



Legislation Text

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File #: 220327, Version: 1

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ORDINANCE NO. 220327

Rezoning an area of about 32 acres generally located on the north side of E. 63<sup>rd</sup> Street on both sides of Prospect Avenue and bordered by E. 61<sup>st</sup> Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west from Districts B4-2, B3-2, R-2.5 and R-5 to District UR. (CD-CPC-2021-00211)

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-1323, rezoning an area of approximately 32 acres generally located on the north side of E. 63<sup>rd</sup> Street on both sides of Prospect Avenue and bordered by E. 61<sup>st</sup> Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west, from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment), which also serves as a preliminary plat to allow for mixed use development that includes multifamily residential, office and retail/ commercial, said section to read as follows:

Section 88-20A-1323. That an area legally described as:

All that part of the Northwest Quarter of Section 3 and Northeast Quarter of Section 4, Township 48, Range 33, including all that part of Lot 1, Summers Wharf, Lots 1 thru 6, inclusive, and Lots 18 thru 105, inclusive, Beachwood, Lots 1 thru 25, inclusive, Eastlake Addition, Lots 1 thru 22, inclusive, Millers Addition, Lots 69 thru 73, inclusive, Beaufort, and Lots 1 thru 15, inclusive, Jost Plaza, all in Kansas City, Jackson County, Missouri, together with the rights-of-ways of Prospect Avenue, Wabash Avenue, Olive Street, Park Avenue, E. 61<sup>st</sup> Street and E. 62<sup>nd</sup> Street, all described as follows:

Beginning at the southerly most southeast corner of said Lot 1, Summers Wharf, said point being on the north right-of-way line of E. 63<sup>rd</sup> Street, 50 feet north of the centerline thereof; thence North 86°58'41" West (plat: North 86°49'02" West), along the north right-of-way line of said E. 63<sup>rd</sup> Street and its westerly prolongation, 50 feet north of and parallel with the centerline thereof, 295.91 feet to the west right-of-way line of Wabash Avenue, said point being on the east line of lot 40 in said Beachwood; thence South 02°15'37" West, along the east line of said Lot 40, 10.00 feet to the north right-of-way line said E. 63<sup>rd</sup> street, 30.00 feet north of the south line of the Northeast Quarter of said Section 4; thence North 86°58'41" West, along the north right-of-way line of said E. 63<sup>rd</sup> Street and its westerly prolongation thereof, 30.00 feet north of and parallel with the south line of said Northeast Quarter, 885.65 feet to the southeast corner of a tract of land for new right-of-way described by Document No. 1990-K-0930339, being the west 5 feet of the south 5 feet of Lot 99 in said Beachwood; thence north 02°15'37" East, parallel with the west line of said Lot 99, 5.00 feet to the northeast corner of said tract of land; thence North 86°58'41" West, parallel with the north right-of-way line of said E. 63<sup>rd</sup> Street, 5.00 feet to the

west line of said Lot 99, said point being on the east right-of-way line of Brooklyn Avenue; thence North  $02^{\circ}15'37''$  East, along said east right-of-way line, 280.05 feet to the northwest corner of Lot 105 in said Beachwood; thence South  $86^{\circ}58'41''$  East, along the north line of said lot, 137.64 feet to the northeast corner thereof, said point being the southwest corner of Lot 91 in said Beachwood; thence North  $02^{\circ}15'37''$  East, along the west line of Lots 91, 90, 89, 88, 87, 86, and 85 in said Beachwood, 280.04 feet to the northwest corner of said Lot 85, said point being on the south right-of-way line of E. 62nd Street; thence South  $86^{\circ}58'41''$  East, along said south right-of-way line and its easterly prolongation thereof, 316.34 feet (plat: 316.09 feet) to the northeast corner of Lot 84 in said Beachwood; thence North  $01^{\circ}56'58''$  East, 50.01 feet to the north right-of-way line of said E. 62nd Street, said point being the southwest corner of Lot 15 in said Eastlake Addition; thence North  $02^{\circ}15'30''$  East, along the west line of lots 15 thru 25, inclusive, in said Eastlake Addition, 385.00 feet, to the northwest corner of said Lot 25; thence South  $86^{\circ}58'41''$  East, along the north line of said lot, 146.79 feet to the northeast corner thereof, said point being on the west right-of-way line of olive street; thence South  $86^{\circ}58'41''$  East, 51.15 feet to the east right-of-way line of said Olive Street, said point being the southwest corner of Lot 3 in said Eastlake Addition; thence in a northerly direction, along the east right-of-way line of said Olive Street, along a curve to the right with an initial tangent bearing of North  $15^{\circ}36'49''$  East, having a radius of 700.00 feet through a central angle of  $014^{\circ}13'02''$ , an arc distance of 173.70 feet (plat: 172.64 feet) to the northwest corner of Lot 1 in said Eastlake Addition; thence South  $87^{\circ}28'08''$  East, along the north line of said lot, 49.50 feet (plat: 50 feet) to the northeast corner thereof, said point being on the west line of Lot 22 in said Millers Addition; thence North  $02^{\circ}15'37''$  East, along the west line of said lot, 16.45 feet to the northwest corner thereof; thence South  $86^{\circ}58'41''$  East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being on the west right-of-way line of Wabash Avenue; thence continuing South  $86^{\circ}58'41''$  East, 50.00 feet to the east right-of-way line of said Wabash Avenue, said point being the northwest corner of Lot 1 in said Millers Addition; thence South  $86^{\circ}58'41''$  East, along the north line of said lot, 128.97 feet to the northeast corner thereof, said point being 169 feet west of the east line of the Northeast Quarter of said Section 4; thence North  $02^{\circ}15'37''$  East, 169 feet west of and parallel with the east line of said Northeast Quarter, 380.84 feet to the northwest corner of a tract of land described by Document No. 1993-K-1106908; thence South  $87^{\circ}28'09''$  East, along the north line of said tract of land, 129.00 feet to the northeast corner thereof, said point being on the west right-of-way line of Prospect Avenue; thence South  $02^{\circ}15'37''$  West, along said west right-of-way line, 331.87 feet to the westerly prolongation of the north right-of-way line of E. 61st Street; thence South  $86^{\circ}43'02''$  East, along the north right-of-way line of said E. 61st Street, and its westerly prolongation thereof, 280.01 feet to the southeast corner of Lot 74 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40350 in Document No. 2006-E-0030540, said point being on the westerly right-of-way line of Missouri Route 71; thence along the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South  $02^{\circ}15'37''$  West, 150.00 feet to the southeast corner of Lot 73 in said Beaufort, being the southeast corner of a tract of land described by Exhibit E40351 in said Document No. 2006-E-0030540, said point being 211.58 feet right of Centerline Sta. 355+55.67; thence South  $02^{\circ}15'37''$  West, 150.00 feet to a point 212.42 feet right of Centerline Sta. 357+07.08; thence South  $07^{\circ}09'08''$  West, 234.50 feet to a point 232.19 feet right of Centerline Sta. 359+41.67, said point being on the south line of Lot 69 in said Beaufort; thence North  $86^{\circ}43'02''$  West, along the south line of said Lot 69 and continuing along the westerly right-of-way line of said Missouri Route 71, 50.00 feet to the northeast corner of the west 10 feet of Lot 28 in said Jost Plaza; thence South  $02^{\circ}15'37''$  West, 656.21 feet to the northeast corner of a tract of land for said Missouri Route 71 right-of-way by Document No. 1990-K-0914472; thence along the north line

of said tract of land, being the westerly right-of-way line of said Missouri Route 71, the following courses and distances: South 74°14'22" West (deed: North 74°08'08" East), 45.75 feet; thence South 82°04'12" West (deed: North 81°57'58" East), 25.50 feet; thence North 86°37'12" West (deed: South 86°43'26" East), 61.39 feet to the east right-of-way line of Prospect Avenue; thence leaving the westerly right-of-way line of said Missouri Route 71, North 83°50'28" West, 80.19 feet to the northerly most southeast corner of said Lot 1, Summers Wharf, said point being the intersection of the west right-of-way line of said Prospect Avenue with the north right-of-way line of said E. 63rd Street; thence South 43°01'57" West (plat: South 43°51'23" West), along the north right-of-way line of said E. 63rd Street, 18.54 feet (plat: 18.46 feet) to the point of beginning, containing 31.897 acres, more or less.

And the vacant lot prt NE 1/4 NE 1/4 Sec 4 48 33 including prt vac Wabash Ave beg on s li 60 St 129 ft w of w li Prospect Ave th s 125 ft th w to sly prolg Wabash Ave th n 125 ft th e to beg also beg on s li 60 St 258 ft w of w li of Prospect Ave th s 125 ft th e 129 ft th s 450.23 ft th w 179 ft th n to pt 125 ft s of 60 St th e to sly prolg of w li of Wabash Ave th n 125 ft to 60th St th e to beg also beg sw cor 60th St & Prospect Ave th w alg s li of 60th St 308.0 ft th s 200 ft to tpob th s 375.57 ft th e to tpob also beg 1227.15 ft s & 169 ft w of ne cor sd sec th s 35 ft th w 308 ft th n 51.08 ft th e 129 ft th s 16.08 ft th e to beg also beg 200 ft s of se cor of 60<sup>th</sup> St & Olive St th e 129 ft th s 425 ft th w 129 ft th n 425 ft to beg exc prt in Wabash Ave also exc prt in 61st St. Containing 5.135 acres, more or less.

is hereby rezoned from Districts B4-2 (Heavy Business/ Commercial), B3-2 (Community Business), R-2.5 (Residential 2.5) and R-5 (Residential 5) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1323, 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 submit a design guideline for the proposed development per staff approval prior to ordinance request. The design guidelines shall incorporate the Heart of the City design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials. Staff recommends that the guidelines call for four-sided architecture for buildings E, I, J and K. See sample uploaded in Compass. If there are no design guidelines, the developer shall submit a project plan in lieu of a final UR plan to the City Plan Commission 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 a building permit.
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 apply for a street naming plan prior to issuance of any building permit if streets are to be vacated.
5. The developer shall design and construct all interior streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks. 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
6. 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.
7. The arterial improvements proposed on the development plans must be reviewed and accepted by the Transportation Development Committee and the Impact Fee District Committee before an application for impact fee credits will be accepted.
8. 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.
9. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
10. The developer must grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
11. 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.

12. The developer shall 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 the developer shall be responsible for all costs associated with subordination activities now and in the future.
13. 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.
14. The developer shall dedicate additional right-of-way for Prospect Avenue as required by the adopted Major Street Plan 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.
15. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
16. Please note that any proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by Public Works staff during the plan review process.
17. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
18. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
19. 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.
20. 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.
21. 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.
22. 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.
  23. The developer shall show the limits of the 100-year floodplain plus the 1-foot freeboard on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
  24. 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.
  25. 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.
  26. 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
  27. 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.
  28. The developer shall dedicate additional right-of-way for 63rd Street as required by the adopted Major Street Plan 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.
  29. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
  30. Fire hydrant distribution shall follow IFC-2018, Table C102.1.
  31. 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)
  32. Fire Department connection 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)
  33. The building's Fire Department Connection shall be immediately recognizable from the street or

- nearest point of Fire Department access. (IFC-2018 § 912.2.1).
34. All Fire Department Connections (FDC) shall be threaded connections, Storz connections are not allowed in the City of Kansas City, Missouri. (IFC-2018 § 903.3.6; NFPA 13-2010 § 6.8.1).
  35. 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)
  36. Access 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).
  37. 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
  38. 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. If dedicating private open space, said areas must be platted into private open space tracts. 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 a certificate of occupancy.
  39. The developer indicates 5 tracts totaling 3.45 acres are to be platted as private open space tracts to satisfy the parkland dedication requirements of 88-408. The developer shall submit a final UR plan via the City Planning and Development Management detailing each private open space tract reserved for parkland dedication detailing amenities to be provided within each tract. The final plan shall be submitted and approved by the Parks and Recreation/City Planning staff prior to recording final plat.
  40. The developer shall construct a westbound right turn lane with 150 feet of storage plus taper on 63rd Street at Prospect Avenue, prior to a certificate of occupancy.
  41. The developer shall construct an additional left turn only lane with 170 feet of storage plus taper on the southbound US-71 exit ramp at Prospect Avenue, prior to a certificate of occupancy.
  42. The layout and design of Prospect Avenue will need further review prior to construction.
  43. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
  44. An engineer will need to perform a water flow and pressure analysis in the area of the development. This analysis will need to confirm the adequacy of the water distribution system for the new fire and domestic demands. If the existing system is inadequate the developer will be required to make all improvements necessary to deliver adequate flows and pressures.
  45. 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.

46. The developer shall provide a soils analysis showing the soil is asbestos free, before any underground work is started for the Kansas City Water Services Department.
47. The developer shall provide a utility plan showing and labeling the water mains including designating size, type, as well as public or private. Show and label existing and proposed easements, domestic and fire service lines, kills, meters, and backflow preventers.

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