



## Legislation Details (With Text)

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

**File created:** 3/23/2023      **In control:** Council

**On agenda:** 5/25/2023      **Final action:** 5/25/2023

**Title:** Sponsor(s): Councilmember Kathryn Shields, Mayor Quinton Lucas and Councilmember Eric Bunch

Approving a development plan for a commercial development in District B4-5 on about 0.4 acres generally located at 604 W. 47th Street. (CD-CPC-2021-00193)

**Sponsors:** Kathryn Shields, Quinton Lucas, Eric Bunch

**Indexes:**

**Code sections:**

**Attachments:** 1. Docket Memo 230280, 2. Cocina 47\_HKC Letter\_final, 3. 230280 cs to org ord-com, 4. Authenticated Ordinance 230280 C.S.

Date	Ver.	Action By	Action	Result
5/25/2023	1	Council	Passed as Substituted	Pass
5/24/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
5/17/2023	1	Neighborhood Planning and Development Committee	Hold on Agenda	
5/10/2023	1	Neighborhood Planning and Development Committee	Hold on Agenda	
4/18/2023	1	Neighborhood Planning and Development Committee	Hold on Agenda	
4/5/2023	1	Neighborhood Planning and Development Committee	Hold on Agenda	
3/23/2023	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230280

Sponsor(s): Councilmember Kathryn Shields, Mayor Quinton Lucas and Councilmember Eric Bunch

Approving a development plan for a commercial development in District B4-5 on about 0.4 acres generally located at 604 W. 47th Street. (CD-CPC-2021-00193)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan for a commercial development in District B4-5 (Heavy Business/Commercial) on about 0.4 acres generally located at 604 W. 47th Street, and more specifically described as follows:

All of the west one hundred and twenty (120) feet of the east one hundred and forty-six (146) feet of lot twenty-six (26), Home Place, a subdivision in the City of Kansas City Jackson County, Missouri, lying north of the north line of 47th Street, as said street is now established in Kansas City, Missouri.

is hereby approved, subject to the following conditions:

1. A deviation to the maximum height of a structure within the Plaza Bowl Overlay District pursuant to Committee Substitute for Ordinance No. 190100 is hereby granted in the following amounts:
  - a. Southeast property corner elevation 857.00 resulting height limit 902.00 with top of railing at elevation 899.33. (2'-8" below limit)
  - b. Northeast property corner elevation 868.00 resulting in height limit of 913.00 with top of roof structure at 911.00. (2'-0" below limit; parapet 1'-0" above limit)
  - c. Southwest property corner elevation 860.75 resulting in height limit of 905.75 with top of railing at elevation 899.33. (6'-5" below limit).
  - d. Northwest property corner at elevation 863.75 resulting in height limit of 908.75 with top of roof structure at 911.00. (2'-3" above limit; parapet 5'-3" above limit)
  - e. Decorative architectural tower element top elevation of 928.75. (Varies not to exceed 27 feet above limit).
  - f. Overall building height is approved to exceed maximum heights limits in varying amounts so as to approve the height of the overall building as shown on the development plan.
2. The recording in the Jackson County Recorder of Deeds Office of a maximum building height restriction and sight line easement consistent with the height limits set forth in section 1 above between the developer and the adjacent property owner to the north of the subject site, which shall provide that the City is a designated Third Party Beneficiary with the independent right of enforcement, and that the easement cannot be modified or terminated without the consent of the City, acting through the Director of City Planning and Development.
3. Total required parking will be satisfied with:
  - a. the Alternative Parking Compliance Plan, as attached hereto as Exhibit A, subject to amendment as approved from time to time by the City Council, or
  - b. a parking variance approved by the Board of Zoning Adjustment, or
  - c. a combination of (a) and (b) above.
4. Administrative adjustments for alternative compliance are hereby approved pursuant to Section 88-425-13 for 8 street trees to be sited on the entire property.
5. 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.

6. The developer shall submit a street plan for approval and permitting by the Land Development Division prior to beginning construction 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.
7. 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.
8. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
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. 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). Fire hydrant distribution shall follow IFC-2018 Table C102 and hydrants shall be in place before building on structures begin.
11. The developer shall submit a streetscape plan with street tree planting plan per Section 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
12. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
13. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
14. 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.
15. No detailed sign plan provided. All signage must comply with 88-445-07, individual buildings with interior tenants.
16. The developer must integrate into the existing street light system any relocated existing street lights 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 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of

sidewalks, curbs, 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 occupancy permits.

18. The developer must grant a city approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
19. 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 private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
20. First Responder Radio Coverage: 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)
21. 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.
22. 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. 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.

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 hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

Section C. This Ordinance shall become effective upon the later of: (i) the date that is ten (10) days after passage; or (ii) the date that the Port Authority of Kansas City, Missouri, notifies the City Clerk in writing that (a) at least thirty (30) days have lapsed since a Development Agreement with the developer has been finally approved and authorized by duly adopted Resolution of the Board of Commissioners of the Port Authority of Kansas City, Missouri ("Port KC"), which Development Agreement shall include, without limitation, final and contractually binding (1) approval of Port KC authorized improvement district(s) imposing additional sales tax(es) (subject only to the Circuit Court of Jackson County, Missouri issuing order (s) approving the same), and (2) authorization of Port KC taxable revenue bonds for the benefit of the Cocina

47 Project, and (b) no appeal of the adoption of such Resolution has been filed to the knowledge of Port KC. In the event that such notice is not provided to the City Clerk prior to September 1, 2023, then this Ordinance shall be null and void and of no further effect.

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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