

# COMMUNITY PROJECT/REZONING

220525

## Ordinance Fact Sheet

Ordinance Number

**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.

### Positions/Recommendations

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

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**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

**Reference Numbers:**  
Case No. CD-CPC-2021-00222  
Case No. CD-CPC-2022-00027

**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:**