

# MEMO (3 pages)

Nov. 12, 2018

**To:** Members of the Board of Zoning Adjustment

**From:** Julie Stutterheim & the "Preserve the Line Creek Forest" Advocacy Team

**RE:** CD-SUP-2018-00131

Please accept these comments on behalf of myself, concerned citizens of the City of Kansas City, Missouri and Platte County Missouri, and more than 13,174 people who have signed the "Preserve the Line Creek Forest" petition supporting the preservation and conservation of the forest and urging the Park Hill School District ("Applicant") to pursue its development in an environmentally friendly manner that is harmonious to the current character of the Line Creek Valley.

The Applicant proposes development in the lower part of an ~800-acre, contiguous, old and healthy forest, listed as "one of the last remaining original woodland forests within Kansas City in Platte County," and what Missouri Department of Conservation has called a combination of upland and bottomland forests, and an "important piece of property for conservation" — home to 2 miles of the popular Line Creek Trail and the Line Creek.

The Mid America Regional Council has listed it as a medium-to-high for forest-restoration and -conservation priority. Ancient cultural sites left by the ancestors of currently Federally recognized Native American tribes have been identified and documented in the area.

- See **Appendix Item 1** for details on the location and environmental quality of the forest, according to Missouri Department of Conservation, MARC and KCMO. (This section also references KC's Urban Forestry Initiative.)<sup>3</sup>
- See **Appendix Item 2** for details on the demographics of petition signatures, and documentation related to community concerns and public communication. Signatures with addresses available upon request.

BZA  
Case #  
Exhibit

00131  
15

**We strongly urge a denial of this permit as it fails to meet the requirements of a 88-525 Special Use Permit when viewed through the lens of the 2011 Line Creek Area Plan ("Area Plan") adopted by Resolution No. 110030 on February 10, 2011.**

- **See *Appendix Item 3* for details from the Line Creek Area Master Plan relevant to this property.**
- **See *Appendix Item 4* for specific concerns related to the SUP criteria.**

**If the permit is approved, we respectfully ask that condition number 3 require Applicant to render its verbal promises into a detailed and specific written record.**

- **Condition #3:** The Nov. 13 City Staff report requires the Applicant to show how remaining trees will be protected and a plan for long-term restoration and preservation of undisturbed areas.
- **The Applicant has made a number of public verbal commitments to its community and the City Plan Commission, including but not limited to:**
  - commitments to "be good stewards of the land"
  - to protect the Line Creek Trail viewshed from its buildings;
  - to plant native trees, grasses, and shrubs and to renovate areas with non-native species with native species;
  - to respect the currently existing cultural and archeological resources;
  - to reduce its impermeable surfaces with permeable surfaces;
  - to keep the footprints of its currently planned and future buildings as small as possible; and
  - that approximately 100 acres of its property where some of the oldest and largest trees are located isn't going to be developed.
- **As it currently stands, Applicant's verbal "conservation" promises are neither specific, permanent or reduced to writing, providing no method for long-term accountability. By the Applicant's actual written commitment in a previous master plan, the remaining land unused is designated for future sale or development.**
- **Should the Board of Zoning Adjustment approve this permit application, and considering the scale of the development, we respectfully request that the Applicant be compelled to prepare and publicly record a comprehensive conservation plan that includes, but is not limited to, designation of dedicated land for permanent conservation, and:**

- Execute a conservation easement or some other restrictive covenant or public document in accordance with 88-410-06 to protect the remaining trees and the acres not needed for the Applicant's master plan, to list the approximate percentage of trees permanently protected and to provide detail how the Applicant will:
  - Protect the remaining forested area during construction;
  - Preserve and conserve the current character of the Line Creek Forest property that it owns;
  - Minimize impact on the Line Creek Trail, including the viewshed;
  - Permanently preserve the land not slated for development in its current permit

**We commend the City Plan Commission and the Applicant for the addition of Condition #2 into the Special Use Permit:**

- **Condition #2: Removal of Phase 2 (sports fields) from the permit. Per the condition, a separate special use permit with more detailed plans must be submitted prior to expansion.**
- Phase 2 proposes a much larger expansion including sports fields, lighting, and significant noise and environmental changes for this area and the community.
- This condition was added due to the lack of details provided in the plan for the sports fields, since the applicant is unsure if they will ever be needed, and based on verbal commitments made during the Nov. 1, 2018 community meeting.
  - ***See Appendix Item 4 for a transcript of the public meeting with the Applicant assuring its community that Phase 2 (sports fields, expansion, etc.) will require a separate Special Use Permit.***

Finally, we thank you for your patience and time. We are not an official organization, just a group of concerned citizens who have been working for more than a year to protect the Line Creek Forest. We are dedicated to preserving this important and cherished green space in our community for the future generations of Kansas City.

For more information about our effort and to see drone videos, we invite you to view our petition at <https://www.change.org/p/preserve-the-line-creek-forest> and our website at <https://www.lastkcforest.com/>.



## Appendix Item 1

**Details on the location and environmental quality of the forest, according to Missouri Department of Conservation, MARC and KCMO.**

**(This section also references KC's Urban Forestry Initiative.)**



### Where is the Line Creek Forest?

Located in the KC Northland

About 800 acres of contiguous green space & old, healthy forest

Surrounded by neighborhoods and development

Called, "an important property for conservation" by Missouri Dept. of Conservation

Rated "medium to high" on MARC's ArcGIS tool for "forest conservation and restoration"

Reference the map on the previous page for context of where the forest is or visit our website at <https://www.lastkcforest.com/watch-the-video>.

**This is a forest worth saving.** The Line Creek Forest, as we are referring to it, is roughly 800 acres of old, pristine and contiguous forest (about the size of Central Park) surrounded by urban development, and accessible by 2 miles of the Line Creek Trail.

It's owned by three property owners, and the Park Hill School District is the largest landowner, purchasing the lower 272 acres in 2017.

1. The forested area we are referring to is bordered by the following major roads: to the north, Barry Road; to the east, Coventry Rd.; to the west, Green Hills Rd.; and to the south: 68<sup>th</sup> and Waukomis.
2. The Mid-America Regional Council has designated this portion of forest as medium-to-high priority for forest conservation and restoration, according to their Natural Resource Inventory and ArcGIS mapping.
3. Missouri Department of Conservation has said, "because of its relatively healthy condition and its location, the area is an important piece of property for conservation," describing the area as a combination of bottomland forest and upland forests and woodlands, and saying, "several species of oaks and hickories, some quite old, can be found in the more upland parts of the corridor. Among other benefits, this contiguous greenspace offers valuable wildlife habitat, improved water quality, and outdoor recreation."
4. When the city developed the trail, the forest surrounding the trail was evaluated as "... untouched wilderness areas with substantial natural and archaeological resources and wildlife habitat..." and "... **some of the last remaining original woodland forest** within Kansas City in Platte County," according to KC Ordinance 090697.
5. Using its size, health and age for comparison, there are only two other similar green spaces in the KC Northland, and the Line Creek Forest is the **last unprotected one** (this is why we refer to it as the lastKCforest.com). In other words, there is no mulligan. If we eradicate the Line Creek Forest, there is not another comparable forested area to preserve in the future.
6. The Line Creek Forest is not a park that requires constant upkeep. This forest is, for the most part, self-sustaining and healthy, and for the last 50 years has grown even more so. Even citizens who never step foot on the trail or in the forest reap the benefits of its existence: the forest provides cleaner air and micro-climate control, reduces noise and light pollution, provides a habitat for animals, such as Missouri's songbirds, bats and owls, and provides water run-off management in an area notorious for flooding.
7. Additionally, there have been countless studies on the impact and benefits of urban

green spaces, particularly forests, on human physical and mental health. Parks decrease health costs and support productivity, both through encouraging exercise and reducing air pollution.

8. Depending on their size (and our forest is relatively the size of Central Park), parks and natural green spaces can boost the economy and increase property values, draw visitors from near and far, bringing tourism revenue to local restaurants, hotels and stores.



### **So what's in the forest?**

For starters, 2 miles of the popular Line Creek Trail, a section that cost the taxpayers about a couple million dollars to build. The trail is 8-ish miles long in total, and it runs along a busy highway, through neighborhoods and other developed areas.

But the two miles in the forest are serene and unique, not simply because of the trees directly next to the trail, but because of how insulated it is. The vastness of the surrounding nature makes you feel like you're not in a busy city, but somewhere completely different than you were 10 minutes before.

Alongside the trail runs Line Creek. Although relatively clean, as development occurs around the creek, it becomes more polluted. There are also many plants and animals that call the forest their home – like owls, songbirds, deer, bats. And ancient oaks so large it would take three or four people to wrap their arms around one.

On any given day, you can find bikers, runners, walkers, pets, kids and families enjoying the trail. What CAN'T you find in the forest? Today, there are no roads or lights, not a lot of noise. Today kids and pets can run ahead of their parents on the trail without worrying about cars or traffic.

The District will say they don't own the trail, that they have no plans to touch it. But the trail is special because of what's around it – not because it's a 10-foot wide paved path. Destroy the environment around it, and it dramatically changes the experience.



### **How does the forest help our community?**

- Improves air quality
- Microclimate control
- Mitigates noise and light pollution
- Manages water run-off & flooding
- Provides a habitat for plant & wildlife
- Provides outdoor recreation opportunities

## What's around the forest?

**WAU-LIN-CREE APTS**  
\$600-835 / MO.

**APPLEWOOD APTS.**  
\$600-1100 / MO.

**BICYCLE CLUB APTS**  
\$600-1100 / MO.

**SILVERBROOK**  
\$250K-400Ks

**PLATTE BROOKE NORTH &  
PLATTE BROOKE** \$170Ks-300Ks

**DUPLEXES**

**NORTHWOOD APTS**  
\$490-550 / MO.

**HOMES**  
\$50K-200K



**To the east & north:**

**NEIGHBORHOODS,  
MANY NOT IN THE  
PARK HILL  
SCHOOL DISTRICT**

**DUPLEXES**

**LARGER  
PROPERTY  
OWNERS**

## What surrounds the forest?

Neighborhoods, mostly -- some larger properties on the eastern side. It's located in a busy part of Kansas City off of Barry Road. So you have houses that range from 50,000 dollars to 450,000 dollars or even higher, as well as duplexes and apartments. In short, diverse income ranges, diverse families, all who benefit from the nearby forest.

Urban forests improve air quality, storm-water management, clean our waterways, help conserve energy and assist with carbon removal and storage.

## The Greater Kansas City Regional Forestry Initiative

According to the Greater Kansas City Regional Forestry Initiative, less than 2 percent of our trees are 18" in diameter or more. In this forest are ancient oaks existing in a complex and symbiotic ecosystem.

Taxpayers spend money supporting this local research where findings conclude, quote, "Local leaders, planners and residents (that's us) can use the study results to develop a regional forestry framework improved long-term management plans and policies that will protect and preserve our trees for future generations. Our region's urban forest is a valuable resource; by responsibly maintaining and growing trees."



And taxpayers typically pick up the cost for maintaining roads, replanting trees, restoring green space, managing flood issues, etcetera.

So, while we appreciate the need for development, we are also very sensitive to the very real side effects felt by surrounding communities, both short- and long-term implications, especially as it relates to our dwindling green spaces in the Northland.

The Greater KC Forestry Initiative dictates, "Increasing our tree cover by just 10% would: Remove 1 million more tons of air pollution/year; Remove 3.1 million tons more VOC\* emissions/year; Sequester 9.4 million more tons of carbon/year."

## Appendix Item 2

***Details on the demographics of petition signatures, and documentation related to community concerns and public communication. Signatures with addresses available upon request.***

- The petition (<https://www.change.org/p/preserve-the-line-creek-forest>) began in October 2017.
  - Of the signatures, 8415 listed their location, and 71% of those are in the Kansas City Metro Area.
    - Of those in KC:
      - District 1 - 23.34%
      - District 2 - 29.69%
      - District 3 - 2.95%
      - District 4 - 16.33%
      - District 5 - 2.60%
      - District 6 - 3.25%
    - In PHSD - 31%
  - *Note: By not listing location, it doesn't mean someone is NOT in the KC area. For example, the petition starter (Julie Stutterheim) did not list her location, nor did many of her family and friends. It's a personal preference allowed by the petition mechanism.*
  - Petition comments as of October 26th have been sent to City Staff in advance of this meeting for distribution to the Board of Zoning Adjustment members.
- The Applicant's project has generated widespread, significant and passionate community opposition, some due to the fact District's taxpayers were not informed the approved funding would be used to build in the much-beloved Line Creek Forest along the Line Creek Trail until approximately 2 weeks AFTER the bond vote.
  - Only 19% of the District's registered voters approved Applicant's April 4, 2017, \$110 million dollar bond issue that funded this development.

- Community meetings were generally held in order to quash community interest or direct it to the design of the building rather than an open dialogue discussing concerns. Here are the details of the community meetings:

### **July 10 - First Community Meeting**

- The first meeting was hosted as an "open house" on Tuesday, July 10, held between 5-6:30 pm, so directly after work for the 9-5 crowd.
- The meeting invitation was sent on July 3, the day before the holiday, giving everyone less than a week's notice.
- The invitation language said attendees were invited to give feedback on the LEAD building design. Not the Special Use Permit, not the zoning change, not the location in the forest, but the building design.
- In spite of this short notice and building-design focused language, a few hundred citizens attended to voice their concerns about the development in the forest. They surrounded District administrators and architects, looking for answers on why the District was opting for such an expensive and environmentally-damaging design.
- The school kept no sign-in sheet for purpose of attendance or what was said at this meeting. The only videos were taken by our group, and the large turnout was reported in the newspapers during the next few days.

### **August 7 - 2nd Community Meeting**

- Following the first meeting, the District announced they would be hosting another more formal presentation on Aug. 7 to respond to community concerns.
- During this 90-minute presentation, they reviewed the growth of the District, their long-term building plan across the district, and the student demographics of LEAD, and also included some information about how the District selected the forest property.

- Only a small percentage of the meeting was allocated to discussing community concerns about the forest.
- For 80 minutes, the District talked. They collected small white comment cards, and pledged to answer the most frequently asked questions at the end of the meeting.
- Dozens of cards were collected, however the District allocated only 10 minutes answers to the comments. The District selected 3-4 questions to answer, including one about the estimate for the cost of the road.
- After the 10 minutes, the District said they would post the rest of the answers online, including the estimate of the road. Again, there was no sign-in sheet or record of attendance, although the room was filled with concerned citizens, to our estimate more than one hundred.
- More than a month later, the District posted some of the answers online, but not the cost of the road. To our knowledge, they have not shared these comment cards as part of their Special Use Permit but, after acquiring a transcript of the comments via Missouri Sunshine Law Request, we have provided the public comments to City Staff for distribution to the Board of Zoning Adjustment members in advance of the November 13th meeting.

At no point during either of these meetings, to our knowledge, did the District mention the Special Use Permit or the rezoning issue. There was no opportunity given by the District to dialogue about the impact of this large-scale development. Additionally, private meetings with the District (as it was reported to us) were positioned to landowners as the plan being a “done deal.”

### **Nov 1 - 3rd Community Meeting**

- Invitation was worded “PUBLIC MEETING – The impact of our development at 68th & Waukomis”

- The ONLY reason this meeting happened is because the City Plan Commission requested the District hold it.
- Notice of the meeting was sent via District channels at 6:45 p.m. Thursday, 10/25 (exactly 1 week prior to the meeting).
- Meeting notices sent via mail were received 2-3 days before the meeting. Some homes within neighborhoods that adjoin the property received mailed invitations cards, some did not.
- Unlike the other two meetings, there **was** a sign-in sheet to document attendance. Questions were taken AGAIN on white cards. There was approximately 20 minutes left at the end of the meeting for community questions from cards. We have submitted a Missouri Sunshine Law Request for the cards and sign-in sheet. Despite paying the fee required by the District, we have not received the documents to date.
- Questions were read verbatim, but there was no organized method for follow-up provided if a question was not answered to the author's understanding.
- Even Hollis & Miller (the architect) expected there would be a microphone passed for public questions & comments, but the PHSD quickly shut that down.
- Not all questions were read, and the District offered no method of addressing them post meeting.

***Transcript related to question regarding Special Use Permits for Phase 1 and 2 (Phase 2 includes sports fields.) (Please note: at the time, the phase 2 had not been removed per condition #2, which was done on Nov. 6 at the CPC meeting):***

**Kaw Valley Engineer:** "The site is 272 acres ... as it's currently conceived, the Park Hill School District has broken this project up into three separate phases. The first phase is the Hopewell Elementary School, which is currently under construction ... The next project is what we are here to discuss and is being reviewed by the city is for the LEAD high school. The first phase of that campus. It will be platted as a 69-acre parcel. There is an area that's highlighted on that

map in blue, designate for potential future development, but it's not currently part of the plan the city is currently reviewing, but that would be an area that may be improved some point in the future for athletics and things we're going to discuss later on. So in general, there's approximately 100 acres of the 272 acres the school district has no intention of developing at this time; it's not part of the plan."

**Architect:** So does everyone understand the orientation of the site, the 3 plats, the 3 projects, the third of which is unknown at this time? And the areas that have no plans for construction of any type? Does that make sense?"

**Question from audience:** The northern part of the phase 2 [indicating sports fields], is actually included as part of the special use permit, is that correct?

**Engineer:** It is not part of the Special Use Permit. It's part of the condition for preliminary plat. We are required to go back for for any Special Use Permit for any expansion of this school, including those athletics. Again, it's not tied to this bond issue so it's not part of the Special Use Permit that we are requesting at this time.

**Audience member:** The reason why I ask is because when I look at the Special Use Permit, I see the map with the sports fields.

**Engineer:** It is shown for future reference. It's a preliminary plat requirement of the city to identify the full scope of development – anything can happen with the property.

**Audience:** Sorry, one more question, does it open up a future pathway, though, for a Special Use Permit for the sports fields to be approved? Because it's included as part of the master plan on the first Special Use Permit? I mean, does it open up an easier pathway, I guess?

**Engineer:** From my perspective, no. To get an approval from City Planning Commission level [unintelligible], but it's part of the preliminary plat, so I guess maybe, at least they've seen it before [unintelligible].

**Audience:** Is there any concern that your Special Use Permit for future sports fields might not get approved and then the future expansion might not get to happen?

*District official takes microphone and talks about board approved long-range facility plan; does not answer question.*

### **Nov 6 - City Plan Commission Meeting**

**Despite the November 6th City Plan Commission being held at 9 a.m. on Election day, between 100-200 citizens attended, nearly two dozen citizens testified, and the meeting lasted over two hours..**

**Due to the CPC's busy docket, many citizens' testimony was cut off, rushed or arbitrarily limited to three minutes (although the Chairperson acknowledged during the meeting there was no ordinance limiting the time to speak). Out of 22 speakers, only 3 spoke in **support** of Applicant's permit application and one of those 3 was an elected District School Board member.**

## Appendix Item 3

*Details of the Line Creek Area Master Plans from 2008 & 2011 relevant to this property.*

Over the past 42 years, the City of Kansas City Missouri and the Community has spent thousands of hours creating Line Creek Valley Area Plans. The 1976 Area Plan was revised in 2008 and then revised again in 2011. The 2008 Area Plan put a \$59,000,000 price tag on the public infrastructure improvements that would be necessary in the ~2,800 acre Line Creek Valley.

The 2011 Area Plan, focused only on development of the area, now purports to serve as both the vision and the framework for long-range public policy decisions and as the policy document for the area.

### **WOODLAND PROTECTION AND ENVIRONMENTAL STEWARDSHIP ACCORDING TO THE LINE CREEK AREA MASTER PLAN**

- Over the last four decades, hundreds, perhaps thousands, of people intimately familiar with the Valley contributed to the Area Plans and those plans were based upon the values and guiding principles identified by the Community during the planning process. There was an emphasis on environmental stewardship and natural resource protection throughout the process.
  - Citizens expressed a great deal of pride in their community, citing its convenient access to other parts of the city, its natural beauty and "local" feel. (p. 5)
  - Future development will emphasize stormwater detention and flood control/ mitigation approaches which **enhance environmental stewardship and natural resource preservation** according to the goals and objectives of the City's Wet Weather Solutions Program. (p. 7)
  - Open Space/Buffer: Consists of private or public lands that are in some way either temporarily or permanently reserved from development ... This includes but is not limited to creeks and stream buffers, floodplains, woodlands, severe slopes, and buffer zones around natural resources (areas difficult for development due to topography, hydrology, aged



woodlands, archeological findings, etc. (p. 9)

- All new development should attempt to achieve harmony with the natural environment by **preserving existing, healthy, attractive plant materials of significant size.** (p. 14)
- **Retain the natural and visual character derived from topography, woodlands, streams, and riparian corridors.** Hills and natural slopes should be preserved and excessive cuts and fills should be avoided. (p. 16)
- Provide greenway corridors to preserve natural drainage areas, floodplains, slopes over 15% and wooded areas. (p. 16)
- Views of rivers and natural features should be preserved and integrated into developments. Complete removal of trees to create views is discouraged. (p. 16)
- Streets should follow natural contours to minimize the impact on the natural terrain. (p. 18)
- Plan and construct roadway projects that harmonize with natural systems by respecting topography and natural resources. Drainage facilities should be improved using "green infrastructure" and other Best Management Practices while enhancing visual quality of the public streetscape. (p. 43)
- Future development in the planning area should be designed to respect the natural environment and coexist in harmony with existing natural features. **Development planning should attempt to avoid engineering techniques, such as significant cut and fill to force-fit development into the environment.** Instead, natural physical features should be incorporated into the overall development design, with drainage areas and other natural features left in their natural state. (p. 63)
- The identification and preservation of traditional cultural sites in areas with development potential have become a priority to many residents and Native American groups in the area. **Given the likelihood of cultural sites in the Line Creek Valley a cultural resources survey (106, Assessment Study) should be conducted and an archeological**

**mitigation plan developed in accordance with federal laws.**

- When ground disturbing public infrastructure projects is not federally funded, the city should identify the presence of cultural resources and minimize the impact of the project on any resources that are present. Such survey(s) and mitigation plan(s) may need to occur prior to or concurrent with future development plan applications or preliminary engineering for public infrastructure improvements such as roadway projects. (p. 73)
- Each of the Area Plans recognized major challenges to development in the Valley: storm-water, unique terrain, steep slopes, rocky soils, wetlands, floodplains, cultural resources, mature woodlands, lack of adequate drainage structures, limited public street rights-of-way, and a disconnected or non-existent east to west road network which make it difficult to provide basic city infrastructure and therefore, developable parcels. **Even the Oct. 16 2018 Staff Report says of the property, "The site is heavily wooded with challenging topography."**
- City of Kansas City Missouri City Development Dept. Planner Robert V. Hurst, the author of the 1976 Area Plan, foresaw that some developers may only see a lot of land to develop and advised, "This information (the Area Plan) assures the **cautious developer the opportunity to evaluate potential development space as opposed to mere land area.**" (underline added)
- The 2011 Area Plan dictates:
  - "That future development in the planning area should be designed to respect the natural environment and **coexist in harmony with** existing natural features."
  - "That development planning should attempt to **avoid engineering techniques, such as significant cut and fill to force-fit development into the environment.** Instead, natural physical features should be incorporated into the overall development design, with drainage areas and other natural features left in their natural state."
  - "That all new development should **attempt to achieve harmony with the natural environment by preserving existing, healthy, attractive plant**

**materials of significant size.”**

- **“And to retain the natural and visual character derived from topography, woodlands, streams, and riparian corridors. Hills and natural slopes should be preserved and excessive cuts and fills should be avoided.**
- **The 2011 Area Plan also recommended that “...a planning leadership group be formed, hereafter referred to as the Line Creek Area Plan Oversight Committee. This community-based committee should include interested citizens, neighborhood organizations, business owners, agencies, and other community organizations. The Committee should be formed following the adoption of the Plan by the City Council, with citizens and community leaders taking the lead to form the Committee and determine its roles, responsibilities and functions.” The Oversight Committee was never formed. (see 2011 Area Plan, p. 71).**
- **The 2011 Area Plan also recommended, “The creation of a Woodland Protection Ordinance that focuses on the benefits of maintaining woodland areas relating to potential energy savings, air quality, water quality, noise pollution mitigation, screening, preservation of natural habitat, conservation of an area’s natural aesthetics and economic benefits.” Unfortunately, the City of Kansas City has not yet created a Woodland Protection Ordinance. If one had existed, it could have better instructed the City Plan Commission and the Board of Zoning Adjustment in this matter.**
- **Pg. 64 – “Given the likelihood of cultural sites in the Line Creek Valley a cultural resources survey (106, Assessment Study) should be conducted and an archeological mitigation plan developed in accordance with federal laws.”**
- **The 2011 Area Plan also recommended “...that tree surveys should be requested with all development applications. Applicants may voluntarily submit tree surveys and/or identify trees to be preserved with development. The tree surveys will identify trees to be preserved as well as mitigation measures for these trees over 10 inches in caliper that are to be removed by construction. Such mitigation may include planting a similar species of trees and should involve working with the City Forester. (see 2011 Area Plan, 64) Applicant has never indicated that it has conducted a tree survey.**

- And page 16 said regarding environmental and stormwater management: "Provide greenway corridors to preserve natural drainage areas, floodplains, slopes over 15% and wooded areas."
- Side note: Mid-America's Regional Council report on nature in KC: "Our region's urban forest is a valuable resource; by responsibly maintaining and growing trees throughout Greater Kansas City, we can all enjoy the benefits of a healthy environment and a high quality of life."



### LINE CREEK PARKWAY & TRAFFIC NEEDS ACCORDING TO THE LINE CREEK AREA MASTER PLAN

The master plan makes multiple references to the area as having an "excellent north to south arterial and collection street network" and in 5 places states that the area lacks in east to west streets.

- The Area Plan Steering Committee "recommended that opportunities exist, due to the constraints of the valley; floodplain, severe slopes, woodlands and the location of specimen trees, preservation of natural resources, rock, future rapid transit corridor, traffic study, and Native American artifacts, should be considered to study alternatives for a 4-lane divided Parkway and preserve the valley." (page 51)
- "Encouragement of targeted mixed use/pedestrian friendly development that is designed to promote safety and provide an enhanced community feel." (Pg. 5)

- *Pedestrian and Bicycle Guidelines*: "Provide pedestrian walkways/sidewalks which connect primary building entry to the street sidewalk by the most direct route" (Pg. 17)
- "Neighborhood trail connectors are conceptual alignments of 8-foot wide local connections from the citywide trails corridors (Trails KC) leading primarily to parks and greenways." (Pg. 47)
- A map which includes a "Neighborhood Trail Connection" extending from the Line Creek Trail near 72nd and running northeast along the stream up to the corner of Coventry Ave. and 76th. (Pg. 48)

**Also noted in the Line Creek Area Master Plan:**

**The area already has plenty north-to-south roadways.**

This is mentioned on page 1 as quote "The area benefits from an excellent network of north to south arterial streets" and again on page 39. Additionally, Green Hills has recently been slated for additional improvements. On page 41, a guiding principle was adopted to "Coordinate roadway improvements projects"

**It is repeatedly mentioned in the Area Plan that the area is lacking in east to west connector roads.**

On page 18, the Site Planning Guidelines say to "Continue streets through to as many neighborhoods as possible and allow for future connections where topography permits. ... New developments should connect to streets in adjacent developments."

Page 51 speaks directly to this location, stating that quote "Due to the challenging terrain, the existing east-west street network is limited and there are no existing east-west street connections between NW 68th Street and NW Barry Road. Future street connectivity will be enhanced by providing the extension of arterial roadways including NW 72nd Street, NW 76th Street, and NW 79th Street."

It is also mentioned that "Citizens saw the preservation of existing and of creation of new east to west corridors as vital to the area."

## **RECOMMENDATION TO STUDY ALTERNATIVES TO PARKWAY & PRESERVE THE VALLEY**

The Area Plan Steering Committee “recommended that opportunities exist, due to the constraints of the valley; floodplain, severe slopes, woodlands and the location of specimen trees, preservation of natural resources, rock, future rapid transit corridor, traffic study, and Native American artifacts, should be considered to study alternatives for a 4-lane divided Parkway and preserve the valley.” (page 51)

In order to provide a sustainable community and a unique sense of place, we should: **“Conduct an Alignment Study And Preliminary Engineering Design Study for the remaining phases of Green Hills Road and Line Creek Parkway to determine the most suitable and feasible opportunities to complete this corridor.”** (page 43)

*Note regarding the Applicant’s/ developers traffic study, which states, “Additional access points to N. Coventry Avenue were evaluated, but due to the proposed initial building size, only one point is required for emergency access. Furthermore, the Park Hill School District desires to maintain a natural wooded setting with access limited to the Parkway.”*

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## **ADDITIONAL RELEVANT NOTES FROM THE LINE CREEK AREA MASTER PLAN**

Pg. 5 – Guiding Principles: **“Promote and incentivize development that ... redevelops the areas existing underperforming properties.”**

Pg. 5 – Guiding Principles: **“New development should be prioritized within infill areas or areas that are contiguous to existing development to utilize existing Infrastructure.”**

Pg. 51 – **“must consider issues that play a significant role in its ultimate design ... (such as) Woodlands and the location of specimen trees. Slopes and topography”**

**(pertaining to the driveway leading from the school to the Parkway)**

Pg. 13 – **“Quality Places Guideline ... characteristics will be achieved by implementing ... development that preserves or creates open space, respects existing topography, and minimizes the impact of development on the natural environment.”**

**On page 13, The Quality Places Guideline states that quote “characteristics will be achieved by implementing ... New ... development (that) uses existing infrastructure effectively”**

Pg. 16 – Environmental and Stormwater Management: **“excessive cuts and fills should be avoided”**

**Pg. 51 – “The actual alignment of the roadways must consider issues such as slopes, floodplain, cultural resources, and mature woodland areas through the design and development application review process.”**

**This is especially vital because, the master plan says “Portions of the Plan Area lacks streets that are improved to City standard ... Such streets need to be improved to include street curbs and piped stormwater systems or improved with an alternative “green infrastructure” solutions approach with ribbon curbs and gentle ditches, swales, and channels. ” (page 59)**

## Appendix Item 4

### ***Specific concerns related to the SUP criteria when viewed through the Line Creek Area Master Plan.***

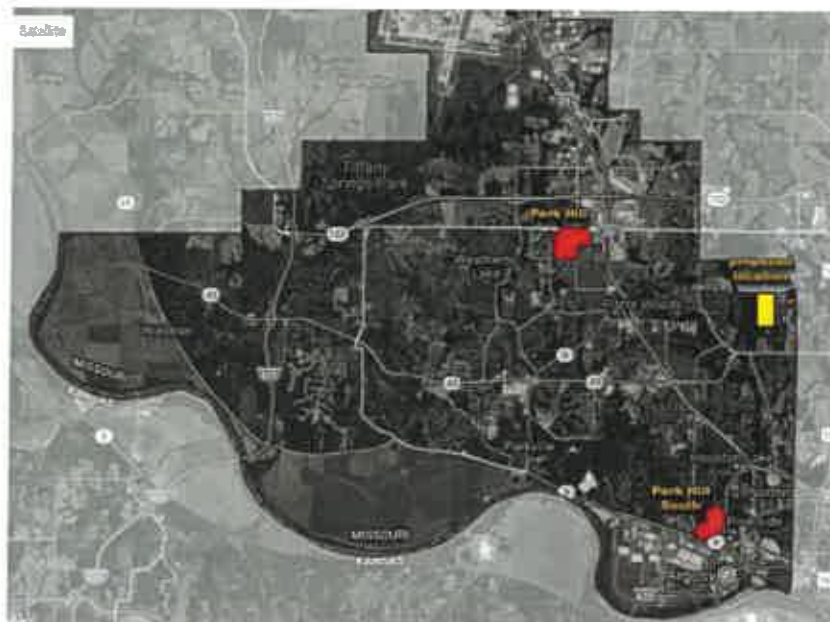
We'll now address Applicant's Special Use Permit against each of the 88-525 Special Use Permit criteria.

#### **88-525-09-1-a: Complies with all applicable standards of the zoning and development code;**

- As of today, Applicant's permit is not squarely meeting all zoning and development codes. There are unfinished revisions and issues that will be made to the permit and its conditions only **after** the Board of Zoning Adjustment renders its decision.
- The Board of Zoning Adjustment should have the opportunity to examine and deliberate on a finalized "t's crossed, i's dotted" permit application, not one that is "half-baked" or "almost" finished or "waiting for someone's email to arrive."

#### **88-525-09-1-b: Is in interest of the public convenience and will not have a significant adverse effect on the general welfare of the neighborhood or community.**

**"...in interest of the public convenience..."**



### **Does this location make sense?**

**Located on the easternmost fringe of the district**

**Clusters all 3 high schools east**

**Traffic concerns**



- We believe the current development is **not in the interest of public convenience and** specifically convenience to the Applicant's constituents and Community.
- The proposed location of the LEAD high school center is on the extreme eastern edge of the district. The other two existing district high schools are also clustered on the eastern side of the district. Unlike most other schools, LEAD students' attendance area will span the entire district, funneling traffic from the west, not in the interest of public convenience for the district patrons.
- The majority of the proposed school's neighbors to the north and east are just outside the district boundaries and thus will never use this facility. Yet, they will experience two years of construction and a permanent change to the nature of their neighborhood.

**"...will not have a significant adverse effect on the general welfare of the neighborhood or community."**

- The Area Plan and City of Kansas City zoning currently allows low intensity residential development on Applicant's property. Under current Kansas City zoning, Applicant's 4,026,297 sq. feet of land would allow 536 units @ R-7.5, 671 units @ R-6, or 805 units @ R-5. In contrast, the 1976 Area Plan recommended 7 to 11 persons per gross acre.
- In contrast, Applicant's permit includes a long-term plan for contemplates a full blown three lane parkway with a 1000 student populated high school. While not included in this Special Use Permit, the Applicant's long-term plan for this land includes a full campus including a football stadium, two soccer fields, a baseball stadium, two softball fields, and multiple tennis courts. That is not low intensity and will have a significant adverse effect on the general welfare of the neighborhood or community.
- Applicant has publicly admitted that its land is not totally developable due to topography.
- Consequently, regardless of City zoning designations, the actual number of potential residential units that could be built would be far less than R-5, R-6 or R-7.5.
  - Since the topography effectively reduces the actual number of residential units that could be profitably built, **Applicant's plan would result in a exponentially greater impact on the neighborhood and community than a comparable number of residential units.**
- Apples to apples, Applicant's 4,026,297 sq. foot development will be no different

in terms of neighborhood and community impact than a for-profit commercial or industrial development like a shopping center, a mall, distribution center, a Walmart, a box store or a multi-modal transportation center.

- Just because the building is for a school doesn't mitigate the nuts & bolts impact of traffic, increased population density, noise, light, trash, destruction of Forest, loss of viewshed and currently existing environmental character, or stormwater issues.
- The quality of life for current homeowners and other residents surrounding the forest will certainly be negatively impacted by roads, development, increased population density, noise, light, traffic, and stigma.
- Whether they knew it or not, between 1976 and 2008 and 2011, area residents relied on Area Plan land use restrictions when they purchased their homes in the Valley. The CPC heard a speaker on Oct. 16<sup>th</sup> describing how he did his "due diligence" before buying his home. Due to the lack of implementation of the Area Plan and lack of development, Valley residents have grown so accustomed to the current nature of the Valley that they never expected development to happen.
- Many of the passionate comments made during the Oct. 16th and Nov. 6th City Plan Commission meetings echoed "Preserve the Line Creek Forest" petitioner signer concerns about the impact that Applicant's project would have on the currently existing character of the Line Creek Valley.<sup>1</sup>
- They knew that this large-scale development will have a significant adverse impact on the neighborhood and community. Currently, the property is the lower half of a ~800-acre forest, and has no roads, development, noise, traffic or lights. The community depends on the forest for air quality, micro-climate control and water run-off management. This project will also destroy a significant portion of wildlife habitats.
- Uniquely, part of this property also serves as a popular community resource because two miles of the Line Creek Trail runs through the surrounding forest. The city invested about \$2,000,000 dollars to build this section of the trail, and development in this area will negatively impact a large percentage of trail users and impair their enjoyment of the resource.
- Downstream from the creek are businesses, such as the Clay-Platte Montessori School, and homes who already experience flooding, which will be worsened by further development due to the extreme topography and changes proposed by the development, and after dozens of acres of trees are cut and burned.

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<sup>1</sup> Comments made by signers of the "Preserve the Line Creek Forest" petition as of October 26, 2018, were sent to City Staff on November 11, 2018, for distribution to the Board of Zoning Adjustment members.

- According to Applicant's plan, the sanitary sewer line will further change the current character of the project area by destroying trees and natural greenery around a low-water crossing of the trail.

**88-525-09-1-c: is compatible with the character of the surrounding area in terms of site planning and building scale and project design.**

- Applicant's proposed development will be on the southern portion of an ~800-acre old and healthy contiguous forest. It is surrounded on all sides by land zoned for residential development and it is known as being some of the last remaining large green space in the area containing topographical challenges to development with deep ravines, floodplains and wetlands.
- Prior to Applicant's 50-acre Hopewell Elementary project, there were no other comparably sized buildings or developments on its Line Creek Forest land zoned residential.
- Applicant's LEAD Phase 1 and Phase 2 developments will be **2.3x** larger than its Hopewell Elementary project. Locating Applicant's LEAD Phase 1 and Phase 2 facilities in such close proximity to its Hopewell Elementary facility will significantly overburden the surrounding area with institutional buildings and magnify the impacts of lighting, traffic, noise, and density.
- Page 63 of the Area Plan plainly states **"Future development in the planning area should be designed to respect the natural environment and coexist in harmony with existing natural features."**
- Because Applicant's LEAD Phase 1 and Phase 2 development will be **2.3x** larger than its Hopewell Elementary project, it will be starkly in contrast to the Area Plan's "Quality Places Guidelines" which encourages development that preserves or creates open spaces, respects existing topography, and minimizes the impact of development on the natural environment.
- The proposed entrance drive up to the LEAD campus and exit lanes shown on the civil drawings require extensive cut and fill work to create useable land for these drives, significantly changing the existing topography.

**The Area Plan also states that "Development planning should attempt to avoid engineering techniques, such as significant cut and fill to force-fit development into the environment. Instead, natural physical features should be incorporated into the overall development design, with drainage areas and other natural features left in their natural state."**

The required “cut and fill” could ultimately result in change in flooding patterns and negatively impact the surrounding homes.



- Additionally, the Area Plan’s guidelines for site plans recommends preserving existing wooded area and “...that **tree surveys should be requested with all development applications**. Applicants may voluntarily submit tree surveys and/or identify trees to be preserved with development. The tree surveys will identify trees to be preserved as well as mitigation measures for these trees over 10 inches in caliper that are to be removed by construction. Such mitigation may include planting a similar species of trees and should involve working with the City Forester. (see 2011 Area Plan, 64)
- As it currently stands, Applicant’s vague “conservation” promises are neither specific, permanent or reduced to writing, providing no method for long-term

accountability.

Should the Board of Zoning Adjustment approve this permit application, and considering the scale of the development, Applicant should be compelled to prepare and publicly record a comprehensive conservation plan that includes, but is not limited to, designation of dedicated land for permanent conservation

- By the District's own commitment in its Master Plan, the remaining land unused in its Phase 1 or potential Phase 2 area is designated for future sale or development.

**88-525-09-1-d: Is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation.**

- Since Applicant's 272-acre property and the 800-acre forest it sits within currently has NO traffic, we look to the surrounding area for guidance. The surrounding area is residential and has negligible low intensity vehicular.
- The currently existing area currently has negligible vehicular traffic and there is currently not a heavy intensity uses around. The added noise, increased traffic and recreational fields will not be compatible with the existing land uses or zoning.
- Here is the cross-section of the entrance, a small two-lane road, Waukomis, with no shoulders on the road, and 68th Street.
- To the east is an existing road, Coventry, which will only be used as an emergency exit according to this plan.
- The traffic study does not explore the impact of improving Coventry, stating the developer **prefers** not to use this existing route. Rather than expanding Coventry, which borders the District's property, the plan includes laying the groundwork for first part of the Line Creek Parkway.
- According to the Line Creek Area Master Plan, "Portions of the Plan Area lacks streets that are improved to City standard ... Such streets need to be improved to include street curbs and piped storm-water systems"
- The parkway WAS included on the master plan, and ultimately intended to continue up to Barry Rd, bisecting the forest and overlap the trail.
- Applicant's development would require transporting students through one of Missouri's 50 Most Dangerous Intersections. Last year the KC Star published an article indicating that the intersection of I-29 and 64<sup>th</sup> Street was among the fifty

most dangerous in the state. Locating the school as proposed will greatly increase the traffic going east and west on 64<sup>th</sup> street, particularly given that the LEAD program is meant to draw students from the *entire* Park Hill District. Adding traffic load to that intersection endangers everyone.

- Applicant's proposed development will impact North-South traffic circulation near the site. Currently, Applicant is being forced to build, at District taxpayer expense, a portion of the Line Creek Parkway in the Hopewell phase and another portion during the LEAD Phase 1. Best estimates is that Applicant's portion of the Line Creek Parkway will cost ~\$3,000,000 to construct.
- However, the City has already committed and funded to further develop the North-South route of Waukomis/Green Hills Road, including an improvement project set to begin next spring. That is logical, as this route has organically grown to fulfill the area's need for a North-South route. And not too long ago, a roundabout was added at 72<sup>nd</sup> and Waukomis to accommodate the growing traffic load. The Line Creek Parkway, as a 3 or 4 lane road situated just a few hundred feet to the east of Waukomis/Green Hills Road, would be superfluous and expensive.
- The City Staff Report calls for improvements along Coventry. Coventry, which is a two-lane asphalt, curb-less, sidewalk-less road, runs for one mile from 68<sup>th</sup> Street on the southeast corner of the site, north to 76<sup>th</sup> Street and then east to Platte Purchase Driver. If only the west side of the portion of Coventry adjacent to Applicant's property is improved, it will have no connection or continuity along that mile. It will however signal to the community that this is an entry to the site, and in fact the most direct route for many users. This will increase traffic on Coventry, making it dangerous because it doesn't have sidewalks or the the capacity for that traffic load.
- Additionally, as currently proposed in Applicant's Phase 1 permit, Line Creek Parkway would be in violation of the definition of a cul-de-sac per 88-405-10, Item C, which limits the length of a cul-de-sac to 1320 feet. Once built, Applicant's Line Creek Parkway would be about 2600 feet in length at the proposed traffic circle, with an additional 1300 feet of driveway beyond that - 3X the allowed length.
- However, it's worth noting that even designers of the Area Plan were concerned about this parkway, due to the expense, stating,
- **"The Steering Committee recommended that opportunities exist, due to the constraints of the valley; floodplain, severe slopes, woodlands and the location of specimen trees, preservation of natural resources, rock, future rapid transit corridor, traffic study, and Native American artifacts, should be considered to study alternatives for a 4-lane divided Parkway and**

**preserve the valley."**

- Additionally, the Area Plan makes multiple references to the area as having an "excellent north to south arterial and collection street network" and in five (5) places states that the area lacks in east to west streets.
- The introduction of this parkway means more north-to-south traffic, despite Waukomis and Green Hills Road (a 3-4 lane road which has been approved for expansion and improvement) being 340 yards away and traveling parallel in the same direction.
- In order to provide a sustainable community and a unique sense of place, the Area Plan suggests we: "Conduct an Alignment Study And Preliminary Engineering Design Study for the remaining phases of Green Hills Road and Line Creek Parkway to determine the most suitable and feasible opportunities to complete this corridor." (page 43) and on page 41, a guiding principle was adopted to "Coordinate roadway improvements projects"
- This property borders another school district, and sits on the far eastern edge of the Applicant's school district, thus traffic will be primarily funneled through these two roads.
- The school traffic will be following the heaviest traffic pattern, which directs traffic through one of KC's most dangerous intersections at 64th and I29.
- As this is not a high school with traditional operating hours, teens will be traveling several times a day to and from the school.
- The added noise and increased traffic of 600-1000 students, as well as their parents and families, teachers and facility support staff, is beyond what would be expected from a neighborhood or subdivision, which is how the property is currently zoned and designated on the master plan.
- Furthermore, it's worth noting the District chose this property because of its plans for future expansion, including recreational fields and parking lots, which would result in yet more traffic and environmental changes.

**88-525-09-1-e: will not have a significant adverse impact on pedestrian safety or comfort.**

- The existing area currently has negligible vehicular traffic.
- Applicant's proposed addition of a high school campus serving up to 1000 students will create a large increase in vehicular traffic in the area, including the

intersection of 68<sup>th</sup> Street and Waukomis, which will impact the trail crossing intersection for the Line Creek Trail.

- Please note where the pedestrian walkways and sidewalks have been included in the Applicants' permit plan, which include several blind spots for traffic and pedestrians.
- The sidewalk is also on the south side of the drive then wraps around and forces pedestrians to cross two drives and navigate around the bus loading zone.
- This plan also requires all high school traffic to be directed past the elementary school children and families who may choose to walk to school.
- This is not in the interest of public safety for elementary school children, as the destination for the high school is still a mile deeper into the forest.
- Additionally, the plan doesn't allow for easy pedestrian access from the surrounding neighborhoods. For example, someone who lives in the Falcon Ridge subdivision on the east side of Coventry is being forced to drive almost two miles to get to a school that they can see from their yard. Especially considering the exit on Coventry will be gated and for emergency access only.
- The Line Creek Trail that Kansas City has spent a good amount of money on developing was created to allow a natural escape in our developed city.
- If students decide to walk the trail to school, the trail connection is not safe. Students will need to cross two lanes of traffic at a roundabout. While roundabouts are safer than signalized intersections, there is no regulation of cars and therefore you are creating a situation where elementary school kids are fending for themselves with high school drivers. The sidewalk should be moved to the north or the roundabout should be eliminated because it is unnecessary to build a roundabout when only two streets intersect.

### **Conclusion:**

The Applicant's current permit plan would be great – if it was being built in a 93-acre cornfield. But since it isn't going in a cornfield, Applicant has had to retrofit its cornfield plan to fit in a forest with rocky, hilly, and challenging terrain.



The Applicant has also had to agree to the construction of the \$3,000,000 Line Creek Parkway (at its District taxpayers' expense).

And let's look at the big picture for KC as it relates to this project. This the last unprotected forest of its size, age and health within KC in Platte County.

Urban forests improve air quality, stormwater management, clean our waterways, help conserve energy and assist with carbon removal and storage.

According to the Greater Kansas City Regional Forestry Initiative, less than 2 percent of our trees are 18" in diameter or more. In this forest are ancient oaks existing in a complex and symbiotic ecosystem.

Taxpayers spent money supporting this local research, to have findings conclude, and I quote, "Local leaders, planners and residents (that's us) can use the study results to develop a regional forestry framework improved long-term management plans and policies that will protect and preserve our trees for future generations. Our region's urban forest is a valuable resource; by responsibly maintaining and growing trees."

And taxpayers typically pick up the cost for maintaining roads, replanting trees, restoring green space, managing flood issues, etcetera.

So while we appreciate the need for development, we are also very sensitive to the side effects felt by surrounding communities, both short- and long-term implications, especially as it relates to our dwindling green spaces in the Northland.

The Greater KC Forestry Initiative dictates, "Increasing our tree cover by just 10% would: Remove 1 million more tons of air pollution/year; Remove 3.1 million tons more VOC\* emissions/year; Sequester 9.4 million more tons of carbon/year."

We imagine everyone feels very committed to this research while it's being done, with the enthusiasm of someone making a new year's resolution. But when it comes time to actually protect the trees, the development project prevails.

So, we urge significant caution before any development is approved, and a thorough review that the development can be done in a way that adheres to the Line Creek master plan.

Historically, Park Hill is fiscally responsible with development projects, however they admit to an unknown about building in a forest with extreme topography. Their first forest project is perilously close to going over budget, despite it being early in the project.

In this case, district taxpayers will be left holding the bag if development goes over budget and funding runs out. We realize this is not your concern nor primary focus or jurisdiction. However, it's worth noting that this project is the last in the line of bond money, and the District is only allocating 23 million for their section of the parkway, the road, the roundabout, the infrastructure, building and parking lots.

When funds run short, we expect the District will take shortcuts on this project that will ultimately negatively impact its community and neighbors, and the environment. One example is their intent to burn dozens of acres trees on the property to save on cost, at the expense of neighboring residents with respiratory problems. This expectation underscores underlies our request that the Board of Zoning Adjustment make the Applicant commit in writing to its "conservation" promises.

In summary, based on the community concerns, environmental value of the land, issues related to the Special Use Permit and Line Creek Area Area Plan, we respectfully urge the Board of Zoning Adjustment to either deny or continue this permit.

Or, if approved, include a strengthening the wording regarding the enforcement of a specific and tangible conservation plan that protects the remaining acreage. As it currently stands, the District will be able to develop the remaining acres in the future, as they have outlined in their master plan.

And we urge a more efficient and environmentally friendly design -- one that enhances pedestrian experiences.

Finally, we thank you for your patience and time today. We are not an official organization, nor do we have experience with this type of project. For many of us, the CPC meeting was our first time at City Hall. We are just a group of concerned citizens who have been working for more than a year on this project, but we are also the kind of passionate, engaged citizens who are working to make Kansas City a better place.