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**File #: 221028**

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ORDINANCE NO. 221028

Rezoning an area of about 1.92 acres generally located at 240 Oak Street from District UR to District UR, and approving a preliminary residential development plan. (CD-CPC-2022-00164)

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 80-20A-1368 rezoning an area of about 1.92 acres located at 240 Oak Street from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) said section to read as follows:

80-20A-1368 That an area legally described as:

All of Lots 298 thru 302 and Lots 349 thru 353, Block 32, Town of Kansas, commonly called Old Town, a subdivision of land in the Southeast Quarter of Section 32 Township 50 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri, including that portion of vacated alleyway, except those parts of said lots now in Grand Avenue and the Right-of-Way of the Kansas City Southern Railway Company, being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Beginning at the Southeast corner of said Lot 353, said point also being a point on the existing Northerly Right-of-Way line of 3rd Street as now established; thence South  $75^{\circ}36'11''$  West on the South line of said Lots 353 and 298 and said existing Northerly Right-of-Way line, 299.13 feet to the Southwest corner of said Lot 298 also being a point on the existing Easterly Right-of-Way line of Grand Ave. as now established; thence North  $14^{\circ}32'52''$  West on the West line of said Lot 298 and 299 and said existing Easterly Right-of-Way line, 135.85 feet to the Northwest corner of said Lot 299, also being the Southwest corner of said Lot 300; thence North  $09^{\circ}20'10''$  East on the West line of said Lots 300 thru 302 and said existing Easterly Right-of-Way line, 179.76 feet to the Northwest corner of said Lot 302 also being a point on the existing Southerly Right-of-Way line of 2nd Street as now established; thence North  $75^{\circ}42'27''$  East on the North line of said Lots 302 and 349 and said existing Southerly Right-of-Way line, 226.32 feet to the Northeast corner of said Lot 349 also being a point on the existing Westerly Right-of-Way line of Oak Street as now established; thence South  $14^{\circ}33'12''$  East on the Easterly line of said Lots

349 thru 353 and said existing Westerly Right-of-Way line, 300.00 feet to the point of beginning. Containing 83,823 square feet or 1.92 acres, more or less.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 80-20A-1368, 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 a development plan 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 plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
2. The developer shall secure approval of a UR final plan from the Development Management Division staff prior to building permit.
3. 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.
4. The developer shall submit an exterior lighting plan (including lights over entrances and garage egress and ingress) in compliance with Section 88-430 of the Code at the time of UR final development plan.
5. The developer shall be required to submit a photometric plan at the time of UR final plan in compliance with 88-430-06.
6. Signage has not been reviewed with this submittal, all signage shall conform to 88-445 and shall require a sign permit prior to installation.
7. The developer shall, as required by the Director of Public Works at time of building permit, install or make payment in-lieu for the full cost of bicycle parking, street trees, and sidewalks as required by Chapter 88. If payments are made in-lieu, an independent cost estimate of the improvements shall be provided by the Director.
8. Deviations to the prohibition of a parking garage on a boulevard and to the required improvement of a parking garage with retail, office, residential, or other uses are hereby granted. The developer shall propose aesthetic improvements to the garage's frontage along Grand as required by the City Planning and Development Department and the Parks and Recreation Department.

9. The developer shall work with staff to identify building materials, fenestration, architectural details or lighting, art or a combination thereof, to improve the pedestrian experience along the ground level of the garage along all street frontages, giving greater emphasis to Grand Boulevard, and depict such details on the final UR plan submittal.
10. The developer shall continue to work with KCATA, Public Works, and the Streetcar Authority regarding infrastructure and installation timelines.
11. 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.
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. Please note that any proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by the Public Works Department staff during the plan review process. A copy of said UR development plan and preliminary plat is on file in the office of the City Clerk with this ordinance and made a part hereof.
14. 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.
15. 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.

16. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
17. 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)
18. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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)
19. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
20. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
21. Required Fire Department access roads shall be an all-weather surface (IFC-2012: § 503.2.3) and shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) Required Fire Department access roads shall designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
22. The developer shall pay money-in-lieu of parkland dedication as indicated on plans based upon the 2022 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
23. The developer shall submit a streetscape plan for Grand Boulevard as part of their final UR plan submittal.
24. 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.

25. The developer shall enter into an encroachment and indemnification agreement, in a form acceptable to KC Water, prior to platting or to the issuance of building permits, whichever occurs first.
26. No water service line will be less than 1-1/2" in diameter where three or more units or a commercial building will be served by one domestic service line and meter.
27. 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.
28. 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.
29. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
30. The developer shall submit fire hydrant 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. The plans should at a minimum show installing a new fire hydrant on 3rd Street between Grand and Oak. Water Main extensions and relocations (kcwater.us)

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 law 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



Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk  
DEC 6 2022

Date Passed

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter  
Senior Associate City Attorney