



Legislation Details (With Text)

**File #:** 210660      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 8/4/2021      **In control:** Council

**On agenda:** 8/19/2021      **Final action:** 8/19/2021

**Title:** Rezoning about 2.5 acres generally located on the north side of E. 23rd Street, bordered by Prospect Avenue on the east and Olive Street on the west from Districts B3-2 and R-1.5 to District UR and approving a development plan, to allow for a 24 unit multi-family residential development within nine buildings. (CD-CPC-2021-00014)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Authenticated Ordinance 210660 sub, 2. CD-CPC-2021-00014\_FACTSHT, 3. Staff Report, 4. Exhibit A, 5. CD-CPC-2021-00014\_ Approved Plan

Date	Ver.	Action By	Action	Result
8/19/2021	1	Council		
8/18/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
8/11/2021	1	Neighborhood Planning and Development Committee	Hold on Agenda	
8/5/2021	1	Council	referred	
8/5/2021	1	Council		

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210660

Rezoning about 2.5 acres generally located on the north side of E. 23rd Street, bordered by Prospect Avenue on the east and Olive Street on the west from Districts B3-2 and R-1.5 to District UR and approving a development plan, to allow for a 24 unit multi-family residential development within nine buildings. (CD-CPC-2021-00014)

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 88-20A12893, rezoning an area of approximately 2.5 acres generally located on the north side of E. 23rd Street, bordered by Prospect Avenue on the east and Olive Street on the west, from Districts B3-2 (Community Business) and R-1.5 (Residential 1.5) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A12893. That an area legally described as:

All of Lots 2 thru 28, Block 6, and Lots 12 thru 20, Block 1, and the alleys located within said blocks and that portion of Wabash Avenue lying between said blocks, and one half of the adjacent rights-of-way of 23<sup>rd</sup> Street, Olive Street, and Prospect Avenue, all in Prospect Summit, a subdivision in Kansas City, Jackson County, Missouri, lying south of the center line of the

22nd - 23rd Street connector right-of-way dedicated and established for street purposes in Ordinance No. 150405 adopted by the City Council on June 4, 2015, and recorded in the official records of the Jackson County Recorder of Deeds on July 14, 2015, as Instrument No. 2015E0062124, all being described as follows: Beginning at the intersection of said 23rd Street and Olive Street; thence north along the center line of said Olive Street to the center line of said 22nd 23rd Street connector; thence southeasterly, along last said center line, to the center line of Prospect Avenue; thence south along last said center line to the center line of said 23rd Street; thence west along last said center line to the point of beginning.

is hereby rezoned from Districts B3-2 (Community Business) and R-1.5 (Residential 1.5) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A12893, 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. The developer shall submit a final UR plan to the Director of City Planning and Development for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line), and building elevations prior to issuance of building permit.
2. The developer shall submit a street tree planting plan to the City Forester with a copy to the Development Management Division. The street tree planting plan shall be approved by the City Forester prior to Mylar approval. A copy of the approved plan shall be submitted to the Development Management Division prior to Mylar approval.
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 a street naming plan to the Development Management Division prior to issuance of a building permit. The street naming plan shall be approved prior to Mylar approval of the final plat.
5. 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.
6. The east-half of Olive Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
7. 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, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.

8. 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.
9. The developer shall 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.

10. The developer shall 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.
11. The north half of 23rd Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
12. The developer shall integrate into the existing streetlight system any relocated streetlights 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.
13. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department 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.
14. 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.
15. Proposed on-street parking must be approved by the Public Works Department prior to the issuance of a permit from Land Development for construction.
16. The developer shall provide acceptable easements and secure permits to relocate sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or 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. 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. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat.
20. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
21. The developer shall provide an acceptable easement and secure permits to relocate sanitary sewers out from under proposed detention facilities, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
22. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
23. The developer shall submit water main abandonment drawings prepared by a registered professional engineer in Missouri for the portion of the main located in proposed vacated Wabash Avenue between 22nd Street and 23rd Street and fire hydrant relocations, to the main extension desk for review and acceptance per the Kansas City Water rules and regulations for water main extensions and relocations prior to filing the vacation application for Wabash Avenue or the final plat application for the development. Fire hydrants must follow the Kansas City Water rules and regulations for water main extensions and relocations.
24. The developer shall enter into an indemnification agreement with Kansas City Water for the sanitary sewer easement to be retained in the proposed vacated Wabash Avenue between 22nd Street and 23rd Street, prior to filing the vacation application for Wabash Avenue or the final plat application for the development.

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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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney