

ORDINANCE NO. _____

Approving a UR Rezoning (Urban Development) and preliminary development plan from District B4-5 (Heavy Business/Commercial 4 – 5) to District UR (Urban Development) on an approximately 0.476 acre tract of land generally located on the north side of W 75th Street between Wyandotte Street to the east and Wornall Road to the west (addressed as 222, 226, and 232 W 75th Street) for the redevelopment of the "Waldo Ice House" building. (Case No. CD-CPC-2019-00213).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a UR Rezoning (Urban Development) and preliminary development plan on an approximately 0.476 acre tract of land generally located at the on the north side of W 75th Street between Wyandotte Street to the east and Wornall Road to the west (addressed as 222, 226, and 232 W 75th Street), and more specifically described as:

BROADWAY PLAZA---TH PT LOTS 34 THRU 38 DAF: BEG SE COR OF LOT 38 TH N ALG E LI SD LOT 38 140.62' S89 DEG 51 MIN 00 SEC W 148.18' TO W LI LOT 34 TH S ALG SD W LI 140.56' TO SW COR SD LOT 34 SD PT ALSO N ROW LI 75TH ST TH E ALG SD N ROW LI 147.32 TO POB,

is hereby approved subject to the following conditions:

1. The developer shall secure approval of a UR final development plan from Development Management Division staff prior to building permit.
2. Uses permitted within this UR Zoning District shall be consistent with those uses associated with the B3 zoning district, and further prohibit the following uses: Drive-thru facilities, Entertainment and Spectator Sports – Indoor large venue (500+ capacity), Entertainment and Spectator Sports – Outdoor, Pawn shop, Short-term Loan Establishment, Gasoline and Fuel Sales, Sports and Recreation – Participant (Outdoor), Vehicle Sales and Service (including all sub-categories), Agriculture – Animal, and Agriculture – Crop.
3. Signage shall follow the standard sign regulations of the City's Zoning and Development Code unless otherwise approved by a future application for specialized signage requirements.
4. The existing pole sign on site shall be removed with this development.
5. All mechanical equipment shall be screened in accordance with Section 88-425-08 or submit a supplemental application for Administrative Approval for Alternate Compliance.
6. Prior to issuance of a final certificate of occupancy, 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 are healthy.

7. Prior to issuance of a final certificate of occupancy, a sealed letter by a licensed engineer shall be submitted, stating that photometrics on the site comply with the approved photometric plan.
8. The city planning and development director may authorize up to a 15% reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of eligible accommodations include enclosed bicycle lockers, employee shower facilities, dressing areas for employees, and on-site public bicycle sharing stations. A reduction in required vehicle parking does not entitle the applicant to a reduction in required bicycle parking.
9. Prior to issuance of a final certificate of occupancy, submit a copy of the agreement between the property owner and a car-share program must be filed with the city planning and development director (Section 88-420-16-P).
10. 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. 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 secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.
11. The developer must submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right of way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. The developer shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required streetscape plan as required by code prior to the issuance of any certificate of occupancy.
12. Per Standard Drawing D 3 the width of commercial drive approaches must be between 24 30 feet. Revise drawing accordingly.
13. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach. The developer

shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required ADA improvements as required by code prior to the issuance of any certificate of occupancy.

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. 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 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, 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 occupancy permits. The developer, shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required improvements as required by code prior to the issuance of any certificate of occupancy.
16. The Domestic water and fire service lines must be brought in compliance with current KCMO Rules and Regulations for Water service lines.
17. Prior to issuance of any construction permits within a "Combined Sewer Overflow" (CSO) district, the developer shall submit, for review and acceptance, a storm drainage study, sealed by a Missouri licensed civil engineer, showing detention of the 1.5 inch rainfall depth over the entire disturbed area and release of said volume over a 40 to 72 hour period (unless infiltrated, evaporated, or used in some other manner) in addition to management of the rate and volume of stormwater runoff from the 10% and 1% storms per the latest adopted version of APWA 5600 standards in effect at the time of submission. The developer shall construct improvements necessary to reduce small storm discharges to the combined sewer system by simulating natural runoff conditions through metered release of the 1.5 inch detention volume and mitigate impacts from rate and volume of 10% and 1% storm runoff from the site.

18. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.
19. All construction shall be in compliance of the applicable building codes which are in effect at the time of construction and shall be built under valid building permits issued by City Planning and Development. (IFC 2018 § 102.4)
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 must submit a street tree planting plan for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right of way. Street Tree Planting plan applies to W 75th Street. The developer, shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required streetscape plan as required by code prior to the issuance of a final certificate of occupancy.
22. The developer shall dedicate applicable land area per the Parkland Dedication requirements of Section 88-408 of the Zoning Development Code. If the developer elects to pay money in lieu of dedication of land, the parkland fee shall be set at the 2019 rate of \$39,617.49 per acre. For 44 dwelling units x 0.006 x 2.0 (multi-family) x \$39,617.49 = parkland dedication fee of \$20,918.03.

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

A legal notice of this matter was published on January 20, 2020, as required by law, and a public hearing was held by the City Plan Commission on February 4, 2020, in the Council Chambers on the 26th Floor of City Hall. The Commission recommended that this application be approved with conditions.

The staff recommended approval.

Section B. That the Council finds and declares that before taking any action of the proposed amendment hereinabove, all public notices and hearings required by the 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 hearing was held.

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney