

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170496

Rezoning a 29 acre tract of land generally located north of Emanuel Cleaver II Boulevard, east of Oak Street, south of 44th Street and west of Kenwood Avenue, generally known as the Nelson-Atkins Museum of Art campus, from Districts R-5 and R-6 to District MPD, and approving a preliminary development plan to permit existing museum and administrative office uses in existing buildings and outdoor sculpture gardens. (12557-MPD-2)

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 88-20A1105, rezoning an area of approximately 29 acres generally located north of Emanuel Cleaver II Boulevard, east of Oak Street, south of 44th Street and west of Kenwood Avenue, generally known as the Nelson-Atkins Museum of Art campus, from Districts R-5 (Residential 5) and R-6 (Residential 6) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A1105. That an area legally described as:

Museum Block:

403-21 E. 45th Street, Nelson Art Gallery Amended Plat of Rockhill, all Block 6 and that part Block 7 lying northerly of Brush Creek Boulevard.

North Block:

400 East 45th Street: West 151.47 feet measured on north line of Block 1, Amended Plat of Rockhill.

414 East 45th Street: East 75.52 feet of west 226.99 feet of Block 1, Amended Plat of Rockhill.

420 East 45th Street: Amended Plat of Rockhill, east 75.52 feet of west 302.51 feet, Block 1.

501-03 East 44th Street: Amended Plat of Rockhill, west 150 feet of east 300 feet, Block 1.

510 East 45th Street: Parking facility for Art Gallery, Amended Plat of Rockhill, east 150 feet, Block 1.

East Block:

4520 Kenwood: All Block 5, Amended Rockhill Plat except beginning northeast corner; thence south along east line 297.5 feet; thence south along east line 250 feet; thence North 177 degrees 29 minutes 40 seconds

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West, 111.39 feet; thence North 279 degrees 48 minutes 0 seconds West, 103.86 feet; thence North 87 degrees 33 minutes 48 seconds East, 148.50 feet; thence South 357 degrees 29 minutes 40 seconds East, 133.38 feet to east line to beginning.

is hereby rezoned from Districts R-5 (Residential 5) and R-6 (Residential 6) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A1105, 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 the permitted principal uses are limited to library/museum/cultural exhibit on the museum block; administrative/professional office use related to the Museum's oversight and include employees, volunteers, and other individuals assisting in the operation of the Museum and its programing, residential, detached dwelling, and surface parking for museum patrons and employees on the north block; and a sculpture park, garden, or park with walkway paths and accompanying amenities, operated by the museum, as well as the existing parking lot, on the east block as depicted and arranged on the approved development plan.
2. The lot and building standards of District R-6 shall apply to all structures (including sculpture park) in all phases unless otherwise noted on the approved development plan.
3. The applicant shall secure approval of an MPD final plan for Phase I from the City Plan Commission prior to certificates of occupancy or building permits, whichever occurs first.
4. The applicant shall secure approval of an MPD final plan for Phase II from the City Plan Commission prior to installation of the sculpture park, garden, or park with walkway paths and accompanying amenities.
5. The applicant shall secure approval of a major amendment to this MPD from the City Council for Phases III and IV prior to any change in use or change in the physical condition of the property which does not conform to 88-520-04-B.
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 project 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

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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 certificate of occupancy.

7. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to the 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.
8. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, and as required by the Land Development Division.
9. 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.

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.

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
Deputy City Attorney