



Legislation Details (With Text)

**File #:** 230574      **Version:** 2      **Name:**

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

**File created:** 6/22/2023      **In control:** Council

**On agenda:** 7/13/2023      **Final action:** 7/13/2023

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

Approving a development plan in District UR/DC-15 on about 0.63 acres generally located at 110 E. 3rd Street to allow for approximately 105 residential units, retail space, and associated amenities. (CD-CPC-2023-00071)

**Sponsors:** Director of City Planning & Development

**Indexes:**

**Code sections:**

**Attachments:** 1. 106 E 3rd Street Docket Memo, 2. 06\_CD-CPC-2023-00071\_106E3rdStreet, 3. CPCDispo\_Letter, 4. Revised Plans, 5. 106E3rdSt\_CPCPPT, 6. 230574 as amd to org ord-com, 7. 230574.Authenticated Ordinance A.A.

Date	Ver.	Action By	Action	Result
7/13/2023	1	Council	Move to Amend	Pass
7/13/2023	1	Council	Passed as Amended	Pass
7/12/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
6/29/2023	1	Council	referred	

ORDINANCE NO. 230574, AS AMENDED

Sponsor: Director of City Planning and Development Department

Approving a development plan in District UR/DC-15 on about 0.63 acres generally located at 110 E. 3rd Street to allow for approximately 105 residential units, retail space, and associated amenities. (CD-CPC-2023-00071)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District UR/DC-15 (Urban Redevelopment/ Downtown Core) generally located at 110 E. 3rd Street, and more specifically described as follows:

TRACT 1. All of the easterly 60 feet of lot 72, measured at right angles to the northeasterly or alley line of lot 72, and all of the southeasterly 40 feet of the easterly 40 of lot 72, measured parallel to and at right angles to the northeasterly or alley line of lot 73, in block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri. All of lot 71, except the west 23 feet, in block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri. All of the east 57.5 feet of the west 82 feet of lot 72, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri. Tract 2. All of lot 70, except the north 20 feet thereof, block 7, on the plat of the town

of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri. Tract 3. The west 24.5 feet of lot 72 and the south 40 feet of west 102 feet of lot 73 and the north 20 feet of lot 73, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri. Tract 4. The right-of-way owned by the Kansas City Southern Railway Company in the south 40 feet of lot 70, and in lots 71, 72, and 73, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri. Tract 5. The west 23 feet of lot 71, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision in Kansas City, Jackson County, Missouri. Tract 6. All of the platted alley between lots 70 to 73, block 7, as shown on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri, described as follows: Beginning on the west line of lot 70, block 7, 20 feet south of the northwest corner; thence south, along the west line.

is hereby approved, subject to the following conditions:

1. The developer shall file an on-line Form 7460-1, Notice of Proposed Construction or Alteration, for permanent vertical improvements or new structures and receive a Determination of No Hazard to Air Navigation from the FAA.
2. Signage was not reviewed with this application, all signage shall conform to 88-445 and shall require a sign permit prior to installation.
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 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.
5. 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.
6. The only activity approved for Grand Boulevard is trash pick-up. All pick-up, deliveries, building service needs, additional loading, move-in/move-out traffic, etc., shall occur on Walnut Street only. The developer shall place required signage to ensure only trash pick-up occurs on Grand Boulevard. No delivery vehicles shall enter the property from Grand Boulevard.
7. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
8. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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). Hydrants shall be in place before building on structures begin.
9. 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)

10. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
11. The developer shall submit plans to the Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements, pedestrian and street lighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per Parks and Recreation Department standards. This applies to the Grand Boulevard street frontage.
12. The developer shall submit streetscape plans to and receive approval from the Parks and Recreation Forestry Division for the installation of street trees associated with this project.
13. 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 (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to a certificate of occupancy.
14. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. 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 Parks and Recreation Department, prior to recording the plat/issuance of any certificate of occupancy permits including temporary certificate of occupancy permits. This applies to the Grand Boulevard street frontage.
15. The developer shall coordinate with the Public Works Department and Streetcar Authority prior to applying for any building permit. Applicant shall receive approval from the Streetcar Authority regarding garbage pickup schedules to ensure there is no conflict with streetcar operations.
16. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
17. 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.
18. 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.

19. 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 disturbed area 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.
20. The developer shall 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.
21. 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.
22. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
23. The developer shall work with the Public Works Department and the Parks and Recreation Department to determine appropriate locations for future wayfinding signs. The approved locations shall be shown on the site plan at the time of building permit submittal.
24. The developer shall continue to work with the Public Works Department regarding the existing light on Walnut, the telecommunication pole about 122' (feet) north of the intersection of 3rd and Walnut, and the standalone wood pole with a light at the intersection of Walnut and 3rd Street to ensure any future relocation of the poles are reviewed and approved appropriately.
25. The proposed development is located in an area where the Charles B. Wheeler Downtown Airport (MKC) height zoning restrictions apply. No structure in this area should be constructed which exceeds these restrictions. Given the potential height and proximity of this plan to MKC, the proposed development will exceed FAR Part 77, Objects Affecting Navigable Airspace, standards. The proponent/developer has filed an on-line Form 7460-1, Notice of Proposed Construction or Alteration, for permanent vertical improvements or new structures and shall receive a Determination of No Hazard to Air Navigation from the FAA. Temporary cranes used for construction activities extending higher than the proposed top elevation of the building will need to be evaluated for compliance with FAR Part 77 standards as well. Aviation recommends

the proponent/developer provide the FAA with a 1A survey accuracy statement assuming the highest horizontal and vertical tolerance was used for this design. This information certifies the ground elevations the developer has portrayed within the plans are to higher level of accuracy. Per OEAAA, if this accuracy statement isn't provided, an adjustment commensurate with a 50 foot vertical buffer is applied to the development. This information can be referenced at: <https://oeaaa.faa.gov/oeaaa/external/content/surveyAccuracy.jsp> The proponent/ developer is recommended to comply with Chapters 3, 4, and 5 of FAA Advisory Circular (AC) 70/7460-1, Obstruction Marking and Lighting, as amended.

KCAD is actively working with the FAA to address airspace restrictions in the River Market that will allow vertical development while at the same time ensuring airspace surfaces are maintained according to FAA criteria.

26. The developer shall continue to work with Staff to find an alternative for the north façade that will reduce the amount of blank space facing the lot to the north.
27. The developer shall coordinate with the Public Works Department, KCATA, and the Streetcar Authority during construction for pedestrian and transit improvements.
28. A track access permit shall be applied for and approved prior to issuance of any permit. A track access permit is required for all contractors working proximate to the streetcar alignment.
29. An administrative adjustment regarding the loading requirements found in Section 88-420-17-B has been deemed appropriate by the City Planning Division for the proposed project and shall be granted with the approval of this development plan.
30. The developer shall submit alternative landscape or streetscape applications along Walnut Street prior to the issuance of the building permit.
31. 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.
32. 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.
33. 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.
34. The developer shall enter into an indemnification and encroachment (I&E) agreement with KC Water for the existing right-of-way containing KC Water infrastructure on the east side of the proposed building in a corridor 7.5' on either side of the water and sewer mains. This I&E agreement assigns responsibility to the property owner for repair and replacement of proposed improvements built over the top of the KC Water infrastructure.

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 B. That the Council finds and declares that before taking any action on the proposed amendment and development plan 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:

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Sarah Baxter  
Senior Associate City Attorney