

ORDINANCE NO. 180654

Rezoning approximately 1.26 acres generally located on the south side of E. 12th Street, between Euclid Avenue and Garfield Avenue, from Districts B4-5 and R-1.5 to District UR, and approving a development plan to allow construction of a retail building. (14182-UR-1)

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 88-20A1159, rezoning approximately 1.26 acres generally located on the south side of E. 12th Street, between Euclid Avenue and Garfield Avenue from Districts B4-5 (Heavy Business/Commercial 4 dash 5) and R-1.5 (Residential 1.5) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A1159. That an area legally described as:

All of Lots 1 through 5, the north 35 feet of Lot 6, all of Lot 16, and the north 31 feet of Lot 15, Chase Place, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is hereby rezoned from Districts B4-5 (Heavy Business/Commercial 4 dash 5) and R-1.5 (Residential 1.5) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A1159, 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 to allow construction of a retail commercial structure for the area legally described above is hereby approved, subject to the following conditions:

1. As a condition of issuance of a building permit, prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
2. 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, as amended.
3. 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

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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 recording the plat.

4. The developer should consult the Parks and Recreation Department regarding any right-of-way dedication and street improvement requirements along E. 12th Street as it is located in their jurisdiction.
5. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department if and where applicable, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
6. 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.
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, 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 11/5/2013" 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 shall submit plans to the Land Development Division and obtain permits to construct sidewalks shown on the plans, and construct associated ADA ramps.
9. The developer shall 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 if applicable, to the City as required by the Land Development Division, prior to recording the plat.

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10. The developer shall 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.
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 secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
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 must 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.
15. The developer shall secure permits to construct new, repair existing, or reconstruct sidewalks, curbs, and gutters as necessary along all development street frontages in accordance with Chapters 56 and 64, Code of Ordinances, as required by the Parks and Recreation Department, prior to issuance of any certificate of occupancy.
16. The developer shall submit 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.

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17. All encroachments into the right-of-way (retaining wall) will need approval from the Parks and Recreation Department, and if appropriate a written agreement will be required.

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.

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