

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170378

Rezoning an area of approximately 0.46 acres generally located at the northeast corner of Independence Boulevard and Park Avenue from District B1-1/ICO to District UR/ICO, and approving a development plan allowing for construction of a four-story mixed-use building with ground floor commercial uses and 38 residential units. (14405-UR-1)

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 88-20A1097, rezoning an area of approximately 0.46 acres generally located at the northeast corner of Independence Boulevard and Park Avenue from District B1-1/ICO (Neighborhood Business 1 dash 1/Independence Corridor Overlay) to District UR/ICO (Urban Redevelopment/Independence Corridor Overlay), said section to read as follows:

Section 88-20A1097. That an area legally described as:

All that part of Lots 1 and 2, Block 1, Marty's Woodland Addition, a subdivision in Section 33, Township 50 North, Range 33 West, Kansas City, Jackson County, Missouri, described as follows: Beginning at the southwest corner of a tract of land described in Document No. 2005-K-0018639 recorded in the Jackson County Recorder of Deeds Office, said southwest corner being on the east right-of-way of Park Avenue as said right-of-way now exist and being 25.00 feet south and 5.00 east of the northwest corner of said Lot 1; thence South 87 degrees 16 minutes 02 seconds East, along the south line said tract of land, 72.50 feet; thence South 02 degrees 23 minutes 49 seconds West, continuing along south line, 6.00 feet; thence South 87 degrees 16 minutes 02 seconds East, continuing along said south line, 72.96 feet, to the southeast corner of said tract of land and the west right-of-way line of Olive Street, being 15.46 west of the east line of said Lot 2; thence South 02 degrees 23 minutes 49 seconds West, along said west right-of-way line, 157.00 feet, to the north right-of-way line of Independence Boulevard, being 12.00 feet north of the south line of said Lot 2; thence North 87 degrees 16 minutes 02 seconds West, along said north right-of-way line, 145.47 feet, to said east right-of-way line of Park Avenue; thence North 02 degrees 23 minutes 49 seconds East, along said east right-of-way line, 163.00 feet, to the point of beginning.

is hereby rezoned from District B1-1/ICO (Neighborhood Business 1 dash 1/Independence Corridor Overlay) to District UR/ICO (Urban Redevelopment/Independence Corridor Overlay), all as shown outlined on a map marked Section 88-20A1097, 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

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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 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 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.
2. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to the 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.
3. 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, identifying sidewalks, curbs, and gutters in disrepair as defined by the Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" 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 prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
4. The developer shall pay money in lieu of parkland for 2017 and shall be based on the following formula:

(number of multi-family units) X (2.0 persons per unit) X (0.006 acres per person) X (\$2017 rate per acre) Fee= as calculated above  
38 units x .006 x 2 =.46 acres x \$37,662.28 =\$18,077.89

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The developer shall pay money in lieu of dedication of parkland fee in amount of = \$18,077.89 or dedicate .46 acres of private open space for parkland purpose or a combination of the two.

5. The developer shall secure permits for the sidewalks within the development at the time street improvement permits are secured. Sidewalks shall be installed per the sidewalk installation plan reviewed and accepted by the Parks and Recreation Department along Independence Boulevard.
6. The only encroachments allowed within the Independence Avenue right-of-way are stairs and awnings, and said encroachments shall follow the Parks and Recreation Department's encroachment processes.
7. The developer shall secure permits to construct new, repair existing, or reconstruct sidewalks, curbs, and gutters as necessary along all development street frontages in accordance with Chapters 56 and 64, Code of Ordinances, as required by the Parks and Recreation Department, prior to issuance of any certificate of occupancy, as a condition of Board of Zoning Adjustment approval. ADA ramps shall meet ADAG standards and Parks and Recreation and shall be directional.
8. The developer shall submit a streetscape plan with street tree planting plan for approval and permitting by the Parks and Recreation Department prior to beginning work in the public right of way.
9. The developer shall provide for approved emergency operating features for security gates erected for the parking lot. If an electric operated gate is installed, a siren sensor, typically called a "yelp gate" shall be installed and operable. (IFC-2012 § 503.6)
10. If vertical clearance is less than 13'6", a sign shall be posted on both entrances to the garage indicating its clearance height. (IFC-2012 § 503.2.1)

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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M. Margaret Sheahan Moran  
Deputy City Attorney