

ORDINANCE NO. 120221

Rezoning an area of approximately 3.5 acres generally located on the block bounded by W. 39th Terrace on the north, W. 40th Street on the south, Broadway on the west and Central Street on the east from Districts R-1.5 and B3-2 to District UR, and approving a preliminary development plan for the rehabilitation of existing commercial buildings and future residential development (14265-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 88-20A904, rezoning an area of approximately 3.5 acres generally located on the block bounded by W. 39th Terrace on the north, W. 40th Street on the south, Broadway on the west and Central Street on the east from Districts R-1.5 (Residential 1.5) and B3-2 (Community Business 2) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A904. That an area legally described as:

Lots 1 through 12, John Harris Addition to Westport, a subdivision in Kansas City, Jackson County, Missouri, and the vacated alley adjacent said lots as now established.

is hereby rezoned from Districts R-1.5 (Residential 1.5) and B3-2 (Community Business 2) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-11A0904, 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. That prior to the development of any portion of Phase 2 as shown on the development plan, a preliminary UR plan amendment must be submitted and approved by the City Council.
2. That prior to the development of any portion of Phase 2 as shown on the development plan, a traffic study must be submitted and approved as required by the Department of Public Works. The owner/developer must make improvements as required by the traffic study prior to issuance of building permits.
3. That the owner/developer submit a detailed micro storm drainage study in general compliance with adopted standards, including a BMP level of service analysis for any disturbance area of redevelopment unless waived

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by Land Development Division until Phase II (not including maintenance of existing impervious surfaces), consisting at a minimum of a Missouri licensed civil engineer sealed study analyzing and stating that the proposed improvements will not alter or increase historical (existing) runoff conditions (patterns, flow rates, or volume) for the site post construction, showing that any proposed enclosed conveyance system provides separation of storm and sanitary sewer flows and extension to appropriate connection points to the existing city sewers with hydraulic analysis provided to verify adequacy of connection, and phasing of improvements to the Land Development Division prior to approval and issuance of any building or site permits, and that the developer secure permits to construct any improvements as required by the Land Development Division to address impacts for the redevelopment.

4. That the owner/developer obtain permits prior to the start of work to modify the existing sidewalks within the public right-of-way along the project street frontage, where sidewalks are proposed to be modified to ensure they comply with ADA and City adopted sidewalk standards, as required by Land Development Division.
5. That the owner/developer pay impact fees as required by Chapter 39 of the City's Code of Ordinances as required by the Land Development Division.
6. That the owner/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's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base 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 and that the developer 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 occupancy permits.
7. That the owner/developer submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
8. That the owner/developer secure a site disturbance permit from the Land Development Division prior to beginning any construction, grading,

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clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.

9. That the owner/developer verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect any private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
10. That the owner/developer verify sight distance for the W. 40th Street drive connection improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
11. That the owner/developer provide a cross-access easement between the alley entrance on W. 39th Terrace and the parking areas leading to the access points on Broadway, Central Street and W. 40th Street, including any parking areas that would reasonably be used, as required by the Land Development Division and as appropriate for each area at the time of each phase.
12. That the owner/developer grant a BMP Easement or Covenant to the City for required Water Quality Mitigation improvements, as required by the Land Development Division, per the approved Storm Drainage Study prior to issuance of any permit to construct said improvement.
13. That the owner/developer obtain permits from the Department of Parks and Recreation for any work within the Broadway right of way.
14. That the owner/developer petition for the vacation of the remainder of the public alley prior to the issuance of any certificates of occupancy for Phase 1 renovations.
15. That the owner/developer submit a final UR plan to the City Development Department director for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) and building elevations.

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 Ordinance 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:

M. Margaret Sheahan Moran
Assistant City Attorney