

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160600

Rezoning a 1.32 acre tract of land generally located at the northwest corner of Walnut Street and E. 46th Street from Districts R-0.5 and R-5 to District R-0.5, and approving a development plan to allow for a multi-unit building with 131 units. (7411-P-3 and 7411-P-4)

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 88-20A1064, rezoning an area of approximately 1.32 acres generally located at the northwest corner of Walnut Street and E. 46th Street from Districts R-0.5 (Residential 0.5) and R-5 (Residential 5) to District R-0.5 (Residential 0.5), said section to read as follows:

Section 88-20A1064. That an area legally described as:

All that part of Lots 2 through 6 of the Amended Plat of Southmoreland, a recorded subdivision in the City of Kansas City, Jackson County, Missouri, except the westerly twenty five feet (25') thereof, being more particularly described as follows: Beginning at the northeasterly corner of said Lot 2, Southmoreland; thence southwesterly along a curve to the right having an initial tangent bearing of South 11 degrees 35 minutes 04 seconds West, a radius of 1767.62 feet, a central angle of 5 degrees 29 minutes 14 seconds and an arc length of 169.29 feet, also being the westerly right-of-way line of walnut street; thence southerly along a curve to the left continuing along the westerly right-of-way line of said Walnut Street, being radial to the last described curve having a radius of 280.50 feet, a central angle of 26 degrees 44 minutes 20 seconds and an arc length of 130.90 feet; thence southwesterly along a curve to the right continuing along the westerly right-of-way line of said Walnut Street, being radial to the last described curve, having a radius of 25.00 feet a central angle of 127 degrees 53 minutes 18 seconds and an arc length of 55.80 feet to a point on the northerly right-of-way line of 46th Street; thence northwesterly along a curve to the left, being radial to the last described curve, having a radius 851.00 feet a central angle of 10 degrees 38 minutes 33 seconds and an arc length of 158.07 feet to a point 25.00 feet easterly of the southwesterly corner of said Lot 6; thence North 02 degrees 26 minutes 14 seconds East, being 25.00 feet easterly of and parallel to the westerly line of said Lots 2 through 6, a distance of 266.36 feet to a point on the northerly line of said lot 2; thence South 87 degrees 56 minutes 54 seconds East along the northerly line of said Lot 2, a distance of 220.94 feet to the point of beginning.

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is hereby rezoned from Districts R-0.5 (Residential 0.5) and R-5 (Residential 5) to District R-0.5 (Residential 0.5), all as shown outlined on a map marked Section 88-20A01064, 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 for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall submit a project plan and obtain approval from the City Plan Commission, prior to the performance of any construction activities. The plan shall include the following details:
 - a. Elevations detailing materials to be used,
 - b. A landscape plan stamped by a licensed registered landscape architect,
 - c. A lighting plan;
 - d. A plan showing the staging area for any dumpster, and
 - e. A plan showing the location where construction and delivery vehicles may be staged, which plan may indicate an area approximately five (5) feet in width for temporary encroachments within the public street drive lane, and which will require that the hours of exterior construction be limited to 7:30 am to 4:30 pm, and that the construction workers will not park on site (and will be bussed daily from another site) until the garage is completed.
2. Building materials shall be wood, masonry, and stucco. All materials shall be of a high-quality finish.
3. Any exterior changes to the existing building shall be subject to the Main Street Special Review District standards, if applicable.
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, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to issuance of any temporary or final certificate of occupancy.

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5. 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.
6. The developer must pay impact fees as required by Chapter 39 of the City's Code of Ordinances as required by the Land Development Division.
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, to identify sidewalks, curbs, and gutters in disrepair as defined by 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.
8. The developer must 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.
9. 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.
10. The developer shall pay \$47,726.22 in lieu of parkland dedication, as required by 88-408 of the Zoning and Development Code.
11. The developer shall provide and include in the rent one parking space for each unit.

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.

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Section C. That the following waivers to the requirements of Chapter 88 are hereby granted:

Setback	Required Setback	Provided Setback	Amount of Waiver
Street-side (east)	15'	10'	5'
Rear (north)	25% or 25'	5'	20'

Section D. 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.

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:

M. Margaret Sheahan Moran
Assistant City Attorney