

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120401

Rezoning an area of about 28.3 acres generally bounded by E. 8th Street on the north, E. 12th Street on the south, Charlotte Street on the east and Cherry Street on the west from District B4-5 to District UR, approving a development plan.

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 88-20A910, rezoning an area of about 28.3 acres generally bounded by E. 8th Street on the north, E. 12th Street on the south, Charlotte Street on the east and Cherry Street on the west from District B4-5 (Heavy Business/Commercial-5) to District UR (Urban Redevelopment District), said section to read as follows:

Section 88-20A910. That an area legally described as:

A tract of land being generally located in the city of Kansas City, Jackson County, Missouri being described as follows:

Beginning at the point of intersection of the east right of way line of Cherry Street and the north right of way line of 8th Street; thence east along the north right of way line of 8th Street to its point of intersection with the east right of way line of Charlotte Street; thence south along the east right of way line of said Charlotte Street and its southerly prolongation to its intersection with the south right of way line of 12th Street; thence west along the south right of way line of 12th Street to its point of intersection with the southerly prolongation of the west right of way line of Cherry Street; thence north along the southerly prolongation and the west right of way line of Cherry Street to its point of intersection with the south right of way line of 8th Street, thence north to the point of intersection of the east right of way line of Cherry Street and north right of way line of 8th Street, said point being the point of beginning.

is hereby rezoned from District B4-5 (Heavy Business/Commercial-5) to District UR (Urban Redevelopment District), all as shown outlined on a map marked Section 88-20A0910, 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. That five collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of all listed sheets, revised as noted, be submitted to Development Management staff (15th Floor, City Hall), with one

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additional copy submitted separately to the Land Development Division (5th Floor, City Hall):

Sheet C001:

- a. provide summary information for FAR and parking for both phases
- b. add a note stating all development must comply with the Charles B. Wheeler Downtown Airport zoning restrictions or receive the approval of the Board of Zoning Adjustment for any necessary variances.
- c. add a note stating right of way will be dedicated in accordance with the requirements of the Major Street Plan unless modified by the subdivision platting process or by the City Plan Commission and City Council.
- d. add a note stating “The existing Della Lamb Charter School structure will remain unless an agreement is reached between Della Lamb and the developer to relocate the Della Lamb Charter School.”

Sheet C002:

- a. show right of way to be dedicated

Sheet C005:

- a. correct the parking space summary figure (405)

Sheet C008:

- a. change Building 66-D use from mixed-use to garage

Sheet C010:

- a. add a note stating “The existing Della Lamb Charter School structure will remain unless an agreement is reached between Della Lamb and the developer to relocate the Della Lamb Charter School.”

Sheet C013:

- a. detail the curb dimension and planter setback dimension for the Typical Streetscape Planter.

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Sheets C005-C012 and C014:

- a. dimension the curb width and planter setback and width per the East Village Urban Standards and Guidelines

All Sheets:

- a. show and label more clearly existing public and/or private sanitary and storm sewers, extensions and relocations, including gas and water mains greater than 6 inches, culverts, and other major above or below ground distribution or transmission lines within the proposed project or immediately adjacent thereto as necessary to address adequacy of existing utilities serving the site along with any proposed extension, relocations or abandonments.
 - b. depict more of the concept for storm water management mitigation for the minor site plan proposed site improvements /disturbance/redevelopment-expansion area including proposed detention, BMP's, volume controls, pervious pavement, or treatment areas, etc., as appropriate to conceptualize ultimate stormwater management compliance with city standards. Show any off-site conveyance systems (enclosed, gutters, natural, or proposed whatever they are that are being utilized) for purposes of conveying conceptually how systems will be connected to or will convey of the 100-year post development flows from the site. Identify the private and public portions of the storm water management system and conveyance system. Show conceptually required private permanent BMP's or surface drainage easements that are needed to address redevelopment disturbances and storm water mitigation/conveyance and their corresponding easements/covenant boundaries. BMP's and surface drainage easements require stand alone maintenance obligation conveyance documents (Easement or Covenant), but are not required for site maintenance activities or voluntary BMP enhancements that are not regulatory obligations.
2. 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.
 3. The developer must submit a Macro and detailed Micro storm drainage study, including a BMP level of service analysis, stormwater management mitigation, and proposed installation of permanent BMP's all in accordance with strategic policies of the January 30, 2009 Overflow Control Plan, Sections 7, Watershed Master Plan, APWA 5600, and BMP Manual, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements as required by the Land Development

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Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

4. The developer must dedicate and vacate (by plat or by separate vacation process) right-of-way for Holmes Street north of 9th Street as required by the Land Development Division so as to provide a total of 60 feet of right of way as measured from the centerline of Holmes Street.
5. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
6. The developer must construct or reconstruct sidewalks, curbs and drive entrances (and associated streetscape) along all project street frontages as required by Land Development Division and meeting ADA requirements, prior to working in the right-of-way and prior to issuance of any site or building permits.
7. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances and streetscape as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
10. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division for the amended use of the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
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.

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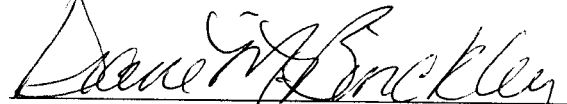
12. The developer must grant on City approved forms, BMP and STREAM BUFFER Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
13. The developer must contribute money in lieu of parkland dedication at rate of \$16,934.14 (year 2012) in satisfaction of Section 88-405-17 of the Zoning and Development Code for parkland requirements not met by dedication of public or private open space.
14. The developer must provide for fire protection as required by the Fire Department prior to construction beyond foundations.
15. The developer must extend and/or relocate water mains and grant exclusive easements as required by the Water Services Department.
16. The developer must comply with the Charles B. Wheeler Downtown Airport height restrictions.
17. Right of way must be dedicated in accordance with the requirements of the Major Street Plan unless modified by the subdivision platting process or by the City Plan Commission and City Council.
18. The developer must submit a final plan to the Director of City Development for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero foot-candles at the property line and no direct illumination beyond the property line) and building elevations. Final plans shall be in compliance with the City's streetscape standards and Major Street Plan street cross-section standards. The developer must submit a site-specific traffic analysis for each phase or portion thereof at the time of final plan submittal as required by the Department of Public Works and make improvements (including right of way dedication) as required by the approved analysis.

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.

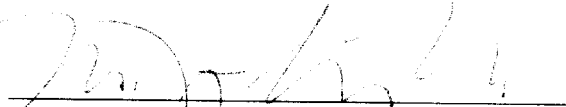
Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning Ordinance have been given and had.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.


Secretary, City Plan Commission

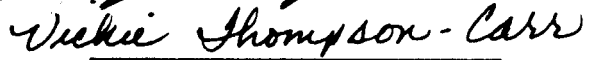
Approved as to form and legality:


M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor


Vickie Thompson-Carr, City Clerk

MAY 17 2012
Date Passed