

ORDINANCE NO. 180104

Approving a development plan in Districts UR and DC-15 on approximately a 0.63 acre tract of land generally located at the northwest corner of E. 3rd Street and Grand Boulevard, to allow for a six (6) story mixed use building with a total of 93 dwelling units and 93 parking spaces within a parking garage. (14902-P)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in Districts UR (Urban Redevelopment) and DC-15 (Downtown Core dash 15) on approximately a 0.63 acre tract of land generally located at the northwest corner of E. 3rd Street and Grand Boulevard, and more specifically described as follows:

**Tract 1**

All of the easterly 60 feet of lot 72, measured at right angles to the northeasterly or alley line of lot 72, and all of the southeasterly 40 feet of the easterly 40 of lot 72, measured parallel to and at right angles to the northeasterly or alley line of lot 73, in block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri.

All of lot 71, except the west 23 feet, in block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri.

All of the east 57.5 feet of the west 82 feet of lot 72, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri.

**Tract 2**

All of lot 70, except the north 20 feet thereof, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri.

**Tract 3**

The west 24.5 feet of lot 72 and the south 40 feet of west 102 feet of lot 73 and the north 20 feet of lot 73, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri.

**Tract 4**

The right-of-way owned by the Kansas City Southern Railway Company in the south 40 feet of lot 70, and in lots 71, 72, and 73, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri.

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**Tract 5**

The west 23 feet of lot 71, block 7, on the plat of the town of Kansas, commonly called Old Town, a subdivision in Kansas City, Jackson County, Missouri.

**Tract 6**

All of the platted alley between lots 70 to 73, block 7, as shown on the plat of the town of Kansas, commonly called Old Town, a subdivision of land in Kansas City, Jackson County, Missouri, described as follows: Beginning on the west line of lot 70, block 7, 20 feet south of the northwest corner; thence south, along the west line of lots 70 and 71, to the southwest corner of lot 71 and a point on the north right of way of west 3<sup>rd</sup> street; thence west, along the north right of way of west 3<sup>rd</sup> street, to the southeast corner of lot 72, block 7; thence north, along the east line of lots 72 and 73, to the northeast corner of lot 73; thence east 8 feet, perpendicular to the east line, to the centerline of the platted alley; thence south along the centerline, to a point 8 feet west of a point 20 feet south of the west line and the northwest corner of lot 70; thence east 8 feet, perpendicular to the west line, to the point of beginning.

is hereby approved, subject to the following conditions:

1. That the developer shall combine all lots.
2. A streetscape plan shall be reviewed as an administrative approval. The streetscape shall be designed to ensure five feet of clearance is maintained. The streetscape plan shall show utility boxes, streetlights, trees and tree wells, outdoor patios, bicycle parking and any other features located within the right-of-way. The five-foot clearance shall allow pedestrians to move in a straight, unobstructed path.
3. 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, by making an application for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance with the Code.
4. 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

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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.

5. 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 and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
6. 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 the adequacy of the receiving system, make other improvements as required.
7. Dumpsters shall only be serviced from Grand Boulevard during non-revenue streetcar hours.
8. Utility connections shall not be made on streetcar corridors.
9. Future streetcar connections shall require parking garage ingress and egress to be restricted to right-in right-out traffic only.
10. Retail patio shall be removed when streetcar is expanded.
11. Notwithstanding anything contained in 88-408-B., the developer may elect, at any time before approval of the preliminary plat by the Development Review Committee or the City Plan Commission, to pay money in lieu of dedicating land.
12. When the developer elects to pay money in lieu of dedicating land, the developer must, before recording the subdivision plat or minor subdivision, or (if platting or minor subdivision is not required) receiving a certificate of occupancy for a new residential unit, deposit with the City Treasurer a monetary payment to the parks and recreation acquisition or

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development trust fund equal to the required parkland dedication (calculated pursuant to 88-408-A) multiplied by the current year's price for the calendar year in which the approval is granted (date of preliminary plat approval by the development review committee or the City Plan Commission, administrative approval of minor subdivision, or -- in the absence of platting or minor subdivision – issuance of a building permit for a newly created unit) less a credit based on the ratio that any land actually dedicated for park purposes bears to the required parkland dedication.

13. The developer shall submit a streetscape plan with a street tree planting plan for approval and permitting by the Parks and Recreation Department prior to beginning work in the public right of way.
14. The developer shall follow the Boulevard and Parkway Standards established by Ordinance No. 150544 and described in Sections 88-323, 88-405-D, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165 for work along Grand Boulevard regarding:
  - a. Setbacks
  - b. Allowed land uses
  - c. Parking
  - d. Transparency
  - e. Drive entrances
  - f. Orientation
15. 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. The letter shall identify the 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, 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. This condition pertains to Grand Boulevard.

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 Ordinance have been given and had.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing

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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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Sarah Baxter  
Assistant City Attorney