



File #: 230279

ORDINANCE NO. 230279

Rezoning an area of about one acre generally located on the west side of Troost Avenue between E. 45th Street on the north and Brush Creek Boulevard on the south from District B3-2 to District UR and approving a development plan to allow for the development of two mixed use buildings to include 81 residential units. (CD-CPC-2019-00055)

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-1376 rezoning an area of about 1 acre generally located on the west side of Troost Avenue between E. 45th Street on the north and Brush Creek Boulevard on the south from District B3-2 (Community Business) to District UR (Urban Redevelopment District) to allow for the development of two mixed use buildings to include 81 residential units, said section to read as follows:

Section 88-20A-1376. That an area legally described as:

Lots 1 through 3 and Lots 6 through 9, Block 1, lying south of East 45th Street as now established, all being part of Lansdowne, a subdivision in the City of Kansas City, in the Southeast Quarter of the Northeast Quarter of Section 29, Township 49, Range 33, Jackson County, Missouri containing 26,632 square feet or 0.61 acres, more or less.

is hereby rezoned from District B3-2 (Community Business) to District UR (Urban Redevelopment District) all as shown outlined on a map marked Section 88-20A-1376, 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 secure approval of a final development plan from the Development Management Division staff prior to building permit.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in

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

3. Wall fire rating and openings between existing building and phase one building shall be regulated per 602 and 705.8 of IBC 2012.
4. 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.
5. 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 prior to issuance of any building permits, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.
6. The developer shall grant a City approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
7. 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.
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 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. This condition applies for situations where a detention facility serves a single lot.
10. 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.

11. 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
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, by making application under said code for a minor subdivision and submitting and recording a lot consolidation plat or replatting the property in accordance therewith.
13. 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. This condition applies when a detention facility takes water from more than one lot and is required in that situation to be platted in a separate tract.
14. 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 of Troost Avenue and E. 45th Street.
15. The developer shall pay money in lieu of dedication of parkland in the amount of the formula or dedicate acreage of private open space for parkland purpose as identified in 88-408. Money in lieu of parkland for 2023 shall be based on the following formula: (# of units) X (2.0 persons per unit) X (0.006 acres per person) = acres of parkland required X 2023 parkland fee per acre (\$64,224.18)) = Fee. Money in lieu shall be paid prior to a certificate of occupancy.
16. The developer shall follow the Kansas City, Missouri rules and regulations for domestic water and fire service lines.
17. The developer shall submit an analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to the issuance of new water service permits. Depending on adequacy of the existing water mains systems, making other improvements as may be required.
18. A deviation from the 1,000 feet locational requirement for Rapid Transit Stop exemption per Section 88-420-04-J, in the amount of 7 feet is requested with this plan. Phase I is located approximately 700 feet from the RTS located near the northwest corner of Cleaver II Boulevard and Troost Avenue, and Phase II is located approximately 1,007 feet from RTS.

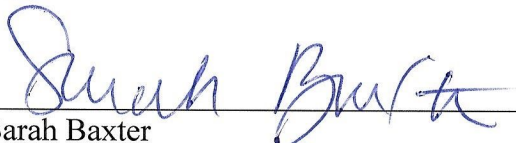
A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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

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:


Sarah Baxter
Senior Associate City Attorney



Authenticated as Passed


Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

MAY 04 2023
Date Passed