



Agenda

Neighborhood Planning and Development Committee

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

Wednesday, June 22, 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>

Beginning of Consent(s)

220524

Approving the plat of Rosewood Reserve, an addition in Clay County, Missouri, on approximately 38.79 acres generally located at the southeast corner of N.E. 108th Street and N. Reinking Road, creating 10 lots and 2 tracts for the purpose of a 10 lot single family home subdivision; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2202-00020)

Attachments: [2022-00020 Ordinance Fact Sheet](#)
[220524 Fiscal Note](#)

220528 Approving the plat of The Edison at Tiffany Springs, an addition in Platte County, Missouri, on approximately 12.11 acres generally located at the southwest corner of N.W. Old Tiffany Springs Road and Avion Drive, creating 1 lot and 1 tract for the purpose of a 243 multi-family development; accepting various easements; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2021-00003)

Attachments: [2021-00003 Ordinance Fact Sheet](#)
[Fiscal Note-220528](#)

220536 Approving the plat of Ashton Farms, 1st Plat, an addition in Jackson County, Missouri, on approximately 14.83 acres generally located on the south side of East U.S. 40 Highway approximately 1500 feet west of Lee's Summit Road, creating 38 lots and 3 tracts for the purpose of a 38 lot duplex home subdivision; accepting various easements; establishing grades on public ways;; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2022-00022)

Attachments: [220536 Fact Sheet](#)
[220536 Fiscal Note](#)

End of Consent(s)

220520 Approving an amendment to a previously approved UR Plan in District UR (Urban Redevelopment), which also serves as a preliminary plat to allow for changes to phases 3 and 4 of the approved plan on about 5.16 acres generally bordered by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Pennsylvania Avenue on the west. (CD-CPC-2021-00222)

Attachments: [CD-CPC-2021-00222 Fact Sheet](#)
[220520 Fiscal Note](#)

220521 Rezoning an area of about 3.7 acres generally located at 8300 N. Green Hills Road from District R-80 to MPD and approving a development plan to allow for an existing landscaping business to remain. (CD-CPC-2021-00168)

Attachments: [CD-CPC-2021-00168 Fact Sheet](#)
[220521 Fiscal Note](#)

- 220522** Approving a development plan on an area of about 13.08 acres generally located at 8301 Indiana Ave in Districts M3-5 (Manufacturing 3) and M1-5 (Manufacturing 1) to allow for a multi-purpose trucking facility, including office space, a maintenance shop, wash bay, outdoor storage, and fueling facilities. (CD-CPC-2022-00015)

Attachments: [220522 Fact Sheet](#)
[220522 Fiscal Note](#)

- 220525** RESOLUTION - Approving an amendment to the Midtown Plaza Area Plan on about 1.5 acres generally located on the east side of Pennsylvanian Avenue between W. 34th Street on the north and W. 34th Terrace on the south by changing the recommended land use from residential medium density to residential high density use for the Midtown Plaza. (CD-CPC-2022-00027)

Attachments: [CD-CPC-2021-00222 Fact Sheet](#)
[220525 Fiscal Note](#)

- 220526** RESOLUTION - Approving an amendment to the Greater Downtown Area Plan on about .5 acres generally located at 1015 Pacific Street by changing the recommended land use from residential low density to residential medium density for the development of townhomes, quadplexes, and a duplex. (CD-CPC-2022-00006)

Attachments: [CD-CPC-2022-00006 Fact Sheet - Area Plan](#)
[220526 Fiscal Note](#)

- 220527** Rezoning an area of about .5 acres generally located at 1015 Pacific Street from District R-1.5 (Residential) to UR (Urban Redevelopment) and approving a development plan to allow for townhomes, a duplex, and several quadplexes (for a total 20 units) on the property. (CD-CPC-2021-0032)

Attachments: [CD-CPC-2021-00232 Fact Sheet](#)
[Fiscal Note-220527](#)

Loar

- 220529** Rezoning an approximately 86 acre tract of land generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive from B3-3 and AG-R to B3-3 and approving a development plan for the same which also serves as a preliminary plat to allow for 762,000 square foot of mixed office/commercial development on 12 Lots and 4 tracts. (CD-CPC-2020-00065 and CD-CPC-2020-00067)

Attachments: [Fact Sheet-220529](#)
[Fiscal Note-220529](#)

Loar

- 220530** Approving a Council approved signage plan for the Ambassador/Chaves Development to allow a comprehensive sign plan associated with the development of property generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive. (CD-CPC-2020-00066)

Attachments: [Fiscal Note-220530](#)
[Fact Sheet-220530](#)

- 220531** Accepting and approving a one-year grant award amendment in the amount of \$3,046,295.00 from the U.S. Department of Health and Human Services to provide funding for Ryan White Part A and Minority AIDS Initiative services in Kansas City, Missouri; and authorizing the Director of Health to execute various contracts for Ryan White Part A and Minority AIDS Initiative Case Management Services from previously appropriated funds.

Attachments: [Ryan White Part A MAI FY23 - Fact Sheet](#)
[Ryan White Part A MAI FY23 - Fiscal Note](#)
[Ryan White Part A MAI FY23 - Budget](#)

- 220537** Rezoning an area of about 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 to District R-5 and approving a development plan in Districts R-7.5 and R-5 on about 142 acres to allow for a residential development. (CD-CPC-2022-00040 & CD-CPC-2022-00041)

Attachments: [220537 Fact Sheet](#)
[220537 Fiscal Note](#)

HELD IN COMMITTEE

- 220505** Approving a rezoning on about 0.87-acres generally located at the south-east corner of E 50th Street and Prospect Avenue from District B3-2 (Community Business) to District B4-2 (Heavy Business Commercial). (CD-CPC-2021-00245).

Attachments: [Fact Sheet Rezoning 5021 Prospect.pdf](#)
[220505 Fiscal Note](#)

- 220506** RESOLUTION - Approving an amendment to the Swope Area Plan on about 0.87 acres generally located at the southeast corner of the intersection of E. 50th Street and Prospect Avenue by changing the recommended land use from office to commercial to allow a plumbing business to continue to operate. (CD-CPC-2022-00035).

Attachments: [Fact Sheet APA 5021 Prospect.pdf](#)
[220506 Fiscal Note](#)

Bough

- 220514** Amending Chapter 10, Code of Ordinances, by repealing Sections 10-62, Required hearings and review of director's action, and section 10-212, Location, and enacting in lieu thereof a new section of like number and subject matter to make necessary revisions to update a discrepancy within the ordinance, and, to make changes to the hearing process to align it with other like sections of the ordinance.

Attachments: [220514 Fact Sheet](#)
[220514 Fiscal Note](#)

Bough

- 220515** Amending Chapter 10, Code of Ordinances, by repealing Sections 10-1, Definitions, 10-261, Renewals, and 10-339, Employment of and sales by minors, and enacting in lieu thereof new sections of like number and subject matter to make adjustments based on changes that were recently made to many sections of chapter 10.

Attachments: [220515 Fact Sheet](#)
[220515 Fiscal Note](#)

Bough

- 220516** Amending Chapter 10, Code of Ordinances, by repealing Section 10-211, Number of retail alcoholic beverage licenses, and enacting in lieu thereof a new section of like number and subject matter to align it with other like sections of chapter 10

Attachments: [220516 fact sheet](#)

ADDITIONAL BUSINESS

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

2. Closed Session

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

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

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

Livestream on the city's website at
www.kcmo.gov

- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlq4fok>
- 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



File #: 220524

ORDINANCE NO. 220524

Approving the plat of Rosewood Reserve, an addition in Clay County, Missouri, on approximately 38.79 acres generally located at the southeast corner of N.E. 108th Street and N. Reinking Road, creating 10 lots and 2 tracts for the purpose of a 10 lot single family home subdivision; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2202-00020)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of Rosewood Reserve, a subdivision in Clay County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the grades of the streets and other public ways set out on the plat, herein accepted are hereby established at the top of curb, locating and defining the grade points which shall be connected by true planes or vertical curves between such adjacent grade points, the elevations of which are therein given, in feet above the City Directrix.

Section 4. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention and BMP Facilities Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 5. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 6. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Clay County, Missouri.

Section 7. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on June 7, 2022.

..end

Approved as to form and legality:

Eluard Alegre
Associate City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

220524

Ordinance Number

Brief Title

Approving the plat of Rosewood Reserve, an addition in Kansas City, Clay County, Missouri

Specific Address Approximately 38.79 acres generally located at the southeast corner of N.E. 108th Street and N. Reinking Road. Creating 10 lots and 2 tracts.	Sponsor Jeffrey Williams, AICP, Director Department of City Planning & Development										
Reason for Project This final plat application was initiated by Rosewood Reserve, LLC, in order to subdivide the property in accordance with the city codes and state statutes. (The developer intends to construct a 10 lot single family home subdivision.)	Programs, Departments, or Groups Affected City-Wide Council District(s) 1(CL) Hall – O’Neill Other districts (school, etc.) North Kansas City 250										
Discussion This is a routine final plat ordinance that authorizes staff to continue to process the plat for recording. This plat can be added to the consent agenda. CONTROLLING CASE Case No. CD-CPC-2021-00226 – The applicant is seeking approval of preliminary plat in District R-10 (Residential 10) on about 36 acres generally located at the southeast corner of NE 108th Street and N. Reinking Road, creating 10 lots and 1 tract.	<table border="1"> <tr> <td data-bbox="808 747 1029 1024"> Applicants / Proponents </td> <td data-bbox="1029 747 1560 1024"> Applicant(s) Rosewood Reserve, LLC City Department City Planning and Development Other </td> </tr> <tr> <td data-bbox="808 1024 1029 1245"> Opponents </td> <td data-bbox="1029 1024 1560 1245"> Groups or Individuals None Known Basis of Opposition </td> </tr> <tr> <td data-bbox="808 1245 1029 1402"> Staff Recommendation </td> <td data-bbox="1029 1245 1560 1402"> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against: </td> </tr> <tr> <td data-bbox="808 1402 1029 1640"> Board or Commission Recommendation </td> <td data-bbox="1029 1402 1560 1640"> By: City Plan Commission June 7, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions </td> </tr> <tr> <td data-bbox="808 1640 1029 1900"> Council Committee Actions </td> <td data-bbox="1029 1640 1560 1900"> <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass </td> </tr> </table>	Applicants / Proponents	Applicant(s) Rosewood Reserve, LLC City Department City Planning and Development Other	Opponents	Groups or Individuals None Known Basis of Opposition	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:	Board or Commission Recommendation	By: City Plan Commission June 7, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions	Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass
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Policy or Program Change N/A	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment N/A	

Cost & Revenue Projections – Including Indirect Costs N/A	
Financial Impact N/A	
Fund Source and Appropriation Account Costs N/A	
Is it good for the children?	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No

	<p>How will this contribute to a sustainable Kansas City?</p>	<p>This project consists of platting private improvements for 10 residential lots on 38.79 acres of previously undeveloped property. The pre-development storm water peak discharge rate and volume will not be exceeded after development of the site. The improvements will improve the overall aesthetics of the site.</p> <p>Written by Lucas Kaspar, PE</p>
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Project Start Date

Projected Completion or Occupancy Date

Fact Sheet Prepared by:
Thomas Holloway

Date: June 10, 2022

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

Reference or Case Numbers: CLD-FnPlat-2022-00020

[illegible]

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LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	220524						
LEGISLATION IN BRIEF: Approving the plat of Rosewood Reserve, an addition in Clay County, Missouri, on approximately 38.79 acres generally located at the southeast corner of N.E. 108th Street and N. Reinking Road, creating 10 lots and 2 tracts for the purpose of a 10 lot single family home subdivision; accepting various easements; establishing grades on public ways; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2202-00020)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? What is the city's obligation in future fiscal Years (See Section 04)	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? What is the city's gross new revenue in future Fiscal Years? (See Section 01)	NO	Yes/No						
0 0 0 0	NO	Yes/No						
Section 00: Notes: <div style="text-align: center; padding: 10px; background-color: #fff9c4;">There is no predictable fiscal impact.</div> <div style="text-align: center; background-color: #e8f5e9; padding: 5px;">0</div>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Esther Swanson		DATE		6/21/2022		

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File #: 220528

ORDINANCE NO. 220528

Approving the plat of The Edison at Tiffany Springs, an addition in Platte County, Missouri, on approximately 12.11 acres generally located at the southwest corner of N.W. Old Tiffany Springs Road and Avion Drive, creating 1 lot and 1 tract for the purpose of a 243 multi-family development; accepting various easements; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2021-00003)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of The Edison at Tiffany Springs, a subdivision in Platte County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention and BMP Facilities Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 4. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 5. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Platte County, Missouri.

Section 6. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on April 19, 2022.

..end

Approved as to form and legality:

Eluard Alegre
Associate City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

220528

Ordinance Number

Brief Title

Approving the plat of The Edison at Tiffany Springs, an addition in Kansas City, Platte County, Missouri

Specific Address Approximately 12.11 acres generally located at the S.W. corner of N.W. Old Tiffany Springs Road and Avion Drive, creating 1 lot and 1 tract	Sponsor Jeffrey Williams, AICP, Director Department of City Planning & Development										
Reason for Project This final plat application was initiated by Quadrant Properties, in order to subdivide the property in accordance with the city codes and state statutes. (The developer intends to construct a 243 unit Multi-family development)	Programs, Departments, or Groups Affected City-Wide Council District(s) 2(PL) Loar - Fowler Other districts (school, etc.) Park Hill										
Discussion This is a routine final plat ordinance that authorizes staff to continue to process the plat for recording. This plat can be added to the consent agenda. CONTROLLING CASE Case No. CD-CPC-2020-00105 – 200728- On September 27, 2020 City Council approved a development plan in District B3-3 which serves as a preliminary plat on about 12.8 acres generally located at 7201 N.W. Old Tiffany Springs Road, to allow for the construction of multifamily apartments, a clubhouse, and other amenities.	<table border="1"> <tr> <td data-bbox="808 747 1029 1024"> Applicants / Proponents </td> <td data-bbox="1029 747 1560 1024"> Applicant(s) Quadrant Properties City Department City Planning and Development Other </td> </tr> <tr> <td data-bbox="808 1024 1029 1245"> Opponents </td> <td data-bbox="1029 1024 1560 1245"> Groups or Individuals None Known Basis of Opposition </td> </tr> <tr> <td data-bbox="808 1245 1029 1402"> Staff Recommendation </td> <td data-bbox="1029 1245 1560 1402"> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against: </td> </tr> <tr> <td data-bbox="808 1402 1029 1640"> Board or Commission Recommendation </td> <td data-bbox="1029 1402 1560 1640"> By: City Plan Commission April 19, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions </td> </tr> <tr> <td data-bbox="808 1640 1029 1900"> Council Committee Actions </td> <td data-bbox="1029 1640 1560 1900"> <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass </td> </tr> </table>	Applicants / Proponents	Applicant(s) Quadrant Properties City Department City Planning and Development Other	Opponents	Groups or Individuals None Known Basis of Opposition	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:	Board or Commission Recommendation	By: City Plan Commission April 19, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions	Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass
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Details**Policy / Program Impact****Policy or
Program
Change**☒ No ☐ Yes

N/A

**Operational
Impact
Assessment**

N/A

Finances**Cost & Revenue
Projections –
Including
Indirect Costs**

N/A

**Financial
Impact**

N/A

**Fund Source
and
Appropriation
Account Costs**

N/A

**Is it good for the
children?**☒ Yes
☐ No

	<p>How will this contribute to a sustainable Kansas City?</p>	<p>This project consists of public and private improvements for a multifamily residential development on a previously undeveloped site to create 243 multi-family units. The proposed development will significantly increase the area of impervious surfaces. The peak rate of storm water discharge and total runoff volume will be maintained after development. Water quality treatment will be provided with onsite BMP's. The development will improve the aesthetics of the site and increase the tax base for the City.</p> <p>Written by Lucas Kaspar, PE</p>
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Project Start Date

Projected Completion or Occupancy Date

Fact Sheet Prepared by:

Thomas Holloway

Date: June 9, 2022

Reviewed by:

Joe Rexwinkle

Land Development Division (LDD)

City Planning & Development

Reference or Case Numbers: CLD-FnPlat-2021-00003

Final Plat
The Edison at Tiffany Springs
An unplatted tract lying in the Southeast Quarter of Section 1, Township 51 North, Range 34 West in Kansas City, Platte County, Missouri

olsson

Section 1, T51N, R34W
Vicinity Map
Scale 1" = 2000'

Missouri Highway 152

Scale 1" = 2000'

Project Location

152nd Street, Kansas City, MO 64113

152nd Street, Kansas City, MO 64113

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<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:							
LEGISLATION IN BRIEF:								
<p>Approving the plat of The Edison at Tiffany Springs, an addition in Platte County, Missouri, on approximately 12.11 acres generally located at the southwest corner of N.W. Old Tiffany Springs Road and Avion Drive, creating 1 lot and 1 tract for the purpose of a 243 multi-family development; accepting various easements; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents.</p>								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<p><i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i></p>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	NO	Yes/No						
	NO	Yes/No						
	NO	Yes/No						
Section 00: Notes:								
<p><i>It is possible that there will be a fiscal impact in the future, however, this is not something that we have enough information to predict at this time.</i></p>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?				FY 22-23 BUD	FY 23-24 EST			
FUND	DEPTID	ACCOUNT	PROJECT					
Section 03: If applicable, where will appropriations be increased?				FY 22-23 BUD	FY 23-24 EST			
FUND	DEPTID	ACCOUNT	PROJECT					
NET IMPACT ON OPERATIONAL BUDGET				-	-			
RESERVE STATUS:								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Robyn Cottin		DATE		6/21/2022		



File #: 220536

ORDINANCE NO. 220536

Approving the plat of Ashton Farms, 1st Plat, an addition in Jackson County, Missouri, on approximately 14.83 acres generally located on the south side of East U.S. 40 Highway approximately 1500 feet west of Lee's Summit Road, creating 38 lots and 3 tracts for the purpose of a 38 lot duplex home subdivision; accepting various easements; establishing grades on public ways;; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2022-00022)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of Ashton Farms 1st Plat, a subdivision in Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the grades of the streets and other public ways set out on the plat, herein accepted are hereby established at the top of curb, locating and defining the grade points which shall be connected by true planes or vertical curves between such adjacent grade points, the elevations of which are therein given, in feet above the City Directrix.

Section 4. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention and BMP Facilities Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 5. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 6. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Jackson County, Missouri.

Section 7. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on June 7, 2022.

..end

Approved as to form and legality:

Eluard Alegre
Associate City Attorney

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

220536

Ordinance Number

Brief Title

Approving the plat of Ashton Farms 1st Plat, an addition in Kansas City, Jackson County, Missouri

<p>Specific Address Approximately 14.83 acres generally located on the south side of East US 40 Highway approximately 1500 feet west of Lee's Summit Road. Creating 38 lots and 3 tracts.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Sponsor</td> <td>Jeffrey Williams, AICP, Director Department of City Planning & Development</td> </tr> <tr> <td>Programs, Departments, or Groups Affected</td> <td> City-Wide Council District(s) 5(JA) Barnes, Parks-Shaw Other districts (school, etc.) Independence 160 </td> </tr> <tr> <td>Applicants / Proponents</td> <td> Applicant(s) Ashton Farms Development, LLC City Department City Planning and Development Other </td> </tr> <tr> <td>Opponents</td> <td> Groups or Individuals None Known Basis of Opposition </td> </tr> <tr> <td>Staff Recommendation</td> <td> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against: </td> </tr> <tr> <td>Board or Commission Recommendation</td> <td> By: City Plan Commission June 7, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions </td> </tr> <tr> <td>Council Committee Actions</td> <td> <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass </td> </tr> </table>	Sponsor	Jeffrey Williams, AICP, Director Department of City Planning & Development	Programs, Departments, or Groups Affected	City-Wide Council District(s) 5(JA) Barnes, Parks-Shaw Other districts (school, etc.) Independence 160	Applicants / Proponents	Applicant(s) Ashton Farms Development, LLC City Department City Planning and Development Other	Opponents	Groups or Individuals None Known Basis of Opposition	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:	Board or Commission Recommendation	By: City Plan Commission June 7, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions	Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass
Sponsor	Jeffrey Williams, AICP, Director Department of City Planning & Development														
Programs, Departments, or Groups Affected	City-Wide Council District(s) 5(JA) Barnes, Parks-Shaw Other districts (school, etc.) Independence 160														
Applicants / Proponents	Applicant(s) Ashton Farms Development, LLC City Department City Planning and Development Other														
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Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against:														
Board or Commission Recommendation	By: City Plan Commission June 7, 2022 <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval, with conditions														
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass														
<p>Reason for Project This final plat application was initiated by Ashton Farms Development LLC, in order to subdivide the property in accordance with the city codes and state statutes. (The developer intends to construct a 38 lot duplex home subdivision.)</p>															
<p>Discussion This is a routine final plat ordinance that authorizes staff to continue to process the plat for recording. This plat can be added to the consent agenda.</p> <p>CONTROLLING CASE Case No. CD-CPC-2021-00240- Ordinance 220246 – On March 3, 2022 City Council approved a Development Plan, with associated Preliminary Plat, to allow for the development of duplexes on 122 lots, creating 244 units.</p>															

Details**Policy / Program Impact****Policy or
Program
Change**☒ No ☐ Yes

N/A

**Operational
Impact
Assessment**

N/A

Finances**Cost & Revenue
Projections –
Including
Indirect Costs**

N/A

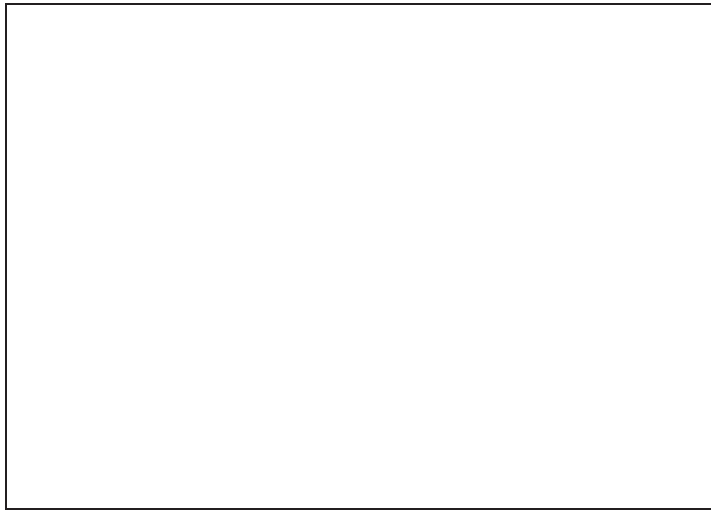
**Financial
Impact**

N/A

**Fund Source
and
Appropriation
Account Costs**

N/A

**Is it good for the
children?**☒ Yes
☐ No



How will this contribute to a sustainable Kansas City?	<p>This project consists of platting private improvements on 38 acres of undeveloped property for a subdivision of duplexes. The pre-development storm water peak discharge rate and volume will not be exceeded after development of the site. The improvements will improve the overall aesthetics of the site and provide affordable housing.</p> <p>Written by Lucas Kaspar, PE</p>
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Project Start Date

Projected Completion or Occupancy Date

Fact Sheet Prepared by:
Thomas Holloway

Date: February 28, 2022

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

Reference or Case Numbers: CLD-FnPlat-2022-00022

[illegible]

		Average score on combined test	
Year	Score	Year	Score
1	100.00%	50	73.33%
2	100.00%	51	73.33%
3	100.00%	52	73.33%
4	100.00%	53	73.33%
5	100.00%	54	73.33%
6	100.00%	55	73.33%
7	100.00%	56	73.33%
8	100.00%	57	73.33%
9	100.00%	58	73.33%
10	100.00%	59	73.33%
11	100.00%	60	73.33%
12	100.00%	61	73.33%
13	100.00%	62	73.33%
14	100.00%	63	73.33%
15	100.00%	64	73.33%
16	100.00%	65	73.33%
17	100.00%	66	73.33%
18	100.00%	67	73.33%
19	100.00%	68	73.33%
20	100.00%	69	73.33%
21	100.00%	70	73.33%
22	100.00%	71	73.33%
23	100.00%	72	73.33%
24	100.00%	73	73.33%
25	100.00%	74	73.33%
26	100.00%	75	73.33%
27	100.00%	76	73.33%
28	100.00%	77	73.33%
29	100.00%	78	73.33%
30	100.00%	79	73.33%
31	100.00%	80	73.33%
32	100.00%	81	73.33%
33	100.00%	82	73.33%
34	100.00%	83	73.33%
35	100.00%	84	73.33%
36	100.00%	85	73.33%
37	100.00%	86	73.33%
38	100.00%	87	73.33%
39	100.00%	88	73.33%
40	100.00%	89	73.33%
41	100.00%	90	73.33%
42	100.00%	91	73.33%
43	100.00%	92	73.33%
44	100.00%	93	73.33%
45	100.00%	94	73.33%
46	100.00%	95	73.33%
47	100.00%	96	73.33%
48	100.00%	97	73.33%
49	100.00%	98	73.33%
50	100.00%	99	73.33%
51	100.00%	100	73.33%

[illegible]

1. The Contractor shall not be entitled to any monetary adjustment as shown on the accompanying plot, and not holding or pursue thereof until the full balance has been paid and the full amount received.

STATION	BEARING	DISTANCE	NORTHING	EASTING
1	000°00'00"W	1000.000	1000.000	0.000
2	000°00'00"W	1000.000	2000.000	0.000

3	0679038C	30-09	0403N 170E	0000011A	Point of Beginning
4	0679038D	1-10-00	0403N 165E	0000011B	
5	0679038E	1-10-00	0403N 164E	0000011C	
6	0679038F	1-10-00	0403N 163E	0000011D	
7	0679038G	1-10-00	0403N 162E	0000011E	
8	0679038H	1-10-00	0403N 161E	0000011F	
9	0679038I	1-10-00	0403N 160E	0000011G	
10	0679038J	1-10-00	0403N 159E	0000011H	
11	0679038K	1-10-00	0403N 158E	0000011I	
12	0679038L	1-10-00	0403N 157E	0000011J	
13	0679038M	1-10-00	0403N 156E	0000011K	
14	0679038N	1-10-00	0403N 155E	0000011L	
15	0679038O	1-10-00	0403N 154E	0000011M	
16	0679038P	1-10-00	0403N 153E	0000011N	
17	0679038Q	1-10-00	0403N 152E	0000011O	
18	0679038R	1-10-00	0403N 151E	0000011P	
19	0679038S	1-10-00	0403N 150E	0000011Q	
20	0679038T	1-10-00	0403N 149E	0000011R	
21	0679038U	1-10-00	0403N 148E	0000011S	
22	0679038V	1-10-00	0403N 147E	0000011T	
23	0679038W	1-10-00	0403N 146E	0000011U	
24	0679038X	1-10-00	0403N 145E	0000011V	
25	0679038Y	1-10-00	0403N 144E	0000011W	
26	0679038Z	1-10-00	0403N 143E	0000011X	
27	06790390	1-10-00	0403N 142E	0000011Y	
28	06790391	1-10-00	0403N 141E	0000011Z	
29	06790392	1-10-00	0403N 140E	00000120	
30	06790393	1-10-00	0403N 139E	00000121	
31	06790394	1-10-00	0403N 138E	00000122	
32	06790395	1-10-00	0403N 137E	00000123	
33	06790396	1-10-00	0403N 136E	00000124	
34	06790397	1-10-00	0403N 135E	00000125	
35	06790398	1-10-00	0403N 134E	00000126	
36	06790399	1-10-00	0403N 133E	00000127	
37	0679039A	1-10-00	0403N 132E	00000128	
38	0679039B	1-10-00	0403N 131E	00000129	
39	0679039C	1-10-00	0403N 130E	00000130	
40	0679039D	1-10-00	0403N 129E	00000131	
41	0679039E	1-10-00	0403N 128E	00000132	
42	0679039F	1-10-00	0403N 127E	00000133	
43	0679039G	1-10-00	0403N 126E	00000134	
44	0679039H	1-10-00	0403N 125E	00000135	
45	0679039I	1-10-00	0403N 124E	00000136	
46	0679039J	1-10-00	0403N 123E	00000137	
47	0679039K	1-10-00	0403N 122E	00000138	
48	0679039L	1-10-00	0403N 121E	00000139	
49	0679039M	1-10-00	0403N 120E	00000140	
50	0679039N	1-10-00	0403N 119E	00000141	
51	0679039O	1-10-00	0403N 118E	00000142	
52	0679039P	1-10-00	0403N 117E	00000143	
53	0679039Q	1-10-00	0403N 116E	00000144	
54	0679039R	1-10-00	0403N 115E	00000145	
55	0679039S	1-10-00	0403N 114E	00000146	
56	0679039T	1-10-00	0403N 113E	00000147	
57	0679039U	1-10-00	0403N 112E	00000148	
58	0679039V	1-10-00	0403N 111E	00000149	
59	0679039W	1-10-00	0403N 110E	00000150	
60	0679039X	1-10-00	0403N 109E	00000151	
61	0679039Y	1-10-00			

[illegible][illegible]

14	10/10/2017	10/10/2017	10/10/2017	10/10/2017
15	10/10/2017	10/10/2017	10/10/2017	10/10/2017
16	10/10/2017	10/10/2017	10/10/2017	10/10/2017
17	10/10/2017	10/10/2017	10/10/2017	10/10/2017
18	10/10/2017	10/10/2017	10/10/2017	10/10/2017

17	05/07/2006	1.207	21015,73	00000,00
18	05/07/2006	120,00	21015,73	00000,00
19	05/07/2006	1.000	21015,73	00000,00
20	05/07/2006	50,000	21015,73	00000,00

20	WETZEL SW 9	200-850	2,000.77 USD	20,000.77 EUR
21	WETZEL SW 9	2,000	2,000.77 USD	20,000.77 EUR
22	WETZEL SW 9	200-850	2,000.77 USD	20,000.77 EUR
23	WETZEL SW 9	200-850	2,000.77 USD	20,000.77 EUR
24	WETZEL SW 9	200-850	2,000.77 USD	20,000.77 EUR

All bearings and coordinates given are based on the National Grid using Grid System, 480 03, New Zone, using a standard grid factor of 0.999970. All distances are Grid Distances, and all distances and coordinates are in meters.

SECTION 25, TOWNSHIP 43, RANGE 32
JACKSON COUNTY, MISSOURI
NOT TO SCALE

PROJECT LOCATION

LEGEND

- Found property owner or noted
- Not for work (up to August 11-12)

[illegible]

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	<h2>220536</h2>						
LEGISLATION IN BRIEF: Approving the plat of Ashton Farms, 1st Plat, an addition in Jackson County, Missouri, on approximately 14.83 acres generally located on the south side of East U.S. 40 Highway approximately 1500 feet west of Lee's Summit Road, creating 38 lots and 3 tracts for the purpose of a 38 lot duplex home subdivision; accepting various easements; establishing grades on public ways;; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2022-00022)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? What is the city's obligation in future fiscal Years (See Section 04)	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? What is the city's gross new revenue in future Fiscal Years? (See Section 01)	NO	Yes/No						
	NO	Yes/No						
	NO	Yes/No						
Section 00: Notes: <div style="text-align: center; padding: 10px;">There is no predictable fiscal impact related to this ordinance.</div>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Nick Crafton		DATE		6/21/2022		



File #: 220520

ORDINANCE NO. 220520

Approving an amendment to a previously approved UR Plan in District UR (Urban Redevelopment), which also serves as a preliminary plat to allow for changes to phases 3 and 4 of the approved plan on about 5.16 acres generally bordered by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Pennsylvania Avenue on the west. (CD-CPC-2021-00222)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a previously approved UR development plan is hereby amended to allow for changes to phases 3 and 4 of the approved plan on about 5.16 acres generally bordered by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Pennsylvania Avenue on the west, and more specifically described as follows:

All that part of Lot PE-2, K.C. Life Addition, a Subdivision in Kansas City, Jackson County, Missouri, and all that part of Lots 7 and 8, in Block 10, Amended Plat of McGee's Summit, a Subdivision in Kansas City, Jackson County, Missouri, and all that part of Lots 7, 8, 9, 10, 11 and 12, Mary A. Morley Place, a Subdivision in Kansas City, Jackson County, Missouri, and all that part of Lots 8, 9, 10, 11 and 12, in Rowell's Annex, a Subdivision in Kansas City, Jackson County, Missouri, and all that part of Washington Street (Public Street 50 feet wide), described as follows:

Point of beginning; thence S 87°07'57" E, along Southerly right-of-way line of W. 34th Street (Public Street 60 feet wide), a distance of 221.50 feet to a point on the centerline of Washington Street (Public Street 50 feet wide); thence S 2°39'17" W, departing the said Southerly right-of-way line of W. 34th Street, along the said centerline of Washington Street, a distance of 123.50 feet to a point on the Northerly line of said Lot PE-2, K.C. Life Addition; thence S 87°07'57" E, departing said centerline of Washington Street, along said Northerly line of Lot PE-2, K.C. Life Addition, a distance of 345.36 feet to a point on the Westerly right-of-way line of Broadway Boulevard (Public Street 99 feet wide); thence S 2°33'55" W, along said Westerly right-of-way line of Broadway Boulevard, a distance of 335.00 feet to a point on the centerline of W. 34th Street Terrace (Public Street 30 feet wide); thence N 87°07'57" W, departing said Westerly right-of-way line of Broadway Boulevard, along said centerline of W. 34th Street Terrace, a distance of 320.88 feet to a point where the said centerline of W. 34th Street Terrace intersects with the Easterly right-of-way line of said Washington

Street; thence N 2°39'17" E, departing said centerline of W. 34th Street Terrace, along said Easterly right-of-way line of Washington Street, a distance of 15.19 feet to a point on the Northerly right-of-way line of said W. 34th Street Terrace; thence N 87°10'18" W, departing said Easterly right-of-way line of Washington Street, along said Northerly right-of-way line of W. 34th Street Terrace, a distance of 271.50 feet to a point on the Easterly right-of-way line of Pennsylvania Avenue (Public Street Variable width); thence N 2°39'17" E, departing said Northerly right-of-way line of W. 34th Street Terrace, along said Easterly right-of-way line of Pennsylvania Avenue, a distance of 443.50 to the point of beginning. Containing 224,703.30 square feet or 5.16 acres, more or less.

subject to the following conditions:

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
3. The developer shall secure approval of a final development plan from the Development Management Division staff prior to a building permit.
4. 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.
5. 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.
6. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.

7. 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
8. 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.
9. 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.
10. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
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 recording the plat.
12. 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.
13. The south half of West 34th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
14. 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.
15. The east half of Pennsylvania Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical

grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.

16. The north half of West 34th Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
17. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
18. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
19. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site.
20. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
21. The developer 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. The developer intends to pay money-in-lieu of dedication. The amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to a certificate of occupancy.
22. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way
23. The developer shall 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 B. That the Council finds and declares that before taking any action on the proposed development plan hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

..end

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

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00222 & CD-CPC-2022-00027

Brief Title

To approve an amendment to a previously approved UR development Plan to allow for changes to phases 3 and 4 and to approve an amendment to the Midtown Plaza Area Plan.

Details

Location: 3420 Broadway Blvd - generally bordered by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Pennsylvania Avenue on the west.
Reason for Legislation: Development plans and Area Plan amendments requires City Council approval.
<p>See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.</p> <p>SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:</p> <ul style="list-style-type: none"> Applicant submitted revised plan per staff recommendation. <p>CITY PLAN COMMISSION RECOMMENDATION: Approval subject to the following corrections and conditions:</p> <ol style="list-style-type: none"> 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. 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. The developer shall secure approval of a final development plan from Development Management Division staff prior to building permit. 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. 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. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system.

Ordinance Number

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	4 th District (Shields & Bunch)
Applicants / Proponents	<p>Applicant MGE Capital, LLC 8501 Wilshire Blvd Ste 240 Beverly Hills, CA 90211</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals None</p> <p>Basis of Opposition</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>City Plan Commission (7-0) 04-05-2022 By Aye: Allender, Baker, Crawl, Enders, Rojas, Sadowski & Beasley</p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
Council Committee Actions	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

CONDITIONS:

- Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
7. 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
 8. 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.
 9. 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.
 10. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
 11. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
 12. 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.
 13. That the south half of West 34th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
 14. 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.
 15. That the east half of Pennsylvania Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
 16. That the north half of West 34th Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
 17. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
 18. Fire hydrant distribution shall follow IFC-2018 Table C102.1
 19. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site.
 20. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
 21. The developer 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. The developer intends to pay
 22. money-in-lieu of dedication. The amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to certificate of occupancy.
 23. 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
 24. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations. Prior to C of O.

Fact Sheet Prepared By:

Olofu Agbaji
Lead Planner

Date:

05-02-22

Reviewed By:

Joseph Rexwinkle, AICP
Division Manager
Development Management
Division.

Date:

05-05-22

Initial Application Filed: 12-01-2021

City Plan Commission Action: 04-05-2022

Revised Plans Filed: 04-13-2022

Total Days in City Review:

**Total Days in Applicant's
Hands:**

Reference Numbers:

Case No. CD-CPC-2021-00222

Case No. CD-CPC-2022-00027

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220520						
LEGISLATION IN BRIEF:								
Approving an amendment to a previously approved UR Plan in District UR (Urban Redevelopment), which also serves as a preliminary plat to allow for changes to phases 3 and 4 of the approved plan on about 5.16 acres generally bordered by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Pennsylvania Avenue on the west. (CD-CPC-2021-00222)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	<input type="button" value="NO"/>	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	<input type="button" value="NO"/>	Yes/No						
0	<input type="button" value="NO"/>	Yes/No						
0	<input type="button" value="NO"/>	Yes/No						
0	<input type="button" value="NO"/>	Yes/No						
Section 00: Notes:								
<i>No anticipated fiscal impact.</i>								
0								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Esther Swanson		DATE		6/21/2022		

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File #: 220521

ORDINANCE NO. 220521

Rezoning an area of about 3.7 acres generally located at 8300 N. Green Hills Road from District R-80 to MPD and approving a development plan to allow for an existing landscaping business to remain. (CD-CPC-2021-00168)

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 88-20-A1330 rezoning an area of about 3.7 acres generally located at 8300 N. Green Hills Road from District R-80 (Residential) to MPD (Master Planned Development), and more specifically described as follows:

That part of the Southwest Quarter of Section 8, Township 51 of Range 33, Kansas City, Platte County, Missouri, described as follows: Commencing at the northeast corner of the Southwest Quarter of Section 8, thence along the east line of Section 8, a distance of 587 feet, thence North 88 degrees 41 minutes 42 seconds West, a distance of 190 feet to the true point of beginning of tract to be herein described; thence South 15 degrees 54 minutes 45 seconds West, a distance of 149.83 feet, thence South 0 degrees 25 minutes 48 seconds West, a distance of 45 feet, thence South 88 degrees 41 minutes 42 seconds East, a distance of 386 feet, thence North 0 degrees 25 minutes 48 seconds East, a distance of 483.15 feet, thence North 55 degrees 41 minutes 32 seconds West to point North 88 degrees 41 minutes 42 seconds West of the true point of beginning, thence South 88 degrees 41 minutes 42 seconds East to the true point of beginning, except that part in road.

is hereby rezoned from District R-80 (Residential) to MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1330, 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. Per 88-435-02-A, outdoor storage stacked items may not exceed a total of 7 feet in height above grade.
2. The following deviations from otherwise applicable standards of this zoning and development code are approved pursuant to section 88-280-51 because the City

Council determines that the resulting development provides a greater level of public benefit that would otherwise be provided with strict compliance with the requirements:

- a. A deviation to pedestrian circulation requirements is approved in that no dedicated pedestrian circulation systems will be required to connect buildings with other amenities/uses on the site.
 - b. A deviation to the required parking lot and drive standards is approved to allow the existing gravel parking lot and drive to remain.
 - c. A deviation to required bicycle parking standards is approved in that no bicycle parking will be provided.
3. An administrative adjustment for alternative compliance is approved pursuant to 88-425-13 to allow existing tree cover to satisfy landscaping requirements, which will be maintained or replaced on the site.
4. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with Section 88-415 requirements.
5. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
6. 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.
7. 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.
8. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
9. The developer shall show the limits of the 100-year floodplain plus the 1 foot freeboard on the final plat and show the Minimum Low Opening Elevation

(MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.

10. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
11. The developer shall grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
12. Developer shall comply with all Federal Emergency Management Agency (FEMA) and City floodplain regulations (Code of Federal Regulations, Title 44, Chapter I, Subchapter B and Code of Ordinances of Kansas City, Missouri, Chapter 28 - Floodplain Management, respectively), and specifically must address storage of prohibited materials and/or equipment within the mapped special flood hazard areas by relocating materials, anchoring equipment as allowed, and/or receiving approval of a robust emergency operations plan to show full compliance with applicable regulations prior to approval of Development Plan.
13. As portions of the subject property lie within a stream corridor subject to Zoning and Development Code, Kansas City, Missouri, Chapter 88-415, Stream Buffers , existing, lawfully established facilities may remain; however, the developer must not further alter any of the buffer zones except for allowed uses outlined in the stream buffer regulations and as long as any required permits are obtained prior to initiating work.
14. 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
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00168

Brief Title

The applicant is seeking approval of a rezoning to MPD, with an associated Development Plan, to bring an existing use into compliance.

220521

Ordinance Number

Details

Location: 8300 N Green Hills Rd

Reason for Legislation: Master Planned Development designations are approved by City Council.

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

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION: none.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments, or Groups Affected	Council District, 2 nd Loar, Fowler
Applicants / Proponents	Applicant Patricia Jensen Rouse Frets White Goss City Department City Planning & Development Other
Opponents	Groups or Individuals None appeared during City Plan Commission public hearing. See staff report for written public testimony. Basis of Opposition Noxious use near a residential neighborhood.
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 6-0 6/7/2022 By Allender, Beasley, Crawl, Hill, Rojas, Sadowski <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

Diagram illustrating a scenario where a large rectangle (representing a vehicle or object) is positioned on the left, and a smaller rectangle (representing a vehicle or object) is positioned on the right. The smaller rectangle is labeled "Do not pass".

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	220521						
LEGISLATION IN BRIEF:								
Rezoning an area of about 3.7 acres generally located at 8300 N. Green Hills Road from District R-80 to MPD and approving a development plan to allow for an existing landscaping business to remain. (CD-CPC-2021-00168)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? What is the city's obligation in future fiscal Years (See Section 04)	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? What is the city's gross new revenue in future Fiscal Years? (See Section 01)	NO	Yes/No						
0	NO	Yes/No						
0	NO	Yes/No						
0	NO	Yes/No						
Section 00: Notes:								
No anticipated fiscal impact.								
0								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Esther Swanson		DATE		6/21/2022		

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File #: 220522

ORDINANCE NO. 220522

Approving a development plan on an area of about 13.08 acres generally located at 8301 Indiana Ave in Districts M3-5 (Manufacturing 3) and M1-5 (Manufacturing 1) to allow for a multi-purpose trucking facility, including office space, a maintenance shop, wash bay, outdoor storage, and fueling facilities. (CD-CPC-2022-00015)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a Development Plan in District M3-5 (Manufacturing 3) and M1-5 (Manufacturing 1) on an area of about 13.08 acres generally located at 8301 Indiana Ave, and more specifically described as follows:

SE 1/4, Section 15, Township 48 North, Range 33 West and NE 1/4, Section 22, Township 48 North, Range 33 West, Kansas City, Jackson County, Missouri.

is hereby approved, subject to the following conditions:

1. 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 street tree plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
2. Administrative adjustments for alternative compliance are approved pursuant to 88-425-13 in allowing only a portion of the developed site to have continuous street tree coverage.
3. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
4. 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

5. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
6. 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.
7. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
8. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
10. The developer shall grant a BMP Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
11. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
12. 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)
13. Security gates which span across a fire access road shall provide a means for emergency operation. Electric gates will require a siren sensor device typically referred to as a "yelp gate" (IFC-2018 § 503.6).
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. Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
18. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
19. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
20. 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.
21. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
22. A full flow fire meter will be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
23. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main. Service lines shall be DIP not PVC.
24. The existing water service line will need to be killed at the public water main.
25. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.
26. All fire hydrants, existing and proposed, public and private, shall be included in the plans at 300' or less intervals.

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
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2022-00015

Brief Title

To approve a development plan Applicant to allow for a multi-purpose trucking facility for Republic Services to be on the subject site.

220522

Ordinance Number

Details

Location: 8301 Indiana Ave

Reason for Legislation: Development Plans are approved by City Council.

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

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION: none.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments, or Groups Affected	Council District, 5 th Barnes, Parks-Shaw
Applicants / Proponents	Applicant Christopher Scheaffer Larson Design Group City Department City Planning & Development Other
Opponents	Groups or Individuals None appeared during City Plan Commission public hearing. Basis of Opposition N/A
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 6-0 6/7/2022 By Allender, Baker, Beasley, Crowl, Hill, Rojas, Sadowski <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

		Do not pass
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Continued from Page 2

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220522						
LEGISLATION IN BRIEF:								
Approving a development plan on an area of about 13.08 acres generally located at 8301 Indiana Ave in Districts M3-5 (Manufacturing 3) and M1-5 (Manufacturing 1) to allow for a multi-purpose trucking facility, including office space, a maintenance shop, wash bay, outdoor storage, and fueling facilities. (CD-CPC-2022-00015)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	<div>NO</div>	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	<div>NO</div>	Yes/No						
0	<div>NO</div>	Yes/No						
0	<div>NO</div>	Yes/No						
0	<div>NO</div>	Yes/No						
Section 00: Notes:								
<i>There is no predictable fiscal impact.</i>								
0								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Esther Swanson		DATE		6/21/2022		

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File #: 220525

RESOLUTION NO. 220525

RESOLUTION - Approving an amendment to the Midtown Plaza Area Plan on about 1.5 acres generally located on the east side of Pennsylvanian Avenue between W. 34th Street on the north and W. 34th Terrace on the south by changing the recommended land use from residential medium density to residential high density use for the Midtown Plaza. (CD-CPC-2022-00027)

WHEREAS, on January 7, 2016, the City Council by Resolution No. 150899 adopted the Midtown Plaza Area Plan; and

WHEREAS, after further review it has been deemed appropriate to amend the Midtown Plaza Area Plan as it affects that area of approximately 1.5 acres generally located on the east side of Pennsylvanian Avenue between W. 34th Street on the north and W. 34th Terrace on the south by changing the recommended land use from residential medium density to residential high density use; and

WHEREAS, the City Plan Commission considered such amendment to the Proposed Land Use Map on April 5, 2022; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on April 5, 2022, recommend approval of the proposed amendment to Midtown Plaza Area Plan; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section A. That the Midtown Plaza Area Plan is hereby amended as to the Proposed Land Use Plan and Map for that area of approximately 1.5 acres generally located on the east side of Pennsylvanian Avenue between W. 34th Street on the north and W. 34th Terrace on the south by changing the recommended land use from residential medium density to residential high density use.

Section B. That the amendment to the Midtown Plaza 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 amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00222 & CD-CPC-2022-00027

Brief Title

To approve an amendment to a previously approved UR development Plan to allow for changes to phases 3 and 4 and to approve an amendment to the Midtown Plaza Area Plan.

Details

Location: 3420 Broadway Blvd - generally bordered by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Pennsylvania Avenue on the west.

Reason for Legislation: Development plans and Area Plan amendments 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:

- Applicant submitted revised plan per staff recommendation.

CITY PLAN COMMISSION RECOMMENDATION:

Approval subject to the following corrections and conditions:

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy.
3. The developer shall secure approval of a final development plan from Development Management Division staff prior to building permit.
4. 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.
5. 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.
6. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system.

220525

Ordinance Number

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	4 th District (Shields & Bunch)
Applicants / Proponents	Applicant MGE Capital, LLC 8501 Wilshire Blvd Ste 240 Beverly Hills, CA 90211 City Department City Planning & Development Other
Opponents	Groups or Individuals None
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 04-05-2022 By Aye: Allender, Baker, Crawl, Enders, Rojas, Sadowski & Beasley <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

CONDITIONS:

- Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
7. 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
 8. 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.
 9. 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.
 10. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
 11. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
 12. 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.
 13. That the south half of West 34th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
 14. 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.
 15. That the east half of Pennsylvania Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
 16. That the north half of West 34th Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
 17. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
 18. Fire hydrant distribution shall follow IFC-2018 Table C102.1
 19. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site.
 20. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
 21. The developer 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. The developer intends to pay
 22. money-in-lieu of dedication. The amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to certificate of occupancy.
 23. 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
 24. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations. Prior to C of O.

Fact Sheet Prepared By:

Olofu Agbaji
Lead Planner

Date:

05-02-22

Reviewed By:

Joseph Rexwinkle, AICP
Division Manager
Development Management
Division.

Date:

05-05-22

Initial Application Filed: 12-01-2021

City Plan Commission Action: 04-05-2022

Revised Plans Filed: 04-13-2022

Total Days in City Review:

**Total Days in Applicant's
Hands:**

Reference Numbers:

Case No. CD-CPC-2021-00222

Case No. CD-CPC-2022-00027

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220525						
LEGISLATION IN BRIEF:								
Approving an amendment to the Midtown Plaza Area Plan on about 1.5 acres generally located on the east side of Pennsylvanian Avenue between W. 34th Street on the north and W. 34th Terrace on the south by changing the recommended land use from residential medium density to residential high density use for the Midtown Plaza. (CD-CPC-2022-00027)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	NO	Yes/No						
0	NO	Yes/No						
0	NO	Yes/No						
0	NO	Yes/No						
Section 00: Notes:								
<i>There is no predictable fiscal impact.</i>								
0								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
RESERVE STATUS:								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Esther Swanson			DATE		6/21/2022	

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Legislation Text

File #: 220526

RESOLUTION NO. 220526

RESOLUTION - Approving an amendment to the Greater Downtown Area Plan on about .5 acres generally located at 1015 Pacific Street by changing the recommended land use from residential low density to residential medium density for the development of townhomes, quadplexes, and a duplex. (CD-CPC-2022-00006)

WHEREAS, on October 2019, the City Council by Resolution No. 190565 adopted the Greater Downtown Area Plan; and

WHEREAS, after further review it has been deemed appropriate to amend the Greater Downtown Area Plan as it affects that area of approximately .5 acres generally located at the 1015 Pacific Street by changing the recommended land use from residential low density to residential medium density; and

WHEREAS, the City Plan Commission considered such amendment to the Proposed Land Use Map on June 7, 2022; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on June 7, 2022, recommend approval of the proposed amendment to the Greater Downtown Area Plan; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section A. That the Greater Downtown Area Plan is hereby amended as to the Proposed Land Use Plan and Map for that area of approximately .5 acres generally located at 1015 Pacific Street by changing the recommended land use from residential low density to residential medium density.

Section B. That the amendment to the Greater Downtown 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 amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2022-00006

Brief Title

An Area Plan Amendment proposes to change the Greater Downtown Area Plan from Residential Low Density to Residential Medium-High Density for the subject site, 1015 Pacific St.

Details

Location: 1015 Pacific St

Reason for Legislation: Area Plan Amendments are approved by City Council.

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

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

City Plan Commission voted to remove Condition #17 from the Plan Conditions report (reference to the rezoning to UR with associated Development Plan).

Ordinance Number

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments, or Groups Affected	Council District, 4 th Shields, Bunch
Applicants / Proponents	Applicant Matt Murphy Helix Architecture + Design City Department City Planning & Development Other
Opponents	Groups or Individuals None appeared during City Plan Commission public hearing. Basis of Opposition N/A
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 4-0 6/7/2022 By Beasley, Crowl, Enders, Rojas <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation

	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass

Continued from Page 2

Fact Sheet Prepared By: Ahnna Nanoski, AICP Lead Planner	Date: 6/8/2022	
Reviewed By: Joe Rexwinkle, AICP Manager, Development Management Division	Date:	Initial Application Filed: 12/12/2021 City Plan Commission Action: 6/7/2022 Revised Plans Filed: N/A On Schedule: No Off Schedule Reason: Area Plan Amendment needed to accompany the rezoning to UR request. Plans were revised by the applicant, in order to make the project more economically feasible, and resubmitted on May 11 th , 2022.
Reference Numbers: Case No. CD-CPC-2022-00006		

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220526						
LEGISLATION IN BRIEF:								
Approving an amendment to the Greater Downtown Area Plan on about .5 acres generally located at 1015 Pacific Street by changing the recommended land use from residential low density to residential medium density for the development of townhomes, quadplexes, and a duplex. (CD-CPC-2022-00006)								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	NO	Yes/No						
0	NO	Yes/No						
0	NO	Yes/No						
0	NO	Yes/No						
Section 00: Notes:								
<i>There is no predictable fiscal impact.</i>								
0								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
RESERVE STATUS:								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Esther Swanson		DATE		6/21/2022		

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File #: 220527

ORDINANCE NO. 220527

Rezoning an area of about .5 acres generally located at 1015 Pacific Street from District R-1.5 (Residential) to UR (Urban Redevelopment) and approving a development plan to allow for townhomes, a duplex, and several quadplexes (for a total 20 units) on the property. (CD-CPC-2021-0032)

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 88-20-A1331 rezoning an area of about .5 acres generally located at 1015 Pacific Street from District R-1.5 (Residential) to UR (Urban Redevelopment), and more specifically described as follows:

Section 88-20A-1331. That an area legally described as:

TRACT I: The west 30.5 feet of the north 20 feet of Lot 21, the west 30.5 feet of Lot 22 and the west 30.5 feet of Lot 23, Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri.

TRACT II: All that part of Lots 21, 22 and 23, Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the northwest corner of Lot 23, aforesaid; thence southerly along the westerly lines of Lots 23, 22 and 21, 120 feet; thence easterly and parallel with the northerly line of Lot 21, aforesaid, to a point in the west line of alley 122 feet west of the west line of Troost Avenue; thence north along the west line of said alley to point in the southerly line of Pacific Street 122 feet west of the west line of Troost Avenue; thence westerly along the southerly line of said Pacific Street to the point of beginning, except the westerly 30.5 feet of above described tract.

TRACT III: Beginning 52.2 feet west of the northeast corner of Lot 23; thence west on the north line of said lot, 57.8 feet; thence south 52.17 feet; thence east 69.45 feet; thence north 49.70 feet to the beginning, part of Lot 23, Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri.

TRACT IV: All that part of Lot 23, Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the

northeast corner of said lot; thence west 52.5 feet; thence southerly 49.7 feet to the south line thereof; thence east 20.55 feet to a point situated 20 feet west southeast corner of said Lot 23; thence northeasterly to a point on the east line of said lot which point is 25 feet north of the southeast corner thereof; thence north 27.5 feet to the point of beginning.

TRACT V: The east 26 feet of Lots 1 and 2, Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri.

TRACT VI: That part of Lots 21, 22, and 23, in Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri described as follows: Commencing at the northwest corner of said Lot 23, block 79; thence North 75 degrees 36 minutes 32 seconds East along the north line of said Lot 23, 119.53 feet to the point of beginning; thence continuing North 75 degrees 36 minutes 32 seconds East along the north line of said Lot 23, 12.50 feet; thence South 02 degrees 18 minutes 18 seconds West, 156.60 feet to the south line of said Lot 21; thence South 75 degrees 36 minutes 32 seconds West along the south line of said Lot 21, 86.16 feet to the west line of said Lot 21; thence North 14 degrees 43 minutes 38 seconds West along the west line of said Lot 21, 30.00 feet; thence North 75 degrees 36 minutes 32 seconds East, 82.83 feet; thence North 02 degrees 18 minutes 18 seconds East, 125.28 feet to the point of beginning.

NOTE: The above describes the same property as described in Exhibit "A" of commitment for title insurance issued by Stewart Title Guaranty Company, Commitment Number: 947339, Commitment Date: October 2, 2020. Tract V is shown for convenience only and is not a part of this survey.

TRACT VII: All that part of Lots 20, 21 and 22, Block 79, East Kansas, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, described as follows: Commencing at the northwest corner of Lot 23, thence North 75 degrees 36 minutes 32 seconds East, along the north line of Lot 23, 131.55 feet; thence South 02 degrees 32 minutes 40 seconds West, 52.16 feet to the point of beginning; thence North 75 degrees 36 minutes 32 seconds East, along said north line of said Lot 22, 96.01 feet; thence South 28 degrees 05 minutes 30 seconds West, 159.64 feet; thence South 83 degrees 06 minutes 03 seconds West, 104.54 feet to a point on the west line of said Lot 20; thence North 14 degrees 43 minutes 37 seconds West, along said west line, 4.00 feet to the northwest corner of said Lot 20; thence North 75 degrees 36 minutes 32 seconds East along the north line of said Lot 20, 85.00 feet; thence North 02 degrees 32 minutes 40 seconds East, 104.64 feet to the point of beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

NOTE: The above describes the same property as described in Exhibit "A" of commitment for title insurance issued by Stewart Title Guaranty Company, Commitment Number: 1351721, Commitment Date: July 15, 2021.

is hereby rezoned from District R-1.5 (Residential) to UR (Urban Redevelopment all as shown outlined on a map marked Section 88-20A-1331, 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. To accommodate the owner-occupied townhomes and rental units on-site, a minor subdivision needs to be submitted.
2. Deviations to the lot and building standards are approved to allow zero-lot lines to be established for the site.
3. An administrative adjustment is approved to allow nine (9) street trees plus an ornamental grass feature will be installed on the subject site.
4. Buildings shall comply with all requirements of R302 of International Residential Code 2018 for exterior walls.
5. 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.
6. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the total disturbed area to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat and issuance of any building permits.
7. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. 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.

9. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
10. The developer shall secure permits to extend any public sanitary conveyance 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. The developer shall provide a cross access easement for the shared drive/Tract A.
12. The developer shall provide acceptable easement and secure permits to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
13. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
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. 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
17. Money-in-lieu of parkland dedication in the amount of \$15,412.84 shall be paid prior to a certificate of occupancy.
18. 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.

19. The developer must submit plans detailing the 8 inch water main replacement as shown on the development plans in Pacific Street along the property's northern frontage. If the Fire Department requires a fire hydrant along Troost Avenue, then plans for this main extension south of Pacific shall also be submitted. The plans shall be prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

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
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00232

Brief Title

The applicant is seeking approval of a rezoning to UR, with an associated Development Plan, to allow for the development of townhomes (10), two quadplexes (8), and one duplex (2) on the subject site.

220527

Ordinance Number

Details

Location: 1015 Pacific St

Reason for Legislation: UR designations are approved by City Council.

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

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions (if any).

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

City Plan Commission voted to remove Condition #17 from the Plan Conditions report.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments, or Groups Affected	Council District, 4 th Shields, Bunch
Applicants / Proponents	Applicant Matt Murphy Helix Architecture + Design City Department City Planning & Development Other
Opponents	Groups or Individuals None appeared during City Plan Commission public hearing. Basis of Opposition N/A
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 4-0 6/7/2022 By Beasley, Crawl, Enders, Rojas <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

	Do not pass

Continued from Page 2

Fact Sheet Prepared By: Ahnna Nanoski, AICP Lead Planner	Date: 6/8/2022	
Reviewed By: Joe Rexwinkle, AICP Manager, Development Management Division	Date:	Initial Application Filed: 12/12/2021 City Plan Commission Action: 6/7/2022 Revised Plans Filed: N/A On Schedule: No Off Schedule Reason: Area Plan Amendment needed to accompany the rezoning to UR request. Plans were revised by the applicant, in order to make the project more economically feasible, and resubmitted on May 11 th , 2022.
Reference Numbers: Case No. CD-CPC-2021-00232		

<h2>LEGISLATIVE FISCAL NOTE</h2>	LEGISLATION NUMBER:							
LEGISLATION IN BRIEF:								
<p>Rezoning an area of about .5 acres generally located at 1015 Pacific Street from District R-1.5 to UR and approving a development plan to allow for townhomes, a duplex, and several quadplexes (for a total of 20 units) on the property.</p>								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	<div>NO</div>	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	<div>NO</div>	Yes/No						
	<div>NO</div>	Yes/No						
	<div>NO</div>	Yes/No						
Section 00: Notes:								
<p><i>It is possible that there will be a fiscal impact in the future, however, this is not something that we have enough information to predict at this time.</i></p>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND DEPTID ACCOUNT PROJECT	FY 22-23 BUD	FY 23-24 EST						
Section 02: If applicable, where will new revenues be estimated?								
FUND DEPTID ACCOUNT PROJECT	FY 22-23 BUD	FY 23-24 EST						
Section 03: If applicable, where will appropriations be increased?								
FUND DEPTID ACCOUNT PROJECT	FY 22-23 BUD	FY 23-24 EST						
NET IMPACT ON OPERATIONAL BUDGET	-	-						
RESERVE STATUS:								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Robyn Cottin			DATE		6/21/2022	



File #: 220529

ORDINANCE NO. 220529

Rezoning an approximately 86 acre tract of land generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive from B3-3 and AG-R to B3-3 and approving a development plan for the same which also serves as a preliminary plat to allow for 762,000 square foot of mixed office/commercial development on 12 Lots and 4 tracts. (CD-CPC-2020-00065 and CD-CPC-2020-00067)

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-1333 rezoning an approximately 86 acre tract of land generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive from B3-3 (Community Business) and AG-R (Agricultural/Residential) to B3-3 (Community Business), said section to read as follows:

Section 88-20A-1333. That an area legally described as:

All of Lot 1, Tract A, Tract B, and Tract C of the Replat of Lot 1, Farmland Industries Corporate Headquarters, a subdivision in Kansas City, Platte County, Missouri, and all that part of the south half of Section 14, Township 52 North, Range 34 West, Kansas City, Platte County, Missouri, being described as follows: Beginning at the southwest corner of said Lot 1; thence South 08°55'08" West, a distance of 87.83 feet; thence North 78°14'48" West, a distance of 38.48 feet; thence northwesterly along a curve to the right being tangent to the last described course, having a radius of 550.00 feet, an arc distance of 307.39 feet; thence North 46°13'28" West, a distance of 550.05 feet; thence northwesterly along a curve to the right being tangent to the last described course, having a radius of 1355.00 feet, an arc distance of 350.39 feet; thence North 31°24'29" West, a distance of 494.31 feet; thence North 33°09'34" West, a distance of 167.47 feet; thence North 34°54'56" West, a distance of 210.59 feet; thence North 37°31'25" West, a distance of 579.37 feet; thence North 35°40'37" East, a distance of 265.58 feet to a point on the southerly right of way line of Interstate 435 at a point 223.00 feet right of the southerly lane Centerline Station 681+58.90; thence North 77°32'06" East, along said southerly right of way line, a distance of 264.66 feet to a point being 96.00 right of the Interstate 435 southerly lane Centerline Station 683+91.10; thence South 73°47'20" East, continuing along said right of way line, a distance of 214.53 feet to a point being 96.00 feet right of Interstate 435 southerly lane Centerline Station 686+05.63, and 150.00 feet right of Centerline

Station 686+05.63; thence South 60°40'17" East, continuing along said right of way line, a distance of 66.09 feet to a point being 165.00 feet right of Interstate 435 Centerline Station 686+70; thence South 80°42'00" East, continuing along said right of way line, a distance of 332.42 feet to a point being 125.00 feet right of Interstate 435 Centerline Station 690+00; thence South 73°47'20" East, continuing along said right of way line, a distance of 300.00 feet to a point being 125.00 feet right of Interstate 435 Centerline Station 693+00; thence South 67°08'04" East, continuing along said right of way line, a distance of 302.03 feet to a point being 160.00 feet right of Interstate 435 Centerline Station 696+00; thence South 73°47'20" East, continuing along said right of way line, a distance of 500.00 feet to a point being 160.00 feet right of Interstate 435 Centerline Station 701+00; thence South 76°39'05" East, continuing along said right of way line, a distance of 200.25 feet to a point being 150.00 feet right of Interstate 435 Centerline Station 703+00; thence South 73°47'20" East, continuing along said right of way line, a distance of 304.12 feet to the northwest corner of a tract of land described in Book 1312 at page 421; thence South 15°07'15" West, along the westerly line of said tract, a distance of 28.20 feet; thence southerly, continuing along said westerly line, along a curve to the left being tangent to the last described course, having a radius of 414.24 feet, an arc distance of 173.86 feet to the northeasterly corner of the N. Ambassador Drive right of way as shown on said Replat of Lot 1; thence South 79°29'38" West, along the northerly right of way line of said N. Ambassador Drive, a distance of 102.00 feet to the northwesterly corner of said right of way; thence southerly, along the westerly right of way line of said N. Ambassador Drive, along a curve to the left having an initial tangent bearing of South 10°30'22" East, a radius of 550.00 feet, an arc distance of 36.52 feet; thence South 14°18'36" East, a distance of 63.29 feet; thence South 25°16'16" East, a distance of 42.44 feet to a point on the east line of said Lot 1; thence southerly, along said line, along a curve to the left being tangent to the last described course, having a radius of 552.00 feet, an arc distance of 61.08 feet; thence South 31°36'41" East, continuing along said line and along the east line of said tract a, a distance of 378.75 feet; thence southerly, continuing along the east line of said Tract A, the east line of said Lot 1 and the east line of said Tract B, along a curve to the right being tangent to the last described course, having a radius of 648.00 feet, an arc distance of 356.90 feet; thence South 00°03'15" East, continuing along the east line of said Tract B, and along the east line of said Tract C, a distance of 237.99 feet; thence southerly, continuing along said line, along a curve to the right being tangent to the last described course, having a radius of 186.00 feet, an arc distance of 17.73 feet; thence South 05°24'22" West, continuing along said line, a distance of 128.05 feet; thence southerly, continuing along said line, along a curve to the left being tangent to the last described course, having a radius of 214.00 feet, an arc distance of 20.39 feet; thence South 00°03'15" East, continuing along said line, a distance of 179.69 feet to the southeasterly corner of said Tract C; thence North 87°56'42" West, along the southerly line of said Tract C, a distance of 244.17 feet; thence North 63°01'24" West, continuing along said line, a distance of 201.49 feet; thence South 78°06'10" West, along the southerly line of said Lot 1, a distance of 154.60

feet; thence North 89°41'11" West, continuing along said line, a distance of 360.00 feet; thence North 77°47'52" West, continuing along said line, a distance of 81.71 feet to the point of beginning.

is hereby rezoned from District B3-3 (Community Business) and AG-R (Agricultural/Residential) to District B3-3 (Community Business) all as shown outlined on a map marked Section 88 -20A-1333, 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 vacate any of the existing right-of-way for N.W. 122nd Court as determined necessary in association with any future final plats.
2. Airspace Evaluation - The proposed development is located in an area where the Kansas City International Airport (MCI) height zoning restrictions apply and is situated in close proximity to an instrument approach area. Given the proximity of this plan to MCI, the proposed development will exceed FAR Part 77, Objects Affecting Navigable Airspace, standards. The proponent/developer shall file an on-line Form 7460-1, Notice of Proposed Construction or Alteration, for permanent vertical structures and receive a Favorable Determination from the FAA. Temporary cranes used for construction activities extending higher than the proposed top elevation of any building will need to be evaluated for compliance with FAR Part 77 standards as well. The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website can be accessed at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. In addition, the proponent/developer is recommended to review the City's Airport Height Zoning Ordinance No. 040342 and associated maps. The proponent/developer is recommended to comply with Chapters 3, 4, 5, 12 of FAA Advisory Circular (AC) 70/7460-1L, Obstruction Marking and Lighting, as applicable.
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 submit a street naming plan prior to issuance of the first building permit within this development or prior to mylar approval of the first plat, whichever occurs first. (5/12/2022)
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 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.
7. 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.
8. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
10. The developer shall provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
11. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
12. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.

13. 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.
14. 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.
15. 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.
16. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
17. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
18. 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.
19. 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 and to a tie-in point with the existing sidewalks at N. Ambassador Drive and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
20. Fire Department access roads shall be provided prior to construction/demolition projects begin. (JFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5).
21. 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-2012 § D105).

22. 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 241-2013 § 8.7.2).
23. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1).
24. All construction shall be in compliance of the applicable building codes which are in effect at the time of construction and shall be built under valid building permits issued by the City Planning and Development Department. (IFC-2018 § 102.4).
25. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2012: § D104.3).
26. Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2012: § D104.1).
27. The developer shall provide more than one fire access road into the large parking area. (IFC-2012 § 503.1.2).
28. The south access road to the existing building shall be maintained. (IFC-2012 § D104.3).
29. The developer shall construct the portion of trail along project area as outlined in the Trails KC plan prior to a certificate of occupancy. Said trail shall be 10' in width and concrete in material.
30. 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.
31. The proposed access to N.W. Cookingham Drive as well as the proposed modifications to N.W. Cookingham Drive are to be completed as shown in the accepted Traffic Safety and Operations Report.
32. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
33. 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.
34. The existing service lines on "Lot 1" will be required to be killed and new connections to be made on the south side of building.

35. The developer shall submit water main extension plans for the public streets prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

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
Senior Associate City Attorney

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

<h2>LEGISLATIVE FISCAL NOTE</h2>	LEGISLATION NUMBER:							
LEGISLATION IN BRIEF:								
Rezoning an approximately 86 acre tract of land generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive from B3-3 and AG-R to B3-3 and approving a development plan for the same which also serves as a preliminary plat to allow for 762,000 square foot of mixed office/commercial development on 12 Lots and 4 tracts.								
What is the purpose of this legislation?	ECONOMIC DEVELOPMENT							
<i>For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.</i>								
Does this legislation spend money appropriated in the current fiscal year? <i>What is the city's obligation in future fiscal Years (See Section 04)</i>	NO	Yes/No						
Does this Legislation estimate new revenue in the current Fiscal Year? <i>What is the city's gross new revenue in future Fiscal Years? (See Section 01)</i>	NO	Yes/No						
	NO	Yes/No						
	NO	Yes/No						
Section 00: Notes:								
<i>It is possible that there will be a fiscal impact in the future, however, this is not something that we have enough information to predict at this time.</i>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?				FY 22-23 BUD	FY 23-24 EST			
FUND	DEPTID	ACCOUNT	PROJECT					
Section 03: If applicable, where will appropriations be increased?				FY 22-23 BUD	FY 23-24 EST			
FUND	DEPTID	ACCOUNT	PROJECT					
NET IMPACT ON OPERATIONAL BUDGET				-	-			
RESERVE STATUS:								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Robyn Cottin		DATE		6/21/2022		



Legislation Text

File #: 220530

ORDINANCE NO. 220530

Approving a Council approved signage plan for the Ambassador/Chaves Development to allow a comprehensive sign plan associated with the development of property generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive. (CD-CPC-2020-00066)

WHEREAS, the Ambassador/Chaves Development proposes approval of a comprehensive sign plan associated with a development on approximately 86 acres for mixed office and commercial use; and

WHEREAS, the City Plan Commission on May 17, 2022, recommended that the signage plan be approved; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a Council Approved Signage Plan is hereby approved for the Ambassador/Chaves Development of approximately 86 acres generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive in District B3-3 subject to the following conditions:

1. If the associated Development Plan (CD-CPC-2020-00067) should expire, this associated Council approved signage plan shall be deemed expired as well.
2. The proposed oversized monument signs shall not be constructed until the associated lot or tract of land where the sign will be placed is platted.
3. No oversized monument sign permit shall be issued until permits for Phase 1 of the development are issued to construct either necessary infrastructure or building permits.

Section B. That a copy of the Council approved signage plan is on file in the City Clerk's office with this ordinance and is made a part hereof.

..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
Senior Associate City Attorney

<h1 style="margin: 0;">LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	<h1 style="margin: 0;">220530</h1>
LEGISLATION IN BRIEF:		
Approving a Council approved signage plan for the Ambassador/Chaves Development to allow a comprehensive sign plan associated with the development of property generally located at the northwest corner of N. Ambassador Drive and N.W. Cookingham Drive.		
What is the purpose of this legislation?	LEGISLATIVE	
<i>for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank</i>		
Sections 01-04 should be blank. See section 00 for more information	<input type="text" value="NO"/>	Yes/No
	<input type="text" value="NO"/>	Yes/No
	<input type="text" value="NO"/>	Yes/No
	<input type="text" value="NO"/>	Yes/No
Section 00: Notes:		
<i>It is possible that there will be a fiscal impact in the future, however, this is not something that we have enough information to predict at this time.</i>		
FINANCIAL IMPACT OF LEGISLATION		
Section 01: If applicable, where are funds appropriated in the current budget?		
FUND DEPTID ACCOUNT PROJECT	FY 22-23 BUD	FY 23-24 EST
Section 02: If applicable, where will new revenues be estimated?		
FUND DEPTID ACCOUNT PROJECT	FY 22-23 BUD	FY 23-24 EST
Section 03: If applicable, where will appropriations be increased?		
FUND DEPTID ACCOUNT PROJECT	FY 22-23 BUD	FY 23-24 EST
NET IMPACT ON OPERATIONAL BUDGET	-	-
RESERVE STATUS:		
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)		
FUND FUND NAME	FY 22-23	FY 23-24 FY 24-25 FY 25-26 FY 26-27 FY 27-28 All Outyears
TOTAL REV	-	- - - - - -
FUND FUND NAME	FY 22-23	FY 23-24 FY 24-25 FY 25-26 FY 26-27 FY 27-28 All Outyears
TOTAL EXP	-	- - - - - -
NET Per-YEAR IMPACT	-	- - - - - -
NET IMPACT (SIX YEARS)		
-		
REVIEWED BY	Robyn Cottin	DATE
		6/21/2022



File #: 220531

ORDINANCE NO. 220531

Accepting and approving a one-year grant award amendment in the amount of \$3,046,295.00 from the U.S. Department of Health and Human Services to provide funding for Ryan White Part A and Minority AIDS Initiative services in Kansas City, Missouri; and authorizing the Director of Health to execute various contracts for Ryan White Part A and Minority AIDS Initiative Case Management Services from previously appropriated funds.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a one-year grant award amendment in the amount of \$3,046,295.00 between the City of Kansas City, Missouri, acting through its Director of Health, and the U.S. Department of Health and Human Services, Division of Health Resources and Services Administration (HRSA), whereby HRSA will provide funding for persons living with HIV/AIDS in the eleven county KC-TGA (Transitional Grant Area) for a period beginning March 1, 2022 through February 28, 2023, for a total grant award amount not to exceed \$4,463,512.00, is hereby accepted and approved. A copy of the award, in substantial form is attached hereto and made a part hereof by reference.

Section 2. That the Director of Health is hereby authorized to expend the sum of \$3,976,809.57 from funds previously appropriated to Account No. 23-2730-505003-G50244823 and \$269,313.55 from funds previously appropriated to Account No. 23-2730-505019-G50501923 for the aforesaid contract.

Section 3. That the Director of Health is authorized to execute contract amendments with Vivent Health, Kansas City CARE Clinic, University Health, and the University of Kansas Health System for a total contract amounts not to exceed \$465,457.00, 506,727.00, \$593,459.00, and \$433,328.00, respectively, for Ryan White Part A and Minority AIDS Initiative Case Management Services in the Kansas City, Missouri area for the contract period of July 1, 2022 to July 31, 2023, to be paid from funds appropriated in Account No. 23-2730-505003-G50244823 and Account No. 2730-505019-G50501923. A copy of the contracts, in substantial form, are on file with the Director of Health.

Section 4. That the Director is hereby authorized to extend the term of the aforementioned contracts with Vivent Health, Kansas City CARE Clinic, University Health, and the University of Kansas Health System without further Council approval and that the Director is also hereby authorized to amend these contracts to increase or decrease the total contract dollar amount contingent upon the need and availability of appropriated funds.

..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
Senior Associate City Attorney

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	220531						
LEGISLATION IN BRIEF:								
Accepting and approving a one-year grant award amendment in the amount of \$3,046,295.00 from the U.S. Department of Health and Human Services to provide funding for Ryan White Part A and Minority AIDS Initiative services in Kansas City, Missouri.								
What is the purpose of this legislation?	OPERATIONAL GRANT							
For Accepting financial contributions from Federal State and/or third parties to fund municipal programs. Programs supported by grants may require matching contributions from the City, or for the City to pay for program activities beyond the lifespan of the grant.								
Does this grant require a match? Does this grant require a match? See Section 01 for the City's Grant Match in the Current Fiscal year Does this legislation estimate Grant Revenues? See Section 02 for the New Estimated Revenues by Year. Does this legislation estimate Grant Appropriations? See Section 03 Below, Note all future Revenues in Section 04. Does this grant create an ongoing expense for the city? See Section 04 for five years of ongoing operational Impacts.								
	<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">NO</div>	Yes/No						
	<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">NO</div>	Yes/No						
	<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">NO</div>	Yes/No						
	<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">NO</div>	Yes/No						
Section 00: Notes:								
If this grant is renewable, we do not assume that it will renew. If it is not, the city assumes the full cost in out years.								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
2730	505003	Various	G50244823	3,976,809.57				
2730	505019	Various	G50501923	269,313.55				
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Vickie Watson		DATE		6/14/2022		

Minority AIDS Initiative Program

Revenues		Current Budget	Revised	Dollar
Account Number	Revenue Account Title	Estimate	Estimate	Change
23-2730-500001-479880-G50501923	Minority AIDS Initiative Program	\$269,313.55	\$269,313.55	\$ -

Appropriations		Current	Revised	Dollar
Account Number	Appropriation Account Title		Estimate	Change
23-2730-505019-A-G50501923	Minority AIDS Initiative Program	\$32,533.78	\$32,533.78	\$ -
23-2730-505019-B-G50501923	Minority AIDS Initiative Program	\$233,779.77	\$233,779.77	\$ -
23-2730-505019-C-G50501923	Minority AIDS Initiative Program	\$3,000.00	\$3,000.00	\$ -
		\$269,313.55	\$269,313.55	\$ -



File #: 220537

ORDINANCE NO. 220537

Rezoning an area of about 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 to District R-5 and approving a development plan in Districts R-7.5 and R-5 on about 142 acres to allow for a residential development. (CD-CPC-2022-00040 & CD-CPC-2022-00041)

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-1332 rezoning an area of approximately 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 (Residential 7.5) to District R-5 (Residential 5) and approving a development plan in Districts R-7.5 and R-5 on about 142 acres, which also serves as a preliminary plat to allow a residential development, said section to read as follows:

Section 88-20A-1332. That an area legally described as:

All that part of the Northeast Quarter of Section 35, Township 52 North, Range 32 West, in the City of Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 35, said point also being the Northwest plat corner of Amber Lakes – Fourth Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence South 0°02'07" West, along the East line of the Northeast Quarter of said Section 35 and along the West plat line of said Amber Lakes – Fourth Plat and also along the West plat line of Amber Lakes – Fifth Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 2150.45 feet to the Point of Beginning; thence continuing South 0°02'07" West, along the East line of the Northeast Quarter of said Section 35 and along the West plat line of said Amber Lakes – Fifth Plat and the West plat line of Amber Lakes – First Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 485.00 feet to the Southeast corner of the Northeast Quarter of said Section 35, said point also being the Northeast plat corner of Barrington Ridge – First Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence North 89°46'47" West, along the South line of the Northeast Quarter of said Section 35 and along the North plat line of said Barrington Ridge – First Plat and the North plat line of Barrington Ridge – Second Plat, a platted subdivision of land in the City of

Kansas City, Clay County, Missouri, a distance of 1899.74 feet; thence North 39°16'22" West, a distance of 293.00 feet; thence South 59°14'49" West, a distance of 56.00 feet; thence North 63°44'26" West, a distance of 359.42 feet to a point on the Easterly right-of-way line of Missouri Route 291, as now established; thence along the Easterly right-of-way line of said Missouri Route 291, for the following three (3) courses; thence North 23°16'16" West, a distance of 440.70 feet; thence South 66°45'48" West, a distance of 5.00 feet; thence North 23°16'16" West, a distance of 308.13 feet to a point on the base line of Missouri Public Service Company Electric Line Easement as described in Book 1003 at Page 837; thence along said base line of said Missouri Public Service Company Electric Line Easement, for the following two (2) courses; thence South 57°37'04" East, a distance of 469.17 feet; thence South 82°25'04" East, a distance of 2381.00 feet to the point of beginning, containing 35.2877 acres, more or less, of unplatted land.

is hereby rezoned from District R-7.5 (Residential 7.5) to District R-5 (Residential 5), all as shown outlined on a map marked Section 88-20A-1332, 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 (preliminary plat) for the area legally described as:

All that part of the North One-half of Section 35, Township 52 North, Range 32 West, in the City of Kansas City, Clay County, Missouri, being more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter of said Section 35, said point also being the Northwest plat corner of Amber Lakes – Fourth Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence South 0°02'07" West, along the East line of the Northeast Quarter of said Section 35 and along the West plat line of said Amber Lakes – Fourth Plat and also along the West plat line of Amber Lakes – Fifth Plat and Amber Lakes – First Plat, both being platted subdivisions of land in the City of Kansas City, Clay County, Missouri, a distance of 2635.45 feet to the Southeast corner of the Northeast Quarter of said Section 35, said point also being the Northeast plat corner of Barrington Ridge – First Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence North 89°46'47" West, along the South line of the Northeast Quarter of said Section 35 and along the North plat line of said Barrington Ridge – First Plat and the North plat line of Barrington Ridge – Second Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 1899.74 feet; thence North 39°16'22" West, a distance of 293.00 feet; thence South 59°14'49" West, a distance of 56.00 feet; thence North 63°44'26" West, a distance of 359.42 feet to a point on the Easterly right-of-way line of Missouri Route 291, as now established; thence along the Easterly right-of-way line of said Missouri Route 291, for the following three (3) courses; thence North 23°16'16" West, a distance of 440.70 feet; thence South 66°45'48" West, a distance of 5.00 feet; thence North 23°16'16" West, a distance of 423.07 feet; thence North 66°43'44" East, a distance

of 137.72 feet; thence North 48°01'20" East, a distance of 631.95 feet; thence Northerly on a curve to the left, said curve being tangent to the last described course and having a radius of 15.00 feet, an arc distance of 20.05 feet; thence Northwesterly on a curve to the right, said curve being tangent to the last described course and having a radius of 330.00 feet, an arc distance of 30.52 feet; thence North 23°16'16" West, a distance of 238.05 feet; thence North 66°43'44" East, a distance of 60.00 feet; thence Northerly on a curve to the right, said curve having an initial tangent bearing of North 23°15'49" West and a radius of 15.00 feet, an arc distance of 23.56 feet; thence North 23°16'16" West, a distance of 50.00 feet; thence North 66°43'44" East, a distance of 236.07 feet; thence North 21°43'27" West, a distance of 220.36 feet; thence North 0°12'25" East, a distance of 297.44 feet to a point on the Southerly right-of-way line of 104th Street, as now established; thence along the Southerly right-of-way line of said 104th Street, for the following two (2) courses; thence Easterly on a curve to the right, said curve having an initial tangent bearing of North 75°46'25" East and a radius of 660.00 feet, an arc distance of 166.26 feet; thence South 89°47'35" East, a distance of 165.50 feet; thence North 0°12'25" East, a distance of 40.00 feet to a point on the North line of the Northeast Quarter of said Section 35; thence South 89°47'35" East, along the North line of the Northeast Quarter of said Section 35, a distance of 1801.26 feet to the point of beginning, containing 142.1952 acres, more or less, of unplatted land.

is hereby approved, subject to the following conditions:

1. The developer shall submit a street naming plan to the Development Management Division prior to issuance of a building permit. The street naming plan shall be approved prior to Mylar approval of the final plat.
2. The developer shall submit a project plan to the City Plan Commission for all private open space indicating plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero footcandles at the property lines prior to Mylar approval or issuance of a building permit.
3. The developer shall provide detailed architectural information on the proposed building for review and approval by the staff prior to ordinance request or submit a design guideline for the proposed development. The design guidelines shall call out how this plan incorporates the Shoal Creek Valley Area Plan design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials.
4. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
5. 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.

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 dedicate additional right-of-way for N.E. 104th Street as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 40 feet of right-of-way as measured from the centerline (80 feet total right-of-way), 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.
8. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
9. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
10. The developer shall construct temporary off-site cul-de-sacs and grant a City approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
11. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
14. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
15. 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.
16. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
17. 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.
18. 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.
19. The developer shall grant any BMP and/or surface drainage easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
20. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
21. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.

22. The developer shall show the limits of the 100-year floodplain plus the 1 foot freeboard on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
23. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
24. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
25. The project shall 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. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
29. Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
30. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
31. Dead-end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a “phased” project shall provide an approved temporary turnaround feature (i.e., cul-de-sac, hammerhead). (IFC-2018: § 503.2.5)
32. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
33. 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.

34. 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 (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat.
35. Any proposed trails to be counted towards satisfying the parkland dedication requirements shall be calculated per 88-408-H and 8 feet minimum in width and concrete in material.
36. The developer shall work with MoDOT and the City for acceptance of the traffic impact study prior to any certificate of occupancy.
37. 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.
38. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
39. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

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

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

..end

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

Joseph Rexwinkle, AICP

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/ZONING

220537

Ordinance Fact Sheet

Ordinance Number

Case No. CD-CPC-2022-00040 & 2022-00041

Brief Title**Approval Deadline**

To consider rezoning from Districts from District R-7.5 to District R-5 and approval of a development plan in Districts R-7.5 and R-5 to allow for 349 unit residential development on 142 acres.

Details

Specific Address

Generally located at the southeast corner of NE 104th Street and NE Cookingham Drive.

Reason for Legislation

1. To consider rezoning about 35 acres from District R-7.5 (Residential 7.5) to District R-5 (Residential 5).
2. To consider approval a development plan which also serves as a preliminary plat in District R-7.5 and R-5 (Residential R-7.5 & R-5) on about 142 acres to allow for 258 detached lots and 91 multi-family units (349 total units)

Discussion

SEE ATTACHED STAFF REPORT.

Positions/Recommendations

Sponsor	Jeffrey Williams, AICP, Director Department of City Planning and Development
Programs, Departments, or Groups Affected	1st District (O'Neill & Hall)
Applicants / Proponents	Applicant Rouse Frets White Goss Gentile Rhodes, PC Robertson Construction, LLC City Department City Development Other
Opponents	Groups or Individuals Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 06-07-2022 By Aye: Allender, Beasley, Crowl, Enders Hill, Rojas & Sadowsk <input type="checkbox"/> For <input type="checkbox"/> Against No action taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

Details

--

Policy/Program Impact

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

Finances

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

Fact Sheet Prepared By:

Olofu O. Agbaji
Staff Planner

Date: 06-14-2022**Reviewed by:**

Joseph Rexwinkle, AICP, Division Manager
Development Management

Date: 06-14-22

Initial application filed: 03-11-2022

Revised Plans Recieved: 05-20-2022

Reference Numbers

LEGISLATIVE FISCAL NOTE				LEGISLATION NUMBER:		220537		
LEGISLATION IN BRIEF:								
Rezoning an area of about 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 to District R-5 and approving a development plan in Districts R-7.5 and R-5 on about 142 acres to allow for a residential development. (CD-CPC-2022-00040 & CD-CPC-2022-00041)								
What is the purpose of this legislation?				ECONOMIC DEVELOPMENT				
For the purpose of entering an agreement between the city and third party for the attraction or retention of economic activity for the purpose of economic development.								
Does this legislation spend money appropriated in the current fiscal year?				NO		Yes/No		
What is the city's obligation in future fiscal Years (See Section 04)								
Does this Legislation estimate new revenue in the current Fiscal Year?				NO		Yes/No		
What is the city's gross new revenue in future Fiscal Years? (See Section 01)								
				NO		Yes/No		
				NO		Yes/No		
Section 00: Notes:								
There is no predictable fiscal impact related to this ordinance.								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD		FY 23-24 EST		
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD		FY 23-24 EST		
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD		FY 23-24 EST		
NET IMPACT ON OPERATIONAL BUDGET				-		-		
				RESERVE STATUS:				
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		Nick Crafton			DATE		6/21/2022	



Legislation Text

File #: 220505

ORDINANCE NO. 220505

Approving a rezoning on about 0.87-acres generally located at the south-east corner of E 50th Street and Prospect Avenue from District B3-2 (Community Business) to District B4-2 (Heavy Business Commercial). (CD-CPC-2021-00245).

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 88-20A-1329, rezoning an area of approximately 0.87 acres generally located at the south-east corner of E 50th Street and Prospect Avenue from District B3-2 (Community Business (dash 2)) to District B4-2 (Heavy Business/Commercial (dash 2)), said section to read as follows:

Section 88-20A-1329. That an area legally described as:

TRACT 3:

The North 100 feet of the South 200 feet of the following describe Tract, measured on the east line of Prospect Avenue, part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 49, Range 33, Beginning at a point on the South line of 50th Street at East line of Prospect Avenue; thence East along the South line of 50th Street, 131.61 feet; thence South 303.68 feet to the Northeast corner of Lot 48 Elm Heights, an addition in Kansas City, Missouri; thence West along the North line of said Lot 48, 131.59 feet to the East line of Prospect Avenue or Northwest corner of said Lot 48; thence North along the East line of Prospect Avenue, 303.67 feet to point of beginning, in Kansas City, Jackson County, Missouri.

EXCEPT

Commencing at the Northwest corner of Lot 48 Elm Heights, an addition in Kansas City Jackson County, Missouri, and at the East Right-of-Way line of Prospect Avenue; thence North 02 degrees 18 minutes 19 seconds East along said East Right-of-Way line, 140.00 feet; thence South 87 degrees 14 minutes 08 seconds East, 71.60 feet to the Point of Beginning; thence continuing South 87 degrees 14 minutes 08 seconds East, 60.00 feet; thence North 02 degrees 18 minutes 11 seconds East, 60.00 feet; thence North 87 degrees 14 minutes 08 seconds West, 60.00 feet; thence South 02 degrees 18 minutes 11 seconds West, 60.00 feet to the Point of Beginning.

EXCEPT

Commencing at the Northwest corner of Lot 48 Elm Heights, an addition in Kansas City, Jackson County, Missouri, and at the East Right-of-Way line of Prospect Avenue; thence North 02 degrees 18 minutes 19 seconds East along said East Right-of-Way line, 169.62 feet; thence South 87 degrees 14 minutes 08 seconds East, 81.85 feet to the Point of Beginning; thence continuing South 87 degrees 14 minutes 08 seconds East, 10.00 feet; thence South 02 degrees 45 minutes 52 seconds West, 10.00 feet; thence North 87 degrees 14 minutes 08 seconds West, 10.00 feet; thence North 02 degrees 45 minutes 52 seconds East, 10.00 feet to the Point of Beginning.

TRACT 4:

All of the South 100 feet of the following described tract measured on the East line of Prospect Avenue, part of the Southwest quarter of the Southwest Quarter of Section 27, Township 49, Range 33, in Kansas City, Missouri, beginning at a point on the South line of 50th Street at the East line of Prospect Avenue; thence East along the South line of 50th Street, 131.61 feet; thence South 303.68 feet to the Northeast corner of Lot 48, Elm Heights, an addition in Kansas City, Missouri; thence West along the North line of said Lot 48, 131.59 feet to the East line of Prospect Avenue or the Northwest corner of said Lot 48; thence North along the East line of Prospect Avenue 303.67 feet to the point of beginning.

is hereby rezoned from District B3-2 (Community Business (dash 2)) to District B4-2 (Heavy Business/Commercial (dash 2)), all as shown on a map marked Section 88-20A-1329, which is attached hereto and made a part hereof, and which is hereby adopted as part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

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

..end

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

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Senior Associate City Attorney

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00245

Brief Title

A request to approve a rezoning from district B3-2 to B4-2 on about 0.87 acres generally located at 5021 Prospect Avenue

Ordinance Number

Details

Location: 5021 Prospect Avenue

Reason for Legislation: Zoning Map Amendments require Council approval.

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

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	3 rd District (Ellington, Robinson)
Applicants / Proponents	Applicant Jeff Schroeder Herman Scharhag Architects City Department City Planning & Development Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 05-17-2022 By Allender, Baker, Beasley, Crowl, Enders, Hill, Rojas <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

Policy or Program
Change

☐

Yes

☐

No

Operational
Impact
Assessment

Finances

Cost & Revenue
Projections –
Including Indirect
Costs

Financial Impact

Funding Source(s)
and
Appropriation
Account Codes

Fact Sheet Prepared By: **Date:** 6/06/2022

Jared Clements
Staff Planner

Reviewed By: **Date:** 6/06/2022

Joseph Rexwinkle
Development Management

Initial Application Filed: 12-23-2021

City Plan Commission: 5/17/2022

Revised Plans Filed: N/A

Reference Numbers:

Case No. CD-CPC-2021-00245

<h2>LEGISLATIVE FISCAL NOTE</h2>	LEGISLATION NUMBER:	220505						
LEGISLATION IN BRIEF:								
Approving a rezoning on about 0.87-acres generally located at the south-east corner of E 50th Street and Prospect Avenue from District B3-2 (Community Business) to District B4-2 (Heavy Business Commercial). (CD-CPC-2021-00245).								
What is the purpose of this legislation?	LEGISLATIVE							
<i>for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank</i>								
Sections 01-04 should be blank. See section 00 for more information	<input type="button" value="YES"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
Section 00: Notes:								
<i>There is no Fiscal Impact at this time.</i>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
<i>RESERVE STATUS:</i>								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		James Sturdevant		DATE		6/14/2022		



Legislation Text

File #: 220506

RESOLUTION NO. 220506

RESOLUTION - Approving an amendment to the Swope Area Plan on about 0.87 acres generally located at the southeast corner of the intersection of E. 50th Street and Prospect Avenue by changing the recommended land use from office to commercial to allow a plumbing business to continue to operate. (CD-CPC-2022-00035).

WHEREAS, on October 2, 2014 the City Council by Resolution 140770 adopted the Swope Area Plan; and

WHEREAS, after further review it has been deemed appropriate to amend the Swope Area Plan as it affects that area of approximately 0.87 acres generally located at the southeast corner of the intersection of E. 50th Street and Prospect Avenue by changing the recommended land use from office to commercial; and

WHEREAS, the City Plan Commission considered such amendment to the Proposed Land Use Map on May 17, 2022 and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did on May 17, 2022. recommend approval of the proposed amendment to Swope Area Plan; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section A. That the Swope Area Plan is hereby amended as to the Proposed Land Use Plan and Map for that area of approximately 0.87 acres generally located at the southeast corner of the intersection of E. 50th Street and Prospect Avenue by changing the recommended land use from office to commercial.

Section B. That the amendment to the Swope 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 amendment hereinabove, all public notices have been given and hearings have been held as required by law.

..end

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2021-00245 & CD-CPC-2022-00035

Brief Title

A request to approve an amendment to the Swope Area Plan from Office to Commercial on about 0.87 acres generally located at 5021 Prospect Avenue

220506

Ordinance Number

Details

Location: 5021 Prospect Avenue

Reason for Legislation: Area Plan Amendments require Council approval.

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

See attached City Plan Commission Disposition Letter for the Commission's recommended conditions

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	3 rd District (Ellington, Robinson)
Applicants / Proponents	Applicant Jeff Schroeder Herman Scharhag Architects City Department City Planning & Development Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 05-17-2022 By Allender, Baker, Beasley, Crowl, Enders, Hill, Rojas <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation

Continued from Page 1

	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass
Policy or Program Change	<input type="checkbox"/> Yes <input type="checkbox"/> No
Operational Impact Assessment	

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and	

	Appropriation Account Codes	
--	--	--

Fact Sheet Prepared By:	Date: 6/06/2022	Initial Application Filed: 2/28/2022
Jared Clements Staff Planner	Date: 6/06/2022	City Plan Commission: 5/17/2022
Reviewed By:	Revised Plans Filed: N/A	
Joseph Rexwinkle Development Management		
Reference Numbers:		
Case No. CD-CPC-2022-00035		

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220506						
LEGISLATION IN BRIEF:								
RESOLUTION - Approving an amendment to the Swope Area Plan on about 0.87 acres generally located at the southeast corner of the intersection of E. 50th Street and Prospect Avenue by changing the recommended land use from office to commercial to allow a plumbing business to continue to operate. (CD-CPC-2022-00035).								
What is the purpose of this legislation?	LEGISLATIVE							
<i>for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank</i>								
Sections 01-04 should be blank. See section 00 for more information	YES	Yes/No						
	NO	Yes/No						
	NO	Yes/No						
	NO	Yes/No						
Section 00: Notes:								
There is no Fiscal Impact at this time.								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
RESERVE STATUS:								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		James Sturdevant		DATE		6/14/2022		



File #: 220514

ORDINANCE NO. 220514

Amending Chapter 10, Code of Ordinances, by repealing Sections 10-62, Required hearings and review of director's action, and section 10-212, Location, and enacting in lieu thereof a new section of like number and subject matter to make necessary revisions to update a discrepancy within the ordinance, and, to make changes to the hearing process to align it with other like sections of the ordinance.

WHEREAS, the change to section 10-62(a) supports what is written in sections 10-212(b)(6)&(7) which states that a proposed license shall *only* be presumed that is likely to interfere with or be detrimental to the rights or interests of the neighboring community where 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license or permit; and

WHEREAS, prior to January 14, 2022, when the City Council passed Ordinance No. 210961 which made many changes and updates to Chapter 10, the former process of asking for a hearing largely restricted an eligible consenter to seek one only if the director did not follow the ordinance as written; and

WHEREAS, the ordinance changes adopted in January now allow the manager to determine whether a liquor license or permit can be issued which allows for an eligible neighbor who voted on a proposed license or permit to ask for a hearing to challenge the manager's decision for any reason; and

WHEREAS, the Liquor Control Board of Review consists of eight taxpaying residents of the city, appointed by the mayor, who typically have other jobs and are accustomed to two or fewer cases coming before them annually and the changes that were made to Chapter 10 in January could dramatically increase the number of hearings before the Board; and

WHEREAS, in Section 10-214 it states that it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license at the premises, and based on this, these proposed changes would only allow eligible neighbors to ask for a hearing if the director issues a license in a case where 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license at the premises; and

WHEREAS, the language needs to be clear that any appeal to the Liquor Control Board of Review is based on the director issuing a liquor license and not based on whether or not the

director approved the application as any appeal of the application could slow down the process substantially leaving the applicant and/or property owner in limbo of getting a liquor license; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Sections 10-62, Required hearings and review of director's action, and section 10-212, Location, and replacing them with new sections of like number and subject matter to read as follows:

Sec. 10-62. Required hearings and review of director's actions.

(a) If an application for an original license or permit, or the renewal or transfer of location of an existing license, or for change of ownership, or change in management or control of a business under this chapter is disapproved by the director, or if an eligible neighbor who filed a response pursuant to section 10-212 where 50% or more of the eligible neighbors who filed a written response with the director opposed the issuance of a license or permit, or, a church or school located within 300 feet of the proposed premises disputes the issuance of a license or permit, then the applicant, eligible neighbor, or applicable church or school, as the case may be, may file with the board a written request for a hearing before the board on the denial or issuance of a license or permit regarding the location. The request shall be made within 10 days after notice of the director's final decision. A copy of the request shall also be served on the director.

(b) In the case of action by the director seeking to suspend or revoke a license or permit issued under this chapter, the director shall:

- (1) File with the board, a written complaint setting forth the reasons for suspension or revocation of the license or permit and requesting a hearing before the board to consider the action.
- (2) Serve a copy of said request on the licensee or permittee personally or by leaving a copy at the licensed premises or by mailing a copy of the request to the licensee or permittee at their last known address.

(c) Upon the filing of a written complaint or request for a hearing before the board as provided in this chapter, made within the time specified in this article, the board shall, within 20 days after the receipt of the request, notify the director and all other parties of the date, time and place for the hearing. The date of the hearing shall not be less than 20 days from the date the request was filed.

(d) Hearing procedures shall include but not be limited to the following:

- (1) The applicant, licensee, permittee, eligible neighbor, or applicable church or school shall have full right to have counsel, to produce witnesses and to cross

examine all witnesses who may appear. All proceedings in the hearings shall be taken down stenographically, or recorded mechanically or electronically, or by a combination thereof, and shall be transcribed whenever required by law. Subpoenas shall be issued by the director or board for any witness whose presence is desired at any hearing or proceeding before the board to suspend or revoke a license or permit, or to issue or refuse a license or permit or renewal thereof, and the subpoena may be served by any person designated by the director or board, or by any member of the city police department. The subpoenas shall be served and return thereon shall be made in the same manner as is provided by law in civil suits in the circuit court of this state.

- (2) Witnesses may also appear voluntarily at the hearings and testify. Before testifying in any hearing or proceeding before the board, all witnesses shall be sworn to tell the truth and nothing but the truth.
- (3) With respect to a hearing before the board in connection with the directors action on an application for an original license or permit or the renewal or transfer of location of an existing license, or application for change of ownership or change in management or control of the business under this chapter or a hearing before the board in connection with the directors action to seek suspension of revocation of a license or permit issued under this chapter, the board shall issue its decision in writing within 30 days following the conclusion of the hearing unless the parties agree to an extension which shall not exceed an additional 30 days.
- (4) The decision of the board shall include findings of facts and conclusions of law, wherein the board may dismiss the complaint, or suspend or revoke a license or permit previously issued, place permanent or temporary conditions on the license, permit or licensee, or affirm or reverse the director's issuance or denial of an application for an original license, or renewal or transfer of an existing license or permit or remand the matter to the director for further administrative review or action. The board's decision shall be served upon all the parties in person or by registered or certified mail to the party's last known address. If the board is not able to serve the decision notice upon a party in person or if any notice sent by mail is returned by the U.S. Postal service, then the board shall cause the notice to be posted at the principal entrance of the business or facility, and the posting shall constitute valid service. No suspension, revocation, or denial shall become effective until 10 days after the decision has been issued by the board. The board may stay enforcement of its decision for a period of time not to exceed 30 days to allow for the filing of an appeal of the decision.

10-212. Location.

(a) No liquor license, expansion of premises, change in license type, change in location, extended hours permit, or amended license to allow live entertainment shall be issued for any location where the license is likely to interfere with or be detrimental to the rights or interests of the neighboring community.

(b) For purposes of this section, it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if:

- (1) The applicable premises is or will be a sales-by-drink tavern or C.O.L. license and is within 300 feet of a church or school, unless it is located within an exception area;
- (2) The applicable premises has or will have a sales-by-package license and is within 300 feet of a church or school, unless the proposed license is a grocery store or located within an exception area;
- (3) The applicable premises is or will be a sales-by-drink tavern or C.O.L. license and is within 300 feet of an area that is zoned residential unless it is located within an exception area;
- (4) The applicable premises has or will have a sales-by-package license and is within 300 feet of an area that is zoned residential, unless the proposed premises is a grocery store or it is located within an exception area;
- (5) The applicable premises is seeking an extended hours permit, pursuant to section 10-106 and is located within 1,500 feet of an area that is zoned residential;
- (6) The applicable premises has or will have a sales-by-drink license or C.O.L. license and is not located within an exception area and 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license or permit at the premises; or
- (7) The applicable premises has or will have a sales-by-package license that is not located within an exception area and 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license or permit at the premises

(c) Distance shall be measured from the nearest point of the enclosing wall of the licensed premises or proposed license premises to the nearest enclosing wall of a church or school or to the nearest point of a parcel zoned residential.

(d) Any applicant seeking to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community shall make a written request to the director describing why the applicant believes a waiver is appropriate. The director may permit waiver of one or more of the presumptions listed in subsection (b) if the director finds that the proposed license is not likely to interfere with or be detrimental to the rights and interests of the neighboring community. In considering a waiver the director may consider:

- (1) The physical characteristics of the proposed premises; relevant geography and character of both the premises and the surrounding neighborhood;

- (2) The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area;
- (3) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place;
- (4) Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver;
- (5) The history of past use at the proposed premises; and
- (6) The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.

(e) The director shall review any request to rebut a presumption in subsection (b), along with any additional information submitted by an eligible neighbor, city department, the Kansas City Police Department, and any other information that the director deems relevant. The director shall not make a decision until the eligible neighbor response period has ended as outlined by section 10-214. The director shall issue the decision in writing to the applicant and all responding eligible neighbors and provide the reasons for their decision.

(f) The director may grant a conditional license to any applicant whose proposed license is in conflict with subsection (b) in order to avoid the proposed premises interfering with or being a detriment to the rights and interests of the neighboring community.

(g) If a license or permit is not renewed or ceases to fulfill all other requirements of this chapter and expires, then an application for a new license or permit for the previously licensed premises shall be required to fulfill all conditions of this chapter for an original license or permit.

(h) If a license or permit issued under this chapter has been revoked, then an eligible applicant may apply for a new license or permit for the premises where a license or permit has been revoked and shall be required to fulfill all conditions of this chapter for an original license or permit.

..end

Approved as to form and legality:

Chivonne Scott
Assistant City Attorney

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

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220514						
LEGISLATION IN BRIEF:								
Amending Chapter 10, Code of Ordinances, by repealing Sections 10-62, Required hearings and review of director's action, and section 10-212, Location, and enacting in lieu thereof a new section of like number and subject matter to make necessary revisions to update a discrepancy within the ordinance, and, to make changes to the hearing process to align it with other like sections of the ordinance.								
What is the purpose of this legislation?	LEGISLATIVE							
<i>for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank</i>								
Sections 01-04 should be blank. See section 00 for more information	<input type="button" value="YES"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
Section 00: Notes:								
<i>There is no Fiscal Impact at this time.</i>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
<i>RESERVE STATUS:</i>								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		James Sturdevant		DATE		6/14/2022		



File #: 220515

ORDINANCE NO. 220515

Amending Chapter 10, Code of Ordinances, by repealing Sections 10-1, Definitions, 10-261, Renewals, and 10-339, Employment of and sales by minors, and enacting in lieu thereof new sections of like number and subject matter to make adjustments based on changes that were recently made to many sections of chapter 10.

WHEREAS, on January 14, 2022, the City Council passed Ordinance No. 210961 which made many necessary changes and updates to Chapter 10; and

WHEREAS, after working with the newly revised Chapter 10 for a few weeks it has been found that revisions are needed to bring the ordinance into compliance with state statute and to allow businesses to continue operating in a necessary manner that they were previously accustomed; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Sections 10-1, Definitions, 10-261, Renewals, and 10-339, Employment of and sales by minors, and replacing them with new sections of like number and subject matter to read as follows:

Sec. 10-1. Definitions.

As used in this chapter:

Alcohol beverage vaporizer means any device which, by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing any one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose and/or mouth.

Alcoholic beverages means malt beverages or intoxicating liquor with an alcohol content of more than 0.5% by volume.

Annual gross sales means the gross sales shown on the prior year's state sales tax receipt or the prior year's convention and tourism tax filings or city occupational license tax receipt for an applicant or licensee.

Bar-restaurant means an establishment having a restaurant or similar facility on the premises which derives 30% or more of its annual gross sales from the sale of prepared meals and food made for immediate consumption as compared to the annual gross sales of alcoholic beverages sold for immediate consumption. For the purposes of determining whether an establishment qualifies as a bar-restaurant under the provisions of this chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

Board means the liquor control board of review established by the city under this chapter to conduct regulatory hearings in connection with the administration and enforcement of the provisions of chapter 10 of the city's Code of Ordinances.

Caterer means any establishment whose primary business is the preparation of food and drinks for consumption away from the licensed premises. A caterer must derive 50% or more of its annual gross sales from the sale of prepared meals and food consumed at other approved premises. For the purposes of determining whether an establishment qualifies as a caterer under the provisions of this chapter and calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

Church means any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not the building or structure was originally designed and constructed for that purpose.

Closed place means a premises licensed under this chapter where all doors are locked and where no customers are in or about the premises.

Coin-or-currency-operated amusement device means pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other device operated by the insertion of a coin, currency, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. It shall not include "slot machines," "claw machines," or other machines prohibited by state law. It shall not include machines or devices used bona fide and solely for the vending of service, food, confections or merchandise.

Conditional license or permit means a license or permit issued under this chapter that has additional listed restrictions which must be followed by the licensee or permittee at all times whereby the failure of the licensee or permittee to comply with the restrictions may result in the suspension or revocation of the license or permit.

C.O.L. license means a license for the consumption of alcoholic beverages in or upon a premises which does not possess a license for the sale of alcoholic beverages and where food,

beverages or entertainment are sold or provided for compensation as provided in RSMo 311.480.

Concert venue means any establishment used for the presentation of live musical performances, pre-advertised to the public including pre-event tickets sales available through third party ticket vendors, and where total ticket sales exceed \$100,000.00 per year.

Commissioner means the commissioner of revenue of Kansas City, Missouri, or person authorized and designated by the commissioner.

Condominium means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Convention hotel or motel means any hotel or motel containing not less than 100 transient guestrooms, having a meeting room or similar facility with a seating capacity of not less than 50 persons and having a restaurant on the premises.

Customer means any person not an employee who enters or remains upon a licensed premises with actual or implied permission of the licensee or a person who purchases or otherwise partakes of any merchandise, goods, entertainment or other services offered upon the premises.

Dancer means any person performing a semi-nude dance, or who performs a dance for any customers upon the premises of an establishment that allows semi-nude dancing.

Director unless otherwise described, means the director of neighborhoods, or a person designated by the director.

Dwelling means any place that is used regularly or irregularly as a place of repose, sleep, rest or any place containing a bed, cot, divan, couch or any other article of furniture on which an adult person may recline. However, this shall not include any premises used as a hotel, motel, or hotel room

Employee means and includes an agent or servant, and shall be construed to mean every person working for or performing services on behalf of the licensee during actual or scheduled work hours.

Grocery Store means a retail business occupying a space that is at least 15,000 square feet, that primarily stocks a range of everyday items which includes but is not limited to groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, personal electronics, home essentials, and clothing, that derives at least 70% of its sales from products other than liquor.

Intoxicating liquor or liquor means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of 0.5% by volume.

Licensee means the holder of any licenses issued under the provisions of this chapter.

Live entertainment means any activity or presentation provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose that utilizes amplified sound, including live music, a DJ, comedian, or variety show.

Location means the property parcel upon which a licensed premises is situated.

Malt beverages means beverages including beer and intoxicating malt liquor that are brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer. Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than 49% of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than 6% by volume, no more than 0.5% of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol

Managing officer means the person(s) designated by the licensee who is in actual management and control of a business licensed under this chapter, and who would be eligible as an individual to receive a license for the sale of alcoholic beverages, and who is a qualified voter of the state.

Microbrewery means a business whose activity is the brewing and selling of beer, with an annual production of 10,000 barrels or less.

Original license means any license issued under this chapter on an application for a new license whether or not the proposed premises was previously licensed under this chapter but shall not mean a renewal license.

Original package means: (a) any package containing one or more standard bottles, cans, or pouches of malt beverages; (b) a package containing 50 milliliters (1.7 ounces) or more of spirituous liquor; or (c) a package containing 100 milliliters (3.4 ounces) or more of vinous liquor in the manufacturer's original container.

Permittee means the holder of an employee's permit, issued under the provisions of this chapter.

Person means an individual, partnership, club or association, firm, limited liability company or corporation, unless the context requires a contrary interpretation.

Premises means the bounds of the enclosure where alcoholic beverages are permitted to be sold, stored or consumed under the authority of this chapter.

School means any building which is regularly used as a public or private elementary school, middle school or high school.

Semi-nude dance means any live exhibition, performance or dance by a person or persons in a state of dress in which opaque clothing covers no more than the areola of the female breast, the genitals or pubic region and anus, as well as portions of the body covered by straps or strings supporting that clothing.

Substantial quantities of food means the amount of prepared meals and food wherefrom at least 50% of the gross income of an establishment has been derived during the three most recent calendar months preceding. For the purposes of determining whether substantial quantities of prepared meals and food constitute at least 50% of the gross income of an establishment under the provisions of this chapter, and calculating the amount and percentage of annual gross income from the sale of prepared meals or food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals or food.

Tavern means any licensed premises that sells liquor by the drink which derives more than 30% its annual gross sales from alcoholic beverages.

Sec. 10-261. Renewals.

(a) *Renewal period, notification, filing dates and termination of license due to failure to renew.* The license period for retail or wholesale sale of alcoholic beverages and C.O.L. licenses and permits will be for a period of one year beginning and ending on dates determined by the director. Renewal notification will be sent to licensees 90 days prior to the date of expiration. The completed renewal application is due 30 days prior to the expiration date of the current license and no sales of alcoholic beverages shall be allowed on the premises after the expiration date of the license or permit. Failure to apply for a renewal of a liquor license or permit within 120 days of the expiration date shall render the expired license null and void. An application for renewal of a liquor license or permit received within 120 days of the license expiration date may be considered by the director for approval up to 180 days after the expiration of the license.

(b) *Proper parties to file application.* In the case of a business owned by an individual, the renewal application shall be filed by the actual owner. In the case of a partnership, separate applications shall be filed by each member of the partnership. In the case of a limited liability company, the renewal application shall be filed by either the managing officer of the business or any member of the limited liability company. In the case of a corporation, the renewal application shall be filed by either the managing officer of the business or a corporate officer of the corporation.

(c) *Contents of application.* A renewal application shall disclose by affidavit, on a form provided by the director, the following information, along with any other information the director deems necessary:

- (1) The name and address of the owners of the business at the date of filing. If the business is owned by a partnership, then the application shall include the names and addresses of all partners. If the business is owned in whole or in part by a limited liability company then the application shall include the names and addresses of all members of the company. If the business is owned in whole or in part by a corporation, the application shall include the names and addresses of the corporate officers and directors, and all stockholders if the total number of stockholders is less than 15, or, if there are more than 15 stockholders in the corporation, then the applicant shall furnish the names and addresses of all stockholders who hold 10% or more of the capital stock and the percentage of stock held by each such stockholder.
- (2) The financial status of the business, including all loans, notes, chattels, mortgages and any and all other outstanding obligations, and the balance due thereon, except current alcoholic beverage bills, or other current bills, for merchandise incidental to the operation of the business for which the license is sought.
- (3) The banks with which the licensee is doing any business, and the signed consent by the licensee for the director or their authorized representatives to examine any and all business bank accounts, records and other data pertaining to the licensed business.
- (4) The names and addresses of any persons who have contributed any money to, have loaned any money to, or have had any investments in the licensed business during the preceding year. The applicant shall further state the amounts received from those persons, the purpose for which the money was used, and any outstanding obligations and the balance due thereon.
- (5) Whether the applicant has borrowed or accepted money and a statement that the applicant will not to borrow or accept money in the future from any wholesale supplier of alcoholic beverages or any supplier of coin-operated commercial, manual or mechanical amusement devices, or the employees, officers or agents thereof, or from any owner of coin-operated commercial, manual or mechanical amusement devices on or about the licensed premises, or from any felon or person who is not of good moral character.
- (6) The names and addresses of any and all persons who may be engaged, either directly or indirectly, in any part of the management and control of the licensed business.
- (7) Whether the applicant has complied with, during the past year, and will continue to comply with, the provisions of the fair public accommodation sections of chapter 38.

(d) *Documentation filed with application.* The following documents shall be filed with applications for renewals:

- (1) If the application is for renewal of a bar-restaurant license, the applicant shall furnish to the director, copies of all city convention and tourism tax returns,

showing that 30% or more of the gross income of the bar-restaurant for the year preceding the date of the application was derived from the sale of prepared meals and food made for immediate consumption. When calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food.

- (2) If a license has been issued to an applicant who represents at the time of the original application that the licensee has control of parking facilities by ownership, lease or otherwise, and the license was issued relying in part upon that representation, then any renewal application shall include the same or similar representations and proof of control as the director shall require. Loss of parking facilities through no fault of the license holder shall not be cause for denial of renewal.

(e) *Disapproval of application to renew.* The director shall disapprove an application for renewal of any license or permit on the following grounds:

- (1) If any renewal application contains information which does not justify renewal;
- (2) If the director has other information that the applicant has not met the requirements of this chapter;
- (3) If the licensee or any employee of the licensee or a permit holder under this chapter is convicted within the current license year in the municipal court of the city or any other court in this state, of 3 or more violations of this chapter; or
- (4) If the director has any other information which does not justify renewal. An applicant whose application for renewal of a license or permit has been disapproved may file a written request for a hearing before the board in the manner provided in section 10-62(a) of this chapter. An applicant whose application for renewal of a license or permit has been disapproved may not sell or distribute alcoholic beverages on the premises during the renewal year unless and until
 - (i) the applicant thereafter files a written request for a hearing in the manner provided in section 10-62(a) of this chapter, in which case the disapproval shall be stayed until final adjudication of the matter, except that if one of the reasons for disapproval is the nonpayment of the required license fee set forth in section 10-127 of this chapter or nonpayment of any taxes set forth in section 10-186 of this chapter, then the disapproval shall not be stayed; or
 - (ii) the disapproval has been reversed or set aside by the director, the board or court order.

(f) *Considerations for renewal.* In determining whether a renewal application shall be disapproved, the director, or the board, upon appeal, shall consider the following factors:

- (1) Whether the licensee has failed to report a change in ownership in the business or change in management or control of the business that has occurred in the current license year;
- (2) Whether the licensed premises has changed the character of the surrounding neighborhood or interfered with or been detrimental to the rights or interests of the neighboring community;
- (3) Whether lewd and indecent conduct, including but not limited to public urination, exhibited by persons frequenting the licensed premises or by the licensee or their employees, servants or agents, has occurred on the licensed premises or in the immediate vicinity thereof;
- (4) Whether crimes or city ordinance violations have been committed upon or in the immediate vicinity of the licensed premises by persons frequenting the premises or by the licensee or their employees, servants or agents;
- (5) The frequency of disturbances or other incidents upon or in the immediate vicinity of the licensed premises by persons frequenting the premises that have required police presence, response, investigation or other action;
- (6) Whether the licensee has allowed or permitted any type of entertainment on or about the licensed premises without application to and written approval by the director;
- (7) Whether the type of entertainment has interfered with or been detrimental to the rights or interests of the neighboring community, and, if any renewal application proposes to change the type of entertainment for the premises, whether the proposed entertainment would interfere with or be detrimental to the rights or interests of the neighboring community, considering those other factors delineated in section 10-212;
- (8) Whether the sale of illegal drugs or controlled substances or illegal gambling has occurred upon or in the immediate vicinity of the licensed premises by persons frequenting the premises or by the licensee or their employees, servants or agents;
- (9) Other factors which, due to the character of the surrounding neighborhood or of the licensed premises, would be relevant to the determination of whether renewal of a license or permit would interfere with or be detrimental to the rights or interests of the neighboring community;
- (10) Whether the licensee or permittee has received prior notice of violations of this chapter or of other factors which may not justify renewal;
- (11) Whether the licensee or permittee has timely complied with all requirements for and completed the process for renewal of the license; and
- (12) Whether the licensed premises has changed in size, either through expansion or reduction of square footage.

(g) Notwithstanding the provisions of sections 10-266 and 10-269 of this chapter, if a license is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter terminated or canceled or expires, then an application for a new license for the previously licensed premises shall be required to fulfill all conditions of this chapter for an original license, including but not limited to the requirements in section 10-212.

(h) Notwithstanding any other provision of this chapter, the director may renew a bar-restaurant license for an establishment that did not derive 30% or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises, if the establishment held a bar-restaurant license in the year immediately prior and the applicant provides documentation that the licensed establishment was closed or had reduced sales in the year immediately prior because of an event or occurrence outside of the control of the applicant that resulted in a state of emergency lasting more than two weeks, as declared by the mayor or governor of Missouri.

(i) Notwithstanding any other provision of this chapter, the director may renew a bar-restaurant license for an establishment that did not derive 30% or more of its annual gross sales from the sale of prepared meals and food made for immediate consumption if the licensee is in compliance with all other provisions of this chapter and all of the following conditions have been met:

- (1) The establishment had a restaurant-bar license prior to December 1, 2021;
- (2) The establishment had annual gross sales of at least \$200,000.00 from the sale of prepared meals and food made for immediate consumption. When calculating the amount and percentage of annual gross sales from the sale of prepared meals and food, any nonalcoholic components mixed or served in any alcoholic beverage shall be considered to be part of the alcoholic beverage and shall not be considered to be prepared meals and food;
- (3) The establishment has been in continuous operation since December 1, 2021.

Sec. 10-339. Employment of and sales by minors.

(a) No retail licensee, nor employee of the licensee, shall permit any person under 21 years of age to directly participate in the retail sale, delivery or dispensation of alcoholic beverages as described in section 10-5 of this chapter upon the licensed premises, except that this prohibition shall not apply to:

- (1) Sales-by-drink licensed premises which do not qualify as a bar-restaurant as defined by section 10-1 which sell food for consumption on the premises if at least fifty percent of all sales consists of food. A sales-by-drink or C.O.L. licensee may employ persons 18—20 years of age to work on the premises if the persons do not directly participate in the retail sale, delivery or dispensation of alcoholic beverages.
- (2) Sales-by-drink licensed premises which qualify as a bar-restaurant as defined by section 10-1 which sell food for consumption on the premises if at least fifty

percent of all sales consists of food. A sales-by-drink or C.O.L. licensee who sells substantial quantities of food upon the licensed premises may:

- a. Employ persons 18—20 years of age to work on the premises in the capacity of a waiter or waitress; however, no employee 18—20 years of age shall mix, pour or serve across the bar alcoholic beverages. Minors so employed may serve alcoholic beverages and accept payment for alcoholic beverages, but may not mix or serve alcoholic beverages across the bar. Minors who work as a waiter or waitress and serve alcoholic beverages or accept payment for alcoholic beverages must have a valid employee liquor permit in their possession as required under section 10-291; and
 - b. Employ persons 16 and 17 years of age to work on the premises if the persons do not directly participate in the retail sale, delivery or dispensation of alcoholic beverages. Licensees employing persons 16 or 17 years of age under this subsection shall, prior to employing the minor, require his or her parents or legal guardian to give their written consent to the employment, in a manner and form approved by the director. In addition to placing the minor's name in the register of employees, the consent and proof of the minor's age shall be maintained on file by the licensee and shall be available for inspection, at any time, by the director or the director's agents or the police department during the minor's term of employment. An authentic birth certificate, hospital birth record, religious record or public school record shall be adequate proof of the minor's age. In an emergency, a minor may be employed, without the required consent, for a period not to exceed 48 hours. Minors employed under the terms of this subsection are not required to obtain employee liquor permits under section 10-291.
- (3) Original package sales licenses without 50% gross sales of other merchandise. An original package sales licensee without 50% gross sales of other merchandise may employ persons 18—20 years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for and sack for carry-out alcoholic beverages, so long as there is an employee of licensee, not less than 21 years of age, holding a valid employee liquor permit as described in section 10-5 of this chapter, on the licensed premises during all hours of operation. However, delivery of alcoholic beverages away from the licensed premises cannot be performed by any person under 21 years of age. Minors employed under this subsection must have a valid employee liquor permit in their possession as required under section 10-291.
- (4) Original package sales licenses with 50% gross sales of other merchandise. An original package sales licensee where at least 50% of the gross sales consist of goods, merchandise or commodities other than alcoholic beverages may employ persons 18—20 years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for and sack for carry-out alcoholic beverages. However, delivery of alcoholic beverages away from the licensed premises cannot be performed by any person under 21 years of age.

Minors employed under this subsection may not deliver alcoholic beverages away from the licensed premises. Minors employed under this subsection must have a valid employee liquor permit in their possession as required under section 10-291.

- (5) In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least 18 years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
- (6) Any wholesaler licensed pursuant to this chapter may employ persons of at least 18 years of age to:
 - a. Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor; and
 - b. Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is 21 years of age or older.

(b) Each employee under 21 years of age, allowed to directly participate in the retail sale, delivery or dispensation of alcoholic beverages upon the premises under this section must hold an employee liquor permit as described in section 10-5 of this chapter.

..end

Approved as to form and legality:

Chivonne Scott
Assistant City Attorney

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

<h1>LEGISLATIVE FISCAL NOTE</h1>	LEGISLATION NUMBER:	220515						
LEGISLATION IN BRIEF:								
Amending Chapter 10, Code of Ordinances, by repealing Sections 10-1, Definitions, 10-261, Renewals, and 10-339, Employment of and sales by minors, and enacting in lieu thereof new sections of like number and subject matter to make adjustments based on changes that were recently made to many sections of chapter 10.								
What is the purpose of this legislation?	LEGISLATIVE							
<i>for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank</i>								
Sections 01-04 should be blank. See section 00 for more information	<input type="button" value="YES"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
	<input type="button" value="NO"/>	Yes/No						
Section 00: Notes:								
<i>There is no Fiscal Impact at this time.</i>								
FINANCIAL IMPACT OF LEGISLATION								
Section 01: If applicable, where are funds appropriated in the current budget?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 02: If applicable, where will new revenues be estimated?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
Section 03: If applicable, where will appropriations be increased?								
FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST			
NET IMPACT ON OPERATIONAL BUDGET				-	-			
<i>RESERVE STATUS:</i>								
SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)								
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL REV		-	-	-	-	-	-	-
FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
TOTAL EXP		-	-	-	-	-	-	-
NET Per-YEAR IMPACT		-	-	-	-	-	-	-
NET IMPACT (SIX YEARS)		-						
REVIEWED BY		James Sturdevant		DATE		6/14/2022		



File #: 220516

ORDINANCE NO. 220516

Amending Chapter 10, Code of Ordinances, by repealing Section 10-211, Number of retail alcoholic beverage licenses, and enacting in lieu thereof a new section of like number and subject matter to align it with other like sections of chapter 10

WHEREAS, on January 14, 2022, the City Council passed Ordinance No. 210961 which made many necessary changes and updates to Chapter 10; and

WHEREAS, after working with the newly revised Chapter 10 for a few months it has been found that revisions are needed to prevent future and ongoing exceptions to this section as this has been an ongoing issue for many years; and

WHEREAS, the density model has become antiquated because there are many different types of businesses that have an interest in getting a liquor license that are not simply categorized as a “tavern” or a “package store”; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 10-211, Number of retail alcoholic beverage licenses, and replacing it with a new section of like number and subject matter to read as follows:

Sec. 10-211. Number of retail alcoholic beverage licenses.

A significant concentration of alcoholic beverage licenses within any segment of the community is likely to interfere with or be detrimental to the rights or interests of the community. For purposes of this section, it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if the location of the proposed license will exceed the limitations outlined in this section. The number of alcoholic beverage licenses issued by the director shall be limited on the following basis:

- (1) *Retail sales-by-drink licenses.* One retail sales-by-drink license may be issued for population of zero to 1,500, and one additional retail sales-by-drink license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise,

as measured from the center of the door to be used as the main entrance to the premise. For a premise that is currently in operation, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the premise. The applicant shall furnish to the director two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise. The limitations provided in this section shall not apply to:

- a. An applicant that proposes to operate a retail sales-by-drink premises and the 3,000-foot radius, as measured from the center of the door for the main entrance of the premise as determined by the entire boundaries of any United States census blocks located in the city and which census blocks are located wholly within or intersected by the radius, has a population of 750 or less.
- b. Retail sales-by-drink licenses issued to hotels, apartment hotels, motels, inns, lodges or similar places providing principally transient residential accommodations and having at least 40 rooms for overnight accommodation.
- c. Retail sales-by-drink licenses issued to a bar-restaurant as defined in this chapter. Upon proper and sufficient evidence submitted to the director, the director shall summarily refuse to renew the license upon the failure of the licensed premise to maintain the business as a bar-restaurant at the time of renewal. The decision of the director to disapprove the renewal of any license issued under the provisions of this subsection shall not be deemed a revocation and shall not disqualify the licensee from applying for and receiving any license granted under the provisions of this chapter. The decision of the director to disapprove the renewal of any license issued under the provisions of this subsection shall be appealable to the board in the manner set forth in [section 10-62\(b\)](#) of this chapter.
- d. Retail sales-by-drink licenses issued to a manufacturer or microbrewery, as defined in this chapter, to sell only those alcoholic beverages by the drink that are manufactured on the licensed premise.
- e. A licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public is not permitted to enter at any time.
- f. Sales-by-drink premises located wholly within the following described locations:
 1. *Central City Area.* That area bounded by, including and beginning from the intersecting point of the block face frontage of the west side of

Broadway Boulevard and including the block face frontage of I-70 on the north, thence east along the block face frontage of I-70 on the north to the intersecting point of and including the block face frontage of the east side of Cherry Avenue, thence south along the block face frontage of the east side of Cherry Avenue to the intersecting point of and including the block face frontage of the south side of 8th Street, thence east along the block face frontage of the south side of 8th Street to the intersecting point of and including the block face frontage of the east side of Holmes Avenue, thence south along the block face frontage of the east side of Holmes Avenue to the intersecting point of and including the block face frontage of the south side of 24th Street, thence west along the block face frontage of the south side of 24th Street to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard, thence north along the block face frontage of the west side of Broadway Boulevard to the intersecting point of and including the block face frontage of the west side of Broadway Boulevard and the block face frontage of I-70 on the north.

2. *18th and Vine District Area.* That area bounded by and beginning from the intersecting point of Lydia Avenue and East Truman Road, thence east along East Truman Road to the intersecting point of Brooklyn Avenue, thence south along Brooklyn Avenue to the intersecting point of East 19th Street, thence west along East 19th Street to the intersecting point of Groves Street, thence north along Groves Street to the intersecting point of East 17th Street, thence west along East 17th Street to the intersecting point of Lydia Avenue, thence north along Lydia Avenue to the intersecting point of East Truman Road. After April 1, 2018, if an applicant proposes to operate a retail sales-by-drink business to be located outside the boundaries of this area, any additional business located within this new area which adds to the density after April 1, 2018 will not be included when considering the limitations of businesses as outlined in subsection (1) of this section.
3. *West Bottoms Area.* That area bounded by and beginning at the intersection of the west city limit and the south bank of the Missouri River, thence south along the west boundary of the city limit to the intersection with the north right-of-way line of 25th Street, thence east along the north right-of-way line of 25th Street to the intersection with the west right-of-way line of Allen Road, thence generally north along the west right-of-way line of Allen Road to the intersection with the west right-of-way line of Holly Avenue, thence north along the west right-of-way line of Holly Avenue to the intersection with the west right-of-way line of Beardsley Road, thence north along the west right-of-way line of Beardsley Road to the intersection with the north right-of-way line of 6th Street, thence east along the north right-of-way line of 6th Street to the intersection with the west right-of-way of Broadway Avenue, thence

north along the west right-of-way line of Broadway Avenue to the intersection with the south bank of the Missouri River, thence west along the south bank of the Missouri River to the point of beginning.

4. *Zona Rosa Shopping District Area.* The east and west sides of N.W. Prairie View Road, north of N.W. Barry Road extending north to Missouri Highway 152, on the north and south sides of N.W. Prairie View Road, west of the intersection of Interstate 29 and Highway 152 extending west to N. Congress Avenue, and at the southwest corner of Highway 152 and N. Congress Avenue.
5. *City Market District Area.* That area bounded by, including and beginning from the intersecting point of the Buck O'Neil Bridge and the south bank of the Missouri River, thence east along the south bank of the Missouri River to the intersecting point of the Heart of America Bridge, thence south along the Heart of America Bridge to the intersecting point of I-70, thence west along I-70 to the intersecting point of the Buck O'Neil bridge, thence north along the Buck O'Neil Bridge to the intersecting point of the south bank of the Missouri River.
6. *Tiffany Springs Market Area.* That area bounded by Tiffany Springs Road on the north, Interstate 29 on the west, Missouri Highway 152 on the south and N. Ambassador Drive on the east.
7. *25th and Southwest Blvd. Area.* That area bounded by Southwest Boulevard on the west, West 25th Street on the north, Summit Street on the east and West 26th Street on the south.
8. *Village at Briarcliff Area.* That area bounded by North Mulberry Drive on the west, the northern boundary of the Briarcliff Village Tract C-1 parcel on the north, the eastern boundary of the Briarcliff Village Tract C-1 parcel on the east and the southern boundary of the Briarcliff Village Tract C-1 parcel on the south.
9. *East Bottoms Area.* That area bounded by and beginning from the intersecting point of North Garland Avenue and Nicholson Avenue, thence east along Nicholson Avenue to the intersecting point of North Agnes Avenue, thence south along North Agnes Avenue and continuing in a straight line to the intersecting point of the northern border of Kessler Park, thence west along the northern border of Kessler Park to the point where North Garland Avenue would intersect the northern border of Kessler Park, thence north along North Garland Avenue to the intersecting point of Nicholson Avenue. After April 1, 2018, if an applicant proposes to operate a retail sales-by-drink business to be located outside the boundaries of this area, any additional business located within this new area which adds to the density after April 1, 2018

will not be included when considering the limitations of businesses as outlined in subsection (1) of this section.

10. *Mill Creek Plaza Area.* That area bounded by and beginning from the intersecting point of 103rd Street and the west bank of Indian Creek, thence southwest along the west bank of Indian Creek to the intersecting point of the west bank of Indian Creek and the state line, thence north along the state line to the south line of Lea Manor Subdivision, thence east along the south line of the Lea Manor Subdivision, to the west line of Lot 3, Watts Mill Plaza Subdivision, thence south along the west line of Lot 3, Watts Mill Plaza Subdivision, to the south line of Lot 3, Watts Mill Plaza Subdivision, thence east along the south line of Lot 3, Watts Mill Plaza Subdivision, to the east line of Lot 3, Watts Mill Plaza Subdivision, thence north along the east line of Lot 3, Watts Mill Plaza Subdivision, to the south line of lots 18, 19, and 20 Eden Subdivision, thence southeast along the south line of lots 18, 19, and 20, Eden Subdivision to the east line of lots 18, 19, and 20, Eden subdivision, thence south to the west bank of Indian Creek, thence southwest along the west bank of Indian Creek back to the intersecting point of 103rd Street and the west bank of Indian Creek.
 - g. Retail sales-by-drink licenses issued to a wine manufacturer to sell only those alcoholic beverages by the drink produced on a premises in close proximity to the winery.
 - h. Retail sales-by-drink licenses for premises within Kansas City International Airport.
- (2) *Retail sales-by-package licenses.* Two retail sales-by-package licenses may be issued for population of zero to 1,500, and one additional sales-by-package license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city which abut the city limits of the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door to be used as the main entrance to the premise. For all other census blocks located in the city that do not abut the city limit lines as described above, one retail sales-by-package license may be issued for population of zero to 1,500, and one additional sales-by-package license may be issued for each additional 1,500 population which exceeds the first 1,500 population, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the door to be used as the main entrance to the premise. For a premise that is currently in operation, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the premise.

The applicant shall furnish to the director two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise. The limitations provided in this section shall not apply to a liquor license applicant who meets any of the following criteria:

- a. An applicant that proposes to operate a retail sales-by-package premise and the 3,000-foot radius, as measured from the center of the door for the main entrance of the premise as determined by the entire boundaries of any United States census blocks located in the city and which census blocks are located wholly within or intersected by the radius, has a population of 750 or less.
 - b. A licensed premise that will only be used as a storage space where alcoholic beverages are stored, not sold or served, and the general public is not permitted to enter at any time.
 - c. Retail sales-by-package licenses for premises within Kansas City International Airport.
- (3) The determination of population contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius as measured from the center of the door of the main entrance of a proposed sales-by-drink or sales-by-package premise, shall be made by adding the total population as determined by the most recent U.S. Decennial Census or, at the applicant's choice, by requesting from the city planning and development department the Kansas City Population Update Report prepared and signed by the city's planning and development department to determine population that is contained within the entire boundaries of each such United States census block. The determination of the number of licenses of a specific category located within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius as measured from the center of the door of the main entrance of a proposed sales-by-drink or sales-by-package premise, shall be made by adding the total number of such licenses located within the entire boundaries of each such United States census block, but excluding those licenses exempted under (1)a., (1)b., and (1)c., located within the entire boundaries of each such United States census block. In connection with any application for a new license regulated under this section, for the purposes of determining the number of licenses in the categories regulated under this section, contained within the entire boundaries of any United States census blocks located in the city, and which census blocks are located wholly within or intersected by a 3,000-foot radius from a proposed licensed premise, as measured from the center of the

door for the main entrance to the premise, all such city licenses existing at the time of the determination by the director, whether serving a suspension, under an order of nonrenewal, under an order of suspension or revocation, or under investigation for, subject to or charged with disqualification from holding a license or a violation of the provisions of this chapter, shall be included in the calculation unless the nonrenewal or revocation is final with all rights of appeal foreclosed.

- (4) If the total number of sales-by-drink or sales-by-package licenses herein issued at the time this chapter becomes effective exceeds the number authorized for that category of license, those licenses, if they meet all other requirements, shall be entitled to renewal on an annual basis. If a license is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter terminated or canceled or expires, then an application for a new license for the previously licensed premise shall be required to fulfill all conditions of this chapter for an original license, including but not limited to the provisions of [section 10-211](#) limiting the number of licenses. Additional licenses in a category shall not be issued until the time as the respective population ratios as calculated and determined under this section exceed the populations provided herein. A new license in a category, if the application meets all other requirements of this chapter, may be issued for a vacancy created by bona fide purchase or transfer of a license to a new premise located in a census block wholly within or intersected by a 3,000-foot radius from the existing licensed premise, as measured from the center of the door for the main entrance to the premise, so long as an application for a new license is filed within 12 months from the date of bona fide purchase or transfer. A licensee whose license has been surrendered, canceled or not renewed as a result of the transfer of the real property where the premise is located to an entity that has the power of eminent domain, and who files an application for a new license within 12 months from the date of the transfer of the real property shall be exempt from the requirements of this section with respect to a new location, but the licensee shall meet all other requirements of this chapter. For the purposes of this chapter, the center of the door for the main entrance to the premise shall be determined by the entrance naturally used by the public frequenting the establishment who shall furnish to the city two coordinates expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the door for the main entrance to the premise.
- (5) An applicant may seek to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community by making a written request to the director describing why they believe a waiver is appropriate. The director may permit waiver if they find that the proposed license is not likely to

interfere with or be detrimental to the rights and interests of the neighboring community. In considering a waiver, the director must wait until the conclusion of the eligible neighbor notification period, as outlined in section 10-214, and may consider:

- (a) Whether 50% or more of the eligible neighbors who filed a written response with the director opposed the granting of a license;
 - (b) The physical characteristics of the proposed premises; relevant geography and character of both the premises and the surrounding neighborhood;
 - (b) The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area;
 - (c) The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place;
 - (d) Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver;
 - (e) The history of past use at the proposed premises; and
 - (f) The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment.
- (6) The director shall review any request to rebut a presumption, along with any additional information submitted by an eligible neighbor, city department, the Kansas City Police Department, and any other information that the director deems relevant. The director shall not make a decision until the eligible neighbor response period has ended as outlined in section 10-214. The director shall issue the decision in writing to the applicant and all responding eligible neighbors and provide the reasons for their decision.
- (7) The director may grant a conditional license to any applicant whose proposed license is in conflict with this section in order to avoid the proposed premises interfering with or being a detriment to the rights and interests of the neighboring community.

..end

Approved as to form and legality:

Chivonne Scott
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

220516

Ordinance Number

Brief Title:

Approval Deadline:

Reason:

Amendment to Section 10-211.

Please see below.

Details

Positions / Recommendations

Reason for Legislation

To make adjustments to this section of the ordinance to prevent future and ongoing exceptions to this section as this has been an ongoing issue for many years.

Discussion (including relationship to other Council actions)

To make adjustments to this section of the ordinance to prevent future and ongoing exceptions to this section as this has been an ongoing issue for many years.

The density model has long needed to be revised which is shown by the large number of area exceptions listed. Density was originally put into place to limit the saturation of liquor stores and bars in neighborhoods throughout the city. However, as stated earlier, businesses requesting a sales-by-drink liquor license have changed from exclusively being a tavern or restaurant which is why change is needed.

Section 10-211 now states that “the concentration of multiple alcoholic beverage licenses within any segment within the community is likely to interfere with or be detrimental to the rights or interests of the neighboring community. For purposes of this section, it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if the proposed license will exceed the limitations outlined in this section”.

CONTINUED ON NEXT PAGE

Sponsor(s) Councilwoman Andrea Bough and Councilman Eric Bunch.

Programs, Departments, or Groups Affected
None.

Applicants/Proponents

Applicant
Jim Ready, Regulated Industries Division Manager

City Department
Neighborhood Services

Other
Alcoholic Beverage Advisory Group

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For
☐ Against
Reasons Against:

Board or Commission Recommendation

☐ For ☐ Against
☐ No Action Taken
☐ For, with revisions or conditions

Council Committee Action

☐ Do Pass
☐ Do Pass (as amended)
☐ Committee Substitute
☐ No Recommendation
☐ Hold
☐ Do Not Pass

Details

Policy / Program Impact

<p>However, section 10-211(5) allows an applicant an opportunity to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community by making a written request to the director describing why they believe a waiver is appropriate. The director could then consider whether to grant the waiver based on eight specific criteria listed under 10-211(5) which are:</p> <ul style="list-style-type: none"> Whether 50% or more of the eligible neighbors filed a written response with the director opposing the granting of a license The physical characteristics of the proposed premises; relevant geography and character of both the premises and the surrounding neighborhood The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver The history of past use at the proposed premises The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment <p>It should also be noted that Section 10-211(7) allows the director to grant a conditional license in order to avoid the proposed premises from interfering with or being a detriment to the rights and interests of the neighboring community.</p> <p>By making these changes, the process will now allow an applicant to have their proposed business be presented to the eligible neighbors for a vote on whether or not they want the proposed business in their neighborhood while allowing the Manager to make a determination as to whether or not the business is a good fit based on density and the voting process.</p>			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
		Operational Impact Assessment	None
		Finances	
		Cost and Revenue Projections	Cost of Legislation \$0 Increase/Decrease in Revenue Expected Annually None
		Fund Sources	

Applicable Dates:

On June 6, 2022, the Alcoholic Beverage Advisory Group voted 7 to 1 to approve the recommendation that the City Council adopt the proposed ordinance.

The purpose of the Group is to provide advice and counsel to the Manager of Regulated Industries Division or his/her appointed representative in response to proposed changes made by City Council Representatives or the Manager of Regulated Industries Division in Chapter 10 of the Code of Ordinances of the City of Kansas City, Missouri. The Group consists of 12 members of the community plus the Manager of Regulated Industries Division and is designed to represent both neighborhoods and industry equally.

Fact Sheet Prepared By:

Jim Ready, Manager, Regulated Industries Division

Reviewed By:

Reference Numbers