/28/2022		
		Reference Numbers			
Citywide Business Plan Goal					
Citywide Business Plan Objective					
Citywide Business Plan Strategy					



File #: 220212

ORDINANCE NO. 220212

Approving a Kansas City Brownfields Regional Coalition Revolving Loan Fund Program loan application submitted by Zhou B Art Center LLC for remediation of the former Crispus Attucks Elementary School in the amount of \$200,000.00; authorizing the Director of City Planning and Development to execute the necessary loan documents; and recognizing this ordinance as having an accelerated effective date.

..end

WHEREAS, a Brownfields Revolving Loan Fund (RLF) Program has been established by the City of Kansas City, Missouri (the "City"), and the U.S. Environmental Protection Agency (EPA) has awarded Brownfields RLF grant funds to the City in the amount of \$3,950,107.00, and the City has entered into Federal Cooperative Agreement No. BF-97700901 with EPA (the "Kansas City RLF"); and

WHEREAS, on October 9, 2020 the Kansas City Brownfields Commission (the "Commission") received the application of ZB AC, LLC to the Kansas City RLF Program for a loan in an amount up to \$500,000.00 to abate asbestos containing materials, lead-based paint and other hazardous substances from the structure known as the former Crispus Attucks Elementary School, located at 1818 East 19th Street, Kansas City, MO 64108 (the "Site"); and

WHEREAS, on October 18, 2021, the Commission adopted Resolution 001-2021 recommending approval of an RLF loan to ZB AC, LLC in the amount of \$300,000.00 to remediate the Site, representing in effect an increase by \$200,000.00 in the amount of the RLF loan previously approved by Commission Resolution 002-2020; and

WHEREAS, on November 4, 2021, finding all conditions of Resolution 001-2021 having been met, the City Council adopted Committee Substitute for Ordinance 210988 approving a loan from the Kansas City RLF to ZB AC LLC in the amount of \$300,000.00; and

WHEREAS, the Kansas City Regional Brownfields Coalition Revolving Loan Fund has been established by the City of Kansas City, Missouri (the "City"), together with Unified Government of Wyandotte County/Kansas City, Kansas and Jackson County, Missouri as members of a coalition (the "Coalition RLF"); and

WHEREAS, on October 1, 2020, the U.S. Environmental Protection Agency (EPA) awarded Brownfields RLF grant funds to the Coalition RLF in the amount of \$800,000.00, and the City has entered into Federal Cooperative Agreement No. BF-97782201 with EPA; and

WHEREAS, on February 2, 2022, the Commission received the application of Zhou B Art Center, LLC, successor in interest to ZB AC, LLC, for a loan from the Coalition RLF in the amount of \$200,000.00; and

WHEREAS, the eligible costs for remediation of the Site, and related design, oversight and public notice requirements, are estimated to exceed \$600,000.00, not including structural demolition, renovation and new construction costs unrelated to the remediation of hazardous substances; and

WHEREAS, in order to comply with the requirement of Federal Cooperative Agreement No. BF-97782201 that all Coalition RLF funded cleanup work be protective of human health and the environment, a Remedial Action Plan (RAP) for the Site has been approved by the Brownfields Voluntary Cleanup Program (BVCP) through the Missouri Department of Natural Resources (MDNR); and

WHEREAS, there currently remains an unobligated fund balance of \$663,645.00 available for loans in the Coalition RLF grant account; and

WHEREAS, the applicant has provided information regarding their updated redevelopment plan and how it is expected to produce long term cultural, business, educational, health and economic benefits for the 18th & Vine Jazz District, the surrounding communities and for Kansas City as a whole; and

WHEREAS, on February 22, 2022, the Brownfields Commission adopted Resolution No. 001- 2022 recommending that the City Council approve an RLF Loan from the Regional Brownfields Coalition RLF Loan Program to Zhou B Art Center, LLC in the amount of \$200,000.00 for the cleanup of the Site ("RLF Loan"), subject to the preconditions that: (1) the EPA confirms eligibility of the loan under the Federal Cooperative Agreement; (2) the City's loan consultant reviews the current and updated financial information submitted by ZB AC, LLC and provides a basic financial re-evaluation of the loan satisfactory to the City and the Commission; and

WHEREAS, the first precondition has been met by the communication from Susan Klein, EPA Region 7 dated _____, 2022; and

WHEREAS, the second precondition has been met by the City's loan consultant providing a basic financial re-evaluation of the RLF Loan satisfactory to the City and the Commission, dated February 14, 2022; and

WHEREAS, ZB AC, LLC has secured construction loan financing, state and federal historic preservation tax credits, and equity partner contributions to the project, and has provided cash flow projections demonstrating how the project is expected to generate sufficient revenues to cover its brownfields loan and other debt service obligations; and

WHEREAS, ZB AC, LLC has provided an updated redevelopment plan with information on how the project is expected to produce long term cultural, business, educational, health and economic benefits for the 18th & Vine Jazz District, the surrounding communities and for Kansas City as a whole; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The application of Zhou B Art Center, LLC for an RLF Loan from the Kansas City Regional Brownfields Coalition RLF Program for the Project is approved for an amount not to exceed \$200,000.00 and funded from funds previously appropriated in the following account:

22-2550-645020-B-G64RBRLF	EPA-Brownfields RLF	\$200,000.00
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Section 2. The Director of City Planning and Development is authorized to execute with ZB AC, LLC, the site owner Zhou B Art Center of Kansas City, LLC, and related entities the necessary loan documents to memorialize, issue, and secure the RLF Loan, all in accordance with the terms and conditions of the City's Cooperative Agreement with USEPA governing the RLF Program. Copies of the loan documents, approved in substantial form, are on file with the City Planning and Development Department.

Section 3. The Director of City Planning and Development is authorized to take such necessary further acts related to the RLF Loan and loan documents all consistent with this ordinance.

Section 4. That this ordinance appropriating money is recognized as an ordinance with an accelerated effective date as provided in Section 503(a)(3) of the City Charter and shall take effect in accordance with Section 503, City Charter.

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

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Matthew Cooper
Assistant City Attorney

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

220212
TMP - 1550

LEGISLATION IN BRIEF:

Approving a Kansas City Brownfields Regional Coalition Revolving Loan Fund Program loan application submitted by Zhou B Art Center LLC for remediation of the former Crispus Attucks Elementary School in the amount of \$200,000.00; authorizing the Director of City Planning and Development to execute the necessary loan documents; and recognizing this ordinance as having an accelerated effective date.

What is the purpose of this legislation?

OPERATIONAL

For the purpose of authorizing expenditures new or planned to conduct municipal services

Does this legislation spend money?

YES

Yes/No

See Sections 01, 02 and 03 for sources of funding

Does this legislation estimate new Revenues?

NO

Yes/No

0

Does this Legislation Increase Appropriations?

NO

Yes/No

Are costs associated with this legislation ongoing (Yes)? Or one-time (No)

NO

Yes/No

See Section 00: " Notes" Below

Section 00: Notes:

Regional Brownfields Coalition RLF Loan Program to Zhou B Art Center LLC in the amount of \$200,000.00 for the cleanup of the Site ("RLF Loan")

Five years of operational costs for ongoing programs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

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

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2550	645020	619080	G64RBRLF	200,000.00	0.00

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

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

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

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

NET IMPACT ON OPERATIONAL BUDGET

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RESERVE STATUS:

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

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
TOTAL REV		-	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2550	Brownfield Revolving Loan	200,000						
TOTAL EXP		200,000						-

NET Per-YEAR IMPACT	(200,000)							-
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NET IMPACT (SIX YEARS)	(200,000.00)							
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REVIEWED BY

James Sturdevant

DATE

2/28/2022