

## ORDINANCE NO. XXXXXX

Rezoning and approving a Development Plan for an area of about 1 acre generally located at the southeast corner of Cleveland Ave and E 23rd St from District R-2.5 (Residential 2.5) to District B2-2 (Neighborhood Business 2 - 2). (CD-CPC-2019-00176 and CD-CPC-2019-00209)

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-1251, rezoning an area of approximately 1 acre generally located at the southeast corner of Cleveland Ave and E 23rd St from District R-2.5 (Residential 2.5) to District B2-2 (Neighborhood Business 2 - 2), said section to read as follows:

Section 88-20A-1251. That an area legally described as:

Parcel 1: PARIS PLACE E 159.92' OF LT 1 PARI S PL W 1.5 FT OF LT 6  
MERSINGTON HGTS RES N 27' OF E 159.92' OF LT 2 S 23' OF E 159.92' OF LT 2  
(EX N 11' IN ST)

Parcel 2: MERSINGTON HEIGHTS RES LOT 4, 5 & 6 (EX W 18 INCHES  
THEREOF).

Parcel 3: PARIS PLACE E 159.92 FT OF LOT 3

is hereby rezoned from District R-2.5 (Residential 2.5) to District B2-2 (Neighborhood Business 2 - 2), all as shown outlined on a map marked Section 88-20A-1251, 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 plans, revised as noted below, are submitted and accepted by the following staff prior to City Council review:
  - a. Correct the east and west building elevation labels.
  - b. Show the proposed location of the short and long-term bicycle parking that are listed in the site plan table.
  - c. Label the building materials of the fuel canopy on Sheet C5.
  - d. Provide a photometric lighting plan in accordance with Section 88-430, showing locations and specifications of all exterior lighting fixtures.
  - e. Add additional architectural features to the south facades such as vertical material breaks.
  - f. Screen the roof mounted mechanical units from all building facades in accordance

with Section 88- 425-08.

- g. Show at least two pedestrian connections to the public sidewalk.
  - h. Review the proposed landscaping materials along the south property line and provide confirmation by a Landscape Architect on their ability to survive given their proximity to the building and the south property line.
  - i. Label the tan/beige building material on the building elevation sheets.
  - j. Quantities of certain plant species are missing from the Landscape Schedule on Sheet C2.
  - k. Add a column showing the required number of landscaping materials for parking lot screening, street trees, etc. per section 88-425 in comparison to the quantity of the proposed landscaping materials.
  - l. Show the existing trees on the landscaping plan and provide opportunities to preserve these mature trees along the south property line and Cleveland Ave.
  - m. Provide a utility map showing and labeling domestic water and fire service lines.
  - n. Provide a utility plan showing stormwater detention, sanitary sewer, and water utilities.
  - o. Correct the erroneous references to McAlpine Avenue and S. 10th Street on sheet C2; as well as the mis-spelling in title block of that “Landscape Plan” sheet.
  - p. Include all relevant street names on the plan, including E 23rd Street, Mersington Avenue, and Cleveland Avenue.
- 2. Uses shall be limited to that of the uses allowed in the B2 zoning district and those expressly listed within this development plan.
  - 3. 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.
  - 4. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
  - 5. The under canopy lighting of the fuel canopy shall be inset mounted so the underside of the light fixture lenses is flush with the underside of the canopy.
  - 6. Light fixture screens shall be added to any parking lot pole light within 10 feet of the south property line, and certified by a licensed engineer prior to the issuance of a final certificate of occupancy.
  - 7. The parcels shall be combined or re-platted prior to the issuance of a full building permit.
  - 8. The developer must dedicate additional right of way for E 23rd Street as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of

right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.

9. 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, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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, 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.
16. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-

of-way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.

17. 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 as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
18. 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.
19. 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.
20. 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-2012: § 102.4)
21. 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.
22. 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.
23. The development shall follow the KCMO Rules and Regulations for Water service lines.

24. 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 23rd Street, Mersington Avenue, and Cleveland Avenue and it shall meet KCMO Tree Planting Specification Standards.

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 and Development Code 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.

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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney