



## Legislation Text

---

**File #:** 220155, **Version:** 2

---

### COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220155

Approving a major amendment to a development plan to allow for adjusted building height, revised entry drive, and adjustments to the rooftop amenity space to a multi-unit residential development in District B4-5 on about 1.5 acres generally located at 4600 Madison Avenue. (CD-CPC-2021-00203)

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a major amendment to a development plan to allow for adjusted building height, revised entry drive, and adjustments to the rooftop amenity space to a multi-unit residential development in District B4-5 on about 1.5 acres generally located at 4600 Madison Avenue, and more specifically described as follows:

All of Lots 2 and 3, Plaza West, a subdivision in Kansas City, Jackson County Missouri and that part of vacated Roanoke Parkway, Section 30, Township 49 North, range 33 West, all in Kansas City, Jackson County, Missouri, more particularly described as follows: Commencing at the northeast corner of Lot 2, said Plaza West; thence South 2 degrees 24 minutes 33 seconds West, along the east line of said Lot 2, a distance of 139.06 feet; thence South 87 degrees 35 minutes 28 seconds East, along said east line, a distance of 12.00 feet; thence South 2 degrees 24 minutes 33 seconds West, along the east line of said Lots 2 and 3, a distance of 255.69 feet, to the southeast corner of said Lot 3; thence North 87 degrees 24 minutes 31 seconds West, along the south line of said Lot 3, a distance of 30.73 feet, to the southwest corner of said Lot 3; thence North 33 degrees 40 minutes 34 seconds West, along the west line of said Lots 2 and 3, a distance of 402.36 feet, to the westerly corner of said Lot 2; thence North 2 degrees 23 minutes 40 seconds East, along the West line of said Lot 2, a distance of 3.28 feet, to the northwest corner of said Lot 2; thence North 56 degrees 19 minutes 27 seconds East, along the north line of said Lot 2, a distance of 134.48 feet; thence South 87 degrees 35 minutes 28 seconds East, along said north line, a distance of 134.04 feet; thence South 42 degrees 35 minutes 28 seconds East, along said north line, a distance of 18.38 feet, to the point of beginning.

is hereby approved, subject to the following conditions:

1. The developer shall comply with Section 88-430-05-C of the Zoning and Development Code, and not cause any spillover light to exceed 0.186 foot-candle onto R-zoned property or 1.0 foot-candle onto public rights-of-way.
2. The developer shall relocate the existing sanitary sewers as necessary to avoid conflict with the new construction.
3. All proposed signage shall comply with Section 88-445. The developer shall not permit electronic, digital or motorized signage.

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 buildings shall comply with all requirements of wall rating and opening protection per 602 and 705.8 of the International Building Code 2018 edition with respect to property lines and lot lines.
6. 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.
7. 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.
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, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
9. The developer 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.
10. 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.
11. The developer shall submit a letter to the Land Development Division and Parks and Recreation 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 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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 a 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.
19. 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.
20. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site.
21. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1).
22. Fire Department connection buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department connection.
23. The building's Fire Department connection shall be immediately recognizable from the street or

nearest point of Fire Department access.

24. 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.
25. The developer shall submit plans to 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.
26. 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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to a certificate of occupancy.
27. The developer shall comply with the parkway and boulevard standards as outlined in 88-323 of the Zoning and Development Code.
28. The developer shall revise fencing as proposed along Roanoke Parkway or seek approval of a variance from the Board of Zoning Adjustment.
29. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
30. 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.
31. The developer shall work with the Development Management Division staff to verify placement and design of water features and art pieces in the pedestrian plaza area south of the building and the developer shall secure approval of a minor site plan for such prior to a certificate of occupancy for the building.
32. 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/issue of any certificate of occupancy permits including temporary certificate of occupancy permits.

33. The Madison Avenue water main is slated for replacement from 46th to 48th Streets by Kansas City Water. This provides an opportunity for the developer to cost-share in the upsizing of this main in the event the water main is required to be upsized to support the water supply required for this project.
34. Please provide a utility plan showing the size of the existing and proposed easements, water mains, domestic and fire service lines, kills and meter locations.
35. The developer shall provide easements as required by the Water Services Department.

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.

---

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

---

Secretary, City Plan Commission

Approved as to form and legality:

---

Sarah Baxter  
Assistant City Attorney