



Legislation Details (With Text)

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

**File created:** 1/6/2023      **In control:** Council

**On agenda:** 1/19/2023      **Final action:** 1/19/2023

**Title:** Sponsor: Director of City Planning and Development Department

Approving a residential development plan in District R-1.5 on about 1.2 acres generally located at E. 28th Street and Tracy Avenue to construct 37 residential units. (CD-CPC-2022-00207).

**Sponsors:** Director of City Planning & Development, City Plan Commission

**Indexes:**

**Code sections:**

**Attachments:** 1. Docket Memo Templatev28, 2. Fact Sheet, 3. CPC Staff Report, 4. CPC Disposition Letter (01-03-2023), 5. CPC Approved Plan (01-03-2023), 6. CPC PPT, 7. Beacon Hill Neighborhood, 8. page 1 opposition sheet signatures, 9. page 2 opposition letter, 10. Authenticated Ordinance 230034

Date	Ver.	Action By	Action	Result
1/19/2023	1	Council	Passed	Pass
1/18/2023	1	Neighborhood Planning and Development Committee		
1/12/2023	1	Council		

ORDINANCE NO. 230034

Sponsor: Director of City Planning and Development Department

Approving a residential development plan in District R-1.5 on about 1.2 acres generally located at E. 28th Street and Tracy Avenue to construct 37 residential units. (CD-CPC-2022-00207).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District R-1.5 on about 1.2 acres generally located at E. 28th Street and Tracy Avenue, and more specifically described as follows:

All of Lots 10 through 15 and part of Lot 16, along with part of the vacated alleyway, all being in Block 7 of "Blocks 7, 8 & 9 of Porter Park", a subdivision in Kansas City, Jackson County, Missouri, as described by Timothy Blair Wiswell, Missouri Professional Licensed Surveyor, PLS-2009000067, and being the same property as described in the Warranty Deed recorded as Instrument Number 2020E0026039, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 10, said point also being the point of intersection of the East Right-of-Way line of Forest Avenue, and the North Right-of-Way line of 28th Street, as both were established with said "Blocks 7, 8 & 9 of Porter Park"; thence North 02 degrees 09 minutes 26 seconds East, on the West line of said Lot 10, and on the East Right-of-Way line of said Forest Avenue, a distance of 68.85 feet, to the Northwest corner of said Lot 10; thence

South 87 degrees 20 minutes 20 seconds East, on the North line of said Lot 10, a distance of 157.31 feet, to a point on the centerline of the vacated alley, as described in said Warranty Deed; thence North 02 degrees 14 minutes 34 seconds East, on the centerline of said vacated alley, a distance of 215.39 feet, to a point; thence South 87 degrees 18 minutes 53 seconds East, departing the centerline of said vacated alley, a distance of 157.63 feet, to a point on the East line of said Lot 16, said point also being on the West Right-of-Way line of Tracy Avenue, as established with said "Blocks 7, 8 & 9 of Porter Park"; thence South 02 degrees 19 minutes 42 seconds West, on the East line of Lots 16, 15, 14, 13, 12 and 11, and on the West Right-of-Way line of said Tracy Avenue, a distance of 284.13 feet, to the Southeast corner of said Lot 11, said point also being the point of intersection of the West Right-of-Way line of said Tracy Avenue, and the North Right-of-Way line of said 28th Street; thence North 87 degrees 20 minutes 42 seconds West, on the South line of Lots 11 and 10, and on the North Right-of-Way line of said 28th Street, a distance of 314.40 feet, to the point of beginning, containing 55,557 square feet or 1.2754 acres, more or less.

is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
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 a certificate of occupancy.
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. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. All mechanical equipment shall be screened pursuant to 88-425-08.
6. The developer shall provide a revised site plan to show pedestrian crossing that complies with 88-450 prior to issuance of any building permit.
7. Council hereby approves a deviation of two feet to the required side yard setback in R-1.5 zoning district (88-420-12).
8. The developer shall apply for an administrative adjustment to 88-425-05 to the Director of City Planning and Development prior to issuance of any building permit.
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 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.
10. The developer shall 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.
  11. 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.
  12. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
  13. 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, 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.
  14. 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.
  15. 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 the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
  16. 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.
  17. 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, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and 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 of occupancy permits.

18. 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.
19. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
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. Required Fire Department access roads shall be an all-weather surface (IFC-2012: § 503.2.3) and Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC -2018: § 503.2.3)
22. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
23. Dead-end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a “phased” project shall provide an approved temporary turnaround feature (i.e., cul-de-sac, hammerhead). (IFC-2018: § 503.2.5)
24. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
25. The developer shall be 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 (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat (if dedicating private open space), or prior to a certificate of occupancy (if paying money-in-lieu of).
26. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations, prior to a certificate of occupancy.
27. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
28. No water service line will be less than 1-1/2” in diameter where three or more units or commercial building will be served by one domestic service line and meter.
29. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the

Kansas City Water rules and regulations for water main extensions and relocations.

30. The developer shall provide acceptable easement and secure permits to relocated 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.

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

Section B. 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.

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Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney