



Legislation Details (With Text)

**File #:** 220720      **Version:** 2      **Name:**

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

**File created:** 8/9/2022      **In control:** Council

**On agenda:** 8/25/2022      **Final action:** 8/25/2022

**Title:** Rezoning an area of about 1.3 acres generally located at the northeast corner of Belleview Avenue and W. 48th Street from District MPD and District R-1.5 to District MPD, and approving a preliminary development plan to allow the construction of a mixed-use building containing 317 dwelling units and retail/restaurant space. (CD-CPC-2022-00107)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fact Sheet, 2. 09\_CD-CPC-2022-00107\_StaffReport\_Belleview Mixed Use Development, 3. 4711 Belleview Preliminary Development Plan\_2022-08-09, 4. CPC Dispo Letter 8-3-22, 5. 8-2 CPC PPT, 6. Public Testimony Recieved, 7. 220720 cs to org ord-com (002), 8. Authenticated Ordinance 220720 sub

Date	Ver.	Action By	Action	Result
8/25/2022	2	Council	Passed as Substituted	Pass
8/24/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
8/18/2022	1	Council	referred	

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220720

Rezoning an area of about 1.3 acres generally located at the northeast corner of Belleview Avenue and W. 48th Street from District MPD and District R-1.5 to District MPD, and approving a preliminary development plan to allow the construction of a mixed-use building containing 317 dwelling units and retail/restaurant space. (CD-CPC-2022-00107)

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-1344, rezoning an area of approximately 1.3 acres generally located at the northeast corner of Belleview Avenue and W. 48th Street from District MPD (Master Planned Development) and District R-1.5 (Residential 1.5) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A-1344. That an area legally described as:

TRACT 1: Lots 93 and 94, and the south 10 feet of Lot 95, Penn Park, a subdivision in Kansas City, Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent to said Lot 94 and the south 10 feet of Lot 95.

TRACT 2: Lot 96 and the north 30 feet of Lot 95, Penn Park, a subdivision in Kansas City,

Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent to said lots.

TRACT 3: Lot 97, Penn Park, a subdivision in Kansas City, Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent.

TRACT 4: Lot 98, Penn Park, a subdivision in Kansas City, Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent.

TRACT 5: Lot 99, Penn Park, a subdivision in Kansas City, Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent.

TRACT 6: Lot 100, Penn Park, a subdivision in Kansas City, Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent.

TRACT 7: Lot 101, Penn Park, a subdivision in Kansas City, Jackson County, Missouri, together with the west 1/2 of the vacated alley lying east of and adjacent.

TRACT 8: The east 1/2 of the vacated alley lying west of and adjacent to Lots 82, 83 and 84, Penn Park, a subdivision of land in Kansas City, Jackson County, Missouri, also described as follows: All that part of the existing 15 foot alley lying adjacent to Lots 82 thru 84, Penn Park, a subdivision of land in Kansas City, Jackson County, Missouri, being bounded and described as follows: Beginning at the northwest corner of said Lot 82; thence South 02°31'53" West, along the west line of said Lots 82 thru 84, 120.00 feet to the southwest corner of said Lot 84; thence North 87°28'07" West, 7.50 feet; thence North 02°31'53" East 120.00 feet; thence South 87° 28'07" East, 7.50 feet to the point of beginning.

is hereby rezoned from MPD (Master Planned Development) and District R-1.5 (Residential 1.5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1344, 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 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. 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 all landscaping required of the approved plan has been installed in accordance with the plan and is 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 street trees have been installed in accordance with the approved street

tree planting plan and are healthy prior to a certificate of occupancy.

5. The developer shall secure approval of an MPD final plan from the City Council prior to building permit. Features needing further collaboration during the MPD final plan process: pedestrian/amenity areas with additional planters, murals/artwork, characteristics of the Plaza (tiles, southwest theme), architectural design/ materials and metal screening of parking garage, landscaping and other decorative planting elements on and adjacent to the building.
6. Updated lighting plan in compliance with Section 88-430 shall be provided at the time of MPD final plan submittal.
7. The developer shall obtain approval of the traffic impact study by the Public Works Department allowing two-way traffic on W. 48th Street between Belleview Avenue and Roanoke Parkway prior to approval of an MPD final plan.
8. The developer shall cause the lots to be combined prior to issuance of a certificate of occupancy for any building permits.
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 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 prior to issuance of any building permits, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.
10. 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.
11. 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.

12. The developer shall submit a plan for approval and permitting by the Land Development Division prior to beginning construction of any 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.
13. 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.
14. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
15. 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)
16. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
17. 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)
18. 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)
19. Buildings which have an occupiable floor greater than 75 feet above grade shall meet high-rise requirements.
20. The developer shall provide fire lane signage on fire access drives.
21. 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 (2020) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat or a certificate of occupancy, whichever is applicable to the project.
22. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

23. Recreational amenity space serving to satisfy the parkland dedication requirements shall be platted into private open space tract(s) via final plat.
24. The developer shall maintain tree grates so that they are kept up to accessibility standards.
25. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
26. 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.
27. 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.
28. All existing service lines shall be killed at the main.
29. The developer confirms in writing by depiction on plan sheet(s) that the distance in feet of the 11<sup>th</sup> floor step-backs (not set-backs) from the south facade planes (there are two - southeast of ~50' and southwest ~40') to break up the facade plane.
30. The developer confirms in writing by depiction on plan sheet(s) that the amount in feet of the height deviations for the southeast and southwest corners are ~20' and ~10', respectively (Expected to be 17' and 7' but 3' was added to account for refinements from more defined plans and input from structural).
31. The MPD final plan and any amendments to the MPD final plan must be reviewed by the City Council, as otherwise provided by Zoning and Development Code Secs. 88-520-04-A and 88-516-06.
32. The developer will include, as part of the MPD final plan, text that states that the site will be programmed to encourage on-site parking and will not encourage off-site parking west into the adjacent neighborhood.
33. The developer shall report at the time of the MPD final plan on engagement with Carlton Plaza Condominium Association with respect to construction plans.

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  
Senior Associate City Attorney