

ORDINANCE NO. 170722

Rezoning an area of about 3.58 acres generally bounded by E. 70th Terrace on the north, Olive Street on the west, Prospect Avenue to the east and E. Gregory Boulevard to the south, from Districts R-5 and B3-2 to UR, and approving a preliminary development plan to allow for a multi-unit residential development. (14829-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 88-20A1120, rezoning an area of approximately 3.58 acres generally bounded by E. 70th Terrace on the north, Olive Street on the west, Prospect Avenue to the east and E. Gregory Boulevard to the south, from Districts R-5 (Residential 5) and B3-2 (Community Business) to UR (Urban Redevelopment), said section to read as follows:

Section 88-20A1120. That an area legally described as:

All of Lots 307 to 312, both inclusive, and all of Lots 343 to 348, both inclusive, in Blenheim, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is hereby rezoned from Districts R-5 (Residential 5) and B3-2 (Community Business) to UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A1120, 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 secure approval of a street tree planting plan from the City Forester and plant according to the plan prior to a certificate of occupancy.
2. The developer shall be responsible for payment of money in lieu of parkland dedication using the following formula (number of multi-family units) X (2 persons per unit) X (0.006 acres per person) = number of acres required X \$37,662.28 (2017 acquisition fee). This amount should be paid prior to certificate of occupancy.
3. Any proposed modifications to the site or building are subject to the requirements of the boulevard and parkway standards.

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4. The developer shall have the landscape plan stamped by a landscape architect registered in the State of Missouri.
5. The developer shall submit to Development Management staff, for review and approval prior to a building permit, a final plan in substantial compliance with the preliminary plan and including the following: a fully-labeled and dimensioned site plan; a fully-labeled and dimensioned landscape plan showing landscaping (including species, common name and size at time of planting), overhead and underground utilities, lighting plan with photometric study, and building elevations with all materials labeled.
6. 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.
7. The developer shall dedicate additional right of way for Prospect Avenue as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
8. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
9. 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.
10. 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,

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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.

11. The owner/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 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 as may be required.
13. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
14. 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 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 is for along Gregory Boulevard.

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.

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney