

## ORDINANCE NO. 140470

Rezoning an area of approximately 2.24 acres generally located north of Kirk Drive, east of Summit Street, south of W. 10th Street and east of Jefferson Street, from R-0.5 to District UR and approving a development plan for 130 multifamily residential units, which plan also serves as a preliminary plat. (14465-UR)

### 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 88-20A0957, rezoning approximately 2.24 acres generally located north of Kirk Drive, east of Summit Street, south of W. 10th Street and east of Jefferson Street, from R-0.5 (Residential - 0.5) to District UR (Urban Redevelopment District), said section to read as follows:

Section 88-20A0957. That an area legally described as:

APEX ON QUALITY HILL: All of Lots 1 through 10 and Lots 15 through 17 inclusive and part of Lots 11 through 14 inclusive and vacated alleys lying adjacent thereto, all in Block Nine, Coates Addition, a subdivision of land in Kansas City, Jackson County, Missouri. Being more particularly described as follows: Beginning at the intersection of the south right-of-way line of Tenth Street and the west right-of-way line of Jefferson Street, as now established; thence South 02 degrees 36 minutes 22 second West along the west line of said Jefferson Street, a distance of 430.60 feet to the north right-of-way line of 11th Street as established by Ordinance No. 15005 recorded as Document No. B39407, in Book B4456, page 517; thence westerly and northwesterly along the north line of 11th Street (aka W. Kirk Drive) along a curve to the right having an initial tangent bearing of North 84 degrees 56 minutes 04 seconds West, a radius of 352.00 feet and a central angle of 49 degrees 35 minutes 16 seconds, an arc distance of 304.64 feet to a point on the east right-of-way line of Summit Street, as now established; thence North 02 degrees 32 minutes 10 seconds East along said east right-of-way line, a distance of 283.64 feet to the south right-of-way line of 10th Street; thence South 87 degrees 34 minutes 58 seconds East along said south right-of-way line, a distance of 255.92 feet to the point of beginning. Containing 2.24 acres more or less.

is hereby rezoned from District R-0.5 to District UR, all as shown outlined on a map marked Section 88-20A0957, 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 (which will also serve as the preliminary plat) for the area legally described above is hereby approved, subject to the following conditions:

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1. That the developer cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
2. That the developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water quality BMP's conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.
3. That the developer 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.
4. That the owner/developer secure a site disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
5. That after the City Plan Commission enters its disposition for the development plan, 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.
6. That the owner/developer verify adequate capacity of the existing sewer system as required by the Land Development Division for the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
7. That the developer 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, to identify sidewalks, curbs, and gutters in disrepair as defined by Public Works Department in

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"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 on Grand Boulevard and 13th Street 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 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 shown on the revised plan, as required by the Land Development Division and prior to issuance of any building certificate of occupancy permits including Temporary Certificate Occupancy permits.

8. That the developer 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.
9. That the developer relocate, extend and abandon water mains as required by the Water Services Department.
10. That the developer abandon partial sanitary sewer main between manholes 331 and 332 as required by the Water Services Department.
11. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.
12. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:  
  
\* 130 MF units x 2 persons/unit x 0.006 acres/person = 1.56 acres  
\* 1.56 acres – 0.09 acres = 1.47 acres x \$16,815.50 = \$24,718.78
13. That the developer submit a final UR Development Plan for each project or phase of the development to the Director of City Development for approval prior to issuance of a building permit. The final UR Development Plan shall meet the development standards of Chapter 88-400 including plan information, property uses, setback distances, lighting (with a photometric study), landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section, streetscaping, signage (including elevations), and architectural characteristics.

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  
Assistant City Attorney