**File #:** 220192, **Version:** 1

ORDINANCE NO. 220192

Rezoning an area of about 2.3 acres generally located on the west side of Bell St in between W 39th St to the north and W 40th St to the south from District B3-2, R-2.5, and R-5 to District R-0.3 and approving a development plan that will also serve as a preliminary plat to allow for a multi-unit apartment building. (CD-CPC-2021-00181 & CD-CPC-2021-00184)

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-1313 rezoning, with associated development plan and preliminary plat, an area of about 2.3 acres generally located on the west side of Bell Street in between W. 39th Street to the north and W. 40th Street to the south from Districts B3-2 (Community Business), R-2.5 (Residential), and R-5 (Residential) to District R -0.3 (Residential) to allow for a multi-unit apartment building, said section to read as follows:

Section 88-20A-1313. That an area legally described as:

TRACT 1: The east 35 feet of Lots 1 and 2, and the north 22.06 feet of the east 35 feet of Lot 3, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 2: Lots 1 and 2, except the east 35 feet of said lots, and the north 22 feet of Lot 3, except the east 35 feet thereof, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 3: The south 28 feet of Lot 3 and the north 8.06 feet of Lot 4, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 4: The south 42 feet of Lt 4, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 5: All of Lot 5, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 6: The north 34 feet of Lot 6, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 7: The south 16 feet of Lot 6 and the north 20 feet of Lot 7, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 8: All of the south 30 feet of Lot 7 and the north 6 feet of Lot 8, Block 9, Mellier Place,

a subdivision in Kansas City, Jackson County, Missouri.

TRACT 9: The north 36 feet of the south 44 feet of Lot 8, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 10: The south 8.06 feet of Lot 8 and the north 28.06 feet of Lot 9, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 11: Lot 15, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 12: Lot 16, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 13: Lot 17, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 14: Lot 18, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 15: Lot 19, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 16: Lot 20, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 17: Lot 21, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 18: Lot 22 and lot 23, except the west 38.53 feet thereof and that part of vacated 39th Street and vacated Bell Street adjoining Lot 24, and all that part of Lot 24, lying east of a straight line drawn from a point in the north line of said Lot 24, which point is 38.25 feet east, measured along said north line of the northwest corner of said lot, to a point in the south line of said lot, which point is 38.53 feet east, measured along said line, of the southwest corner of said lot, all in Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 19: All the west 38.53 feet of Lot 23 and that part of Lot 24 lying west of a straight line drawn from a point in the north line of said lot 38.25 feet east of the northwest corner thereof measured along said north line to a point in the south line of said lot 38.53 feet east of the southwest corner thereof measured along said south line, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 20: The south 22 feet of Lot 9 and the north 14 feet of Lot 10, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 21: The south 36 feet of Lot 10, Block 9, Mellier Place, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.



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is hereby rezoned from Districts B3-2 (Community Business), R-2.5 (Residential), and R-5 (Residential) to District R-0.3, all as shown outlined on a map marked Section 88-20A-1313, 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 that will also serve as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. The buildings shall comply with all requirements of wall rating and opening protection per 602 and 705.8 of International Building Code 2018 edition with respect to property lines and lot lines.

2. 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 may be required.

3. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape 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.

4. 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.

5. 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 cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.

7. 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.



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8. 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.

9. The west half of Bell Street shall be improved to City standards as required by Chapter 88, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and the developer shall obtain a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.

10. 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.

11. 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.

12. 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.

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 shall comply with all adopted lighting standards.

14. The developer shall pay impact fees as required by Chapter 39, City's Code of Ordinances, as required by the Land Development Division.

15. 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.

16. The east half of State Line Road shall be improved to City standards as required by Chapter 88, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and the developer shall obtain a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.

17. The developer shall vacate the east-west alley prior to issuance of building permit.



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18. The developer shall provide dedicated parking for the Scotford Apartments (minimum of 6 spaces).

19. The developer shall obtain an encroachment permit for each proposed loading zone within the right-of-way.

20. 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.

21. 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.

22. 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.

23. The developer shall demonstrate compliance with the fire flow requirements as set forth in Appendix B of the International Fire Code 2018 prior to issuance of certificate of occupancy. (IFC-2018 § 507.1)

24. Fire hydrant distribution shall follow IFC-2018 Table C102.1.

25. 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)

26. Fire hydrant distribution shall follow IFC-2018 Table C102. Hydrants shall be in place before building on structures begin.

27. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC) prior to issuance of a certificate of occupancy. (IFC2018 § 507.5.1.1)

28. 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. At 223 multi-family units, the money-in-lieu of parkland fee of $130,592.46 shall be paid prior to a certificate of occupancy.

29. 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

30 The proposed loading zone will need a separate approval from the Public Works Department.

31. The developer shall ensure that water and fire service lines should meet current Water Services



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Department rules and regulations prior to issuance of a certificate of occupancy.

32. The developer shall submit a flow and pressure analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity, on both State Line Road and Bell Street, prior to the issuance of new water service permits. Depending on adequacy of the existing water mains systems, other improvements may be required.

33. The developer shall submit fire hydrant Relocation plans meeting the 300' maximum spacing along the adjacent public roadways (State Line Road and Bell Street). Plans shall be prepared by a registered professional engineer in Missouri and shall be submitted to the water main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations prior to issuance of a certificate of occupancy.

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.

_____
Secretary, City Plan Commission

Approved as to form and legality:

_____
Sarah Baxter
Assistant City Attorney



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