



Legislation Details (With Text)

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Title: Rezoning about 2.5 acres generally located on the south side of E. 38th Street, on the west side of Montgall Avenue and the east side of Prospect Avenue, from Districts B3-2 and R-2.5 to District UR and approving a development plan to allow for a 35 unit multi-family residential development within four buildings. (CD-CPC-2020-00091)

Sponsors:

Indexes:

Code sections:

Attachments: 1. FACTSHEET, 2. Staff Report, 3. Exhibit A_ Section Map

Date	Ver.	Action By	Action	Result
4/28/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass

ORDINANCE NO. 210346

Rezoning about 2.5 acres generally located on the south side of E. 38th Street, on the west side of Montgall Avenue and the east side of Prospect Avenue, from Districts B3-2 and R-2.5 to District UR and approving a development plan to allow for a 35 unit multi-family residential development within four buildings. (CD-CPC-2020-00091)

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-1271, rezoning an area of approximately 2.5 acres generally located on the south side of E. 38th Street, on the west side of Montgall Avenue and the east side of Prospect Avenue, from Districts B3-2 (Community Business) and R-2.5 (Residential 2.5) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A-1271. That an area legally described as:

All of Lots 157 thru 164 and a part of Lot 165 also, all of Lots 174 thru 180 and a part of Lot 173 and a portion of right of way vacated at the northwest corner of Lot 180, Hasson Park, a subdivision in Kansas City, Jackson County, Missouri described as follows: Beginning 33.33 feet north of the southwest corner of said Lot 173; thence North 02 degrees 25 minutes 09 seconds East along the west line of plat of Hasson Park, 369.75 feet to the south right of way line of East 38th Street; thence South 87 degrees 39 minutes 13 seconds East along said line, 232.28 feet to a point of curvature; thence along a curve to the right with a radius of 25.00 feet and a distance of 39.30 feet to a point on the west

right of way line of Montgall Avenue; thence South 02 degrees 24 minutes 43 seconds West along said line, 388.22 feet; thence North 87 degrees 37 minutes 00 seconds West, 128.68 feet; thence North 02 degrees 24 minutes 56 seconds East, 43.33 feet; thence North 87 degrees 37 minutes 00 seconds West, 128.68 feet to the point of beginning.

is hereby rezoned from Districts B3-2 (Community Business) and R-2.5 (Residential 2.5) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1271, 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 secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
2. The developer shall secure approval of a final UR plan from the Director of City Planning and Development prior to issuance of a building permit. This plan shall demonstrate compliance with any applicable lot and building standards of 88-100, use standards of 88-300, and development standards of 88-400 which are not expressly waived by approval of this preliminary development plan.
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 certificate of occupancy.
4. 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.
5. The west half of Montgall Avenue 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.
6. 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.
7. The developer shall dedicate additional right-of-way for Prospect Avenue as required by the adopted Major Street Plan 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.
8. 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.

9. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
10. 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.
11. 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.
12. 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
13. The south half of East 38th 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.
14. 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.
15. 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.
16. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
17. The developer shall submit an analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to City Plan Commission. Depending on adequacy of the existing water mains systems, making other improvements as may be required.

18. The developer shall provide a fire hydrant plan for a hydrant to be installed on Montgall Avenue.
19. The developer shall follow the Kansas City, Missouri rules and regulations for domestic water and fire service lines.
20. The developer shall pay money in lieu of dedication of parkland in the amount pursuant to the formula or dedicate acreage of private open space for parkland purpose as identified in 88-408. The money in lieu is to be paid prior to certificate of occupancy.

Calculation will be as follows: (# of townhome units) X (2.0) X (0.006 acres per person) = Parkland Acres X 2020 Rate (\$48,801.37) = Parkland Fee.

21. 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.
22. Buildings shall comply with accessible route from public sidewalk to units per 1104.1 and 1107.6.2.2.2 of International Building Code 2012 and 1004.1 of American National Standard ANSI A117.1-2003. Units also will be on a route from common areas per above sections. Note: The section requires every unit to be type B unit.
23. 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.
24. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2018: § 507.5.1)
25. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
26. 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 the City Planning and Development Department. (IFC-2018 § 102.4)

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.

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:

Sarah Baxter
Assistant City Attorney