



Legislation Details (With Text)

File #: 230621 **Version:** 2 **Name:**
Type: Ordinance **Status:** Passed
File created: 6/30/2023 **In control:** Council
On agenda: 9/28/2023 **Final action:** 9/28/2023
Title: Sponsor: Director of City Planning and Development Department

Approving an amendment to a previously approved UR Development Plan in District UR which also serves as a preliminary plat to allow for mixed use development that includes multifamily residential, office and retail/ commercial, in an area generally located on the north side of E. 63rd Street on both sides of Prospect Avenue, bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west. (CD-CPC-2023-00107)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. CD-CPC-2023-00107_Docket Memo, 2. 10_CD-CPC-2023-00107_CPCStaffRpt_09_05_23, 3. CD-CPC-2023-00107_Approved Plan, 4. Ord. No. 230621_NPDPowerPoint_09_27_23, 5. Authenticated Ordinances 230621 CS

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|-----------------------------|--------|
| 9/28/2023 | 1 | Council | Passed as Substituted | Pass |
| 9/27/2023 | 1 | Neighborhood Planning and Development Committee | Adv and Do Pass as Cmte Sub | Pass |
| 9/13/2023 | 1 | Neighborhood Planning and Development Committee | Hold on Agenda | |
| 8/16/2023 | 1 | Neighborhood Planning and Development Committee | | |
| 8/2/2023 | 1 | Neighborhood Planning and Development Committee | | |
| 7/13/2023 | 1 | Council | referred | |

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230621

Sponsor: Director of City Planning and Development Department

Approving an amendment to a previously approved UR Development Plan in District UR which also serves as a preliminary plat to allow for mixed use development that includes multifamily residential, office and retail/ commercial, in an area generally located on the north side of E. 63rd Street on both sides of Prospect Avenue, bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east and Park Avenue on the west. (CD-CPC-2023-00107)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved development plan in District UR (Urban Redevelopment) on an approximately 32 acres in an area generally located on the north side of E. 63rd Street on both sides of Prospect Avenue, bordered by E. 61st Street on the north, Bruce R. Watkins Drive on the east

and Park Avenue on the west, 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. 61st Street and E. 62nd 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. 63rd Street, 50 feet north of the centerline thereof; thence North $86^{\circ}58'41''$ West (plat: North $86^{\circ}49'02''$ West), along the north right-of-way line of said E. 63rd 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 $02^{\circ}15'37''$ West, along the east line of said lot 40, 10.00 feet to the north right-of-way line said E. 63rd Street, 30.00 feet north of the south line of the Northeast Quarter of said Section 4; thence North $86^{\circ}58'41''$ West, along the north right-of-way line of said E. 63rd 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 $02^{\circ}15'37''$ East, parallel with the west line of said Lot 99, 5.00 feet to the northeast corner of said tract of land; thence North $86^{\circ}58'41''$ West, parallel with the north right-of-way line of said E. 63rd 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 $02^{\circ}15'37''$ Easts, 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°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°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°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°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°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°15'37" West, 150.00 feet to a point 212.42 feet right of Centerline Sta. 357+07.08; thence South 07°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°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°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 60th 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.

Section B. That a UR preliminary plan/plat for the area legally described above is hereby approved, subject to the following conditions:

1. 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.

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 is 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 apply for a street naming plan prior to issuance of any building permit if streets are to be vacated. Separate application.
4. 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.
5. The developer shall apply for a street right-of-way vacation and obtain approval prior to issuance of a building permit or Mylar approval of the first plat. This is a separate application.
6. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
7. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
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 must design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
10. 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.
11. 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.
12. The developer shall request the Land Development Division to initiate an ordinance to establish or re-establish the grade on existing streets that are being improved where existing grades

change by more than 6 inches and the grades have been previously established.

13. 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.
14. 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.
15. 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.
16. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the SWPP submitted to the Missouri DNR and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
17. 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.
18. 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.
19. 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.
20. The developer shall petition for the vacation of street right-of-way as shown on the development plan and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
21. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC- 2018 § 507.1)
22. 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 241-2013 § 8.7.2). Fire hydrant distribution shall follow IFC-2018 Table C102.1.
23. 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)
24. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)

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)

25. Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
26. The developer shall provide fire lane signage on fire access drives.
27. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
28. 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).
29. The developer shall continue to work with Parks and City Planning staff to identify solutions to satisfying the parkland dedication requirements of 88-408 prior to Mylar approval.
30. The developer shall be 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 2023 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
31. 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.
32. 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.
33. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
34. Public Water Main Extension/Abandonment Plans . The developer must submit water main (extension/abandonment/relocation) 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.
35. The developer shall obtain a floodplain development permit from Development Services prior to beginning any construction activities within the floodplain.
36. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
37. The developer shall show the limits of the 100-year floodplain 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 Kansas City Water and Land Development Division.

38. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
39. The developer shall provide acceptable easements and secure permits to relocate sanitary sewers out from under proposed buildings and structures. Any existing public lines located under proposed structures must be abandoned in place or removed and easement vacated as required by the Kansas City Water and Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
40. 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 per Kansas City Water rules and regulations, prior to recording the plat or issuance of a building permit, whichever occurs first.
41. 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.
42. 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.
43. 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 storm water detention area tracts, prior to recording the plat.

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 and development plan 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.

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney