

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030328

Amending Chapter 80, Code of Ordinances, by adding a new section to be known as Section 80-11A0475, rezoning an area of approximately 35 acres generally bounded by Washington Street, Broadway Avenue and Pennsylvania Avenue on the west, J.C. Nichols Parkway on the east, 45th Street on the south and 42nd Street on the north from District R-5 (High Apartments) to District PD/R-5 (Planned District/High Apartments), and approving a development plan for the same. (4949-PD-15)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 80, Code of Ordinances of the City of Kansas City, Missouri, 1996, commonly known as the Zoning Ordinance, is hereby amended by enacting a new section to be known as Section 80-11A0475, rezoning an area of approximately 35 acres generally bounded by Washington Street, Broadway Avenue and Pennsylvania Avenue on the west, J.C. Nichols Parkway on the east, 45th Street on the south and 42nd Street on the north from District R-5 (High Apartments) to District PD/R-5 (Planned District/High Apartments), said section to read as follows:

Section 80-11A0475. That an area legally described as:

All that part of the Southwest Quarter of Section 19, Southeast Quarter of Section 20, Northeast Quarter of Section 29 and Northwest Quarter of Section 30, all being in Township 49, Range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Beginning at a point on the Southerly line of the Southwest Quarter of said Section 19 at the point of intersection of said Southerly line with the centerline of Washington Street as now established; thence North along the centerline of said Washington Street to a point of intersection with the Westerly extension of the Northerly line of vacated 42nd Street, being also the Westerly extension of the Southerly line of Lot 5, EDMUND PRICE'S ADDITION TO THE TOWN OF WESTPORT, a subdivision in said City, County and State, according to the recorded plat thereof; thence Easterly along said Westerly extension, to the Southwest corner of said Lot 5, being also a point on the Westerly line of vacated Washington Street; thence North along the Westerly line of said Lot 5 and along the Easterly line of said vacated Washington Street, a distance of 98.80 feet; Thence Northeasterly along a straight line, deflecting 40 degrees 22 minutes 30 seconds to the right from the last described course, to a point on the Southwesterly right-of-way line of the Kansas City Area Transit Authority railroad right-of-way; thence Southeasterly along the several courses and distances which comprise the Southwesterly right-of-way line of said railroad, to a point of intersection with the Westerly right-of-way line of J. C. Nichols

Parkway, as now established; thence South along said Westerly right-of-way line to the point of intersection with the Southerly line of said Section 20, being also a point on the Northerly line of said Section 29 and an angle point in the Westerly right-of-way line of said J.C. Nichols Parkway; thence continuing South along said Westerly right-of-way line to the point of intersection with the South line of the North 63 feet of Lot 16, SOUTHMORELAND PLAT No. 2, a subdivision in said City, County and State, according to the recorded plat thereof; thence Westerly along the South line of the North 63 feet of said Lot 16 to a point 135 feet East of the West line of said Lot 16, as measured perpendicular thereto; thence Southerly along a line 135 feet West of and parallel with the Westerly line of said Lot 16 to a point on the Northerly line of Lot 4 PEARSE'S 2ND ADDITION, a subdivision in said City, County and State, according to the recorded plat thereof; thence Westerly along the Northerly line of said Lot 4, a distance of 0.59 feet, more or less to the Northwest corner of said Lot 4, being also the Northeast corner of Lot 1, of said PEARSE'S 2ND ADDITION; thence Southerly along the Easterly line of Lots 1, 2 and 3 of said PEARSE'S 2ND ADDITION to the Southeast corner of said Lot 3, being also a point on the Northerly right-of-way line of 45th Street Way, as now established; thence Southerly, perpendicular to the Northerly right-of-way line of said 45th Street Way, a distance of 5.5 feet, more or less, to the centerline thereof; thence Westerly along the centerline of said 45th Street Way to a point on the centerline of Wornall Road, as now established; thence Northerly along the centerline of said Wornall Road to the point of intersection with centerline of 45th Street, as now established; thence Westerly along the centerline of said 45th Street to a point of intersection with the Westerly line of said Section 29, being also a point on the Easterly line of said Section 30 and the centerline of Broadway, as now established; thence Northerly and Northwesterly along the several courses and distances which comprise the centerline of said Broadway and Broadway Crossover, to the centerline of said Washington Street; thence Northerly along centerline of said Washington Street to the point of intersection with the centerline of 43rd Terrace, as now established; thence Westerly along the centerline of said 43rd Terrace to the point of intersection with the centerline of Pennsylvania Avenue as now established; thence Northerly along the centerline of said Pennsylvania Avenue to the point of intersection with the Northerly line of said Section 30, being also a point on the Southerly line of said Section 19; thence Easterly along the Northerly line of said Section 30 and along the Southerly line of said Section 19 to the point of intersection with the Northerly extension of the West line of the East Half of Lot 9, PATES ADDITION TO WESTPORT, a subdivision in said City, County and State, according to the recorded plat thereof; thence Southerly along the Northerly extension of the West line of the East Half of said Lot 9 and along the West line of the East Half of said Lot 9 to a point on the South line of the North 85 feet of said Lot 9; thence Easterly along a line 85 feet South of and

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030328

parallel with the North line of said Lot 9 and 85 feet South of and parallel with the North line of Lot 8 of said PATES ADDITION TO WESTPORT, to a point on the East line of said Lot 8; thence Northerly along the East line of said Lot 8 and its Northerly extension to the point of intersection with the Northerly line of said Section 30, being also a point on the Southerly line of said Section 19; thence Easterly along the Northerly line of said Section 30 and along the Southerly line of said Section 19 to the Point of Beginning. Containing 35 acres, more or less.

is hereby rezoned from District R-5 (High Apartments) to District PD/R-5 (Planned District/High Apartments), all as shown outlined on a map marked Section 80-11A0475, 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 as an amendment to Section 80-11 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. That the developer cause the area to be platted and processed in accordance with Chapter 66, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Subdivision Regulations.
2. That the developer submit a storm drainage study for the area located within Phase I as shown on the development plan to the City Engineer's Office for approval when the first final plat for property located within Phase I is submitted and that the developer make any improvements within the project boundaries as required by the City Engineer's Office.
3. That the developer submit a storm drainage study for the area located within Phase II as shown on the development plan to the City Engineer's Office for approval when the first final plat for property located within Phase II is submitted and that the developer make any improvements within the project boundaries as required by the City Engineer's Office.
4. That the developer submit plans for grading and siltation and erosion control to the City Engineer's Office for approval prior to beginning any construction activities.
5. That the developer secure a land disturbance permit from the Missouri Department of Natural Resources, if the disturbed area for the entire development exceeds five acres.

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030328

6. That the developer secure a land disturbance permit from the Department of Public Works prior to beginning any construction, grading, clearing, or grubbing activities.
7. That the developer dedicate five (5) feet of additional right of way on the west side of Wornall Road between 43rd Street and Mill Street as required by the Department of Public Works so as to provide a total of 30 feet of right of way as measured from the centerline of Wornall Road.
8. That the developer dedicate five (5) feet of additional right of way on the east side of Wornall Road between 43rd Street and Mill Street as required by the Department of Public Works so as to provide a total of 30 feet of right of way as measured from the centerline of Wornall Road.
9. That the developer enter into a Deferral Agreement with the City as required by the Department of Public Works whereby the developer agrees to dedicate twenty (20) feet of additional right of way on the south side of 43rd Street from Pennsylvania Avenue approximately 168 feet eastward as required by the Department of Public Works so as to provide a total of 50 feet of right of way as measured from the centerline of 43rd Street, at such time as a building permit is issued for Building B-5 as shown on the development plan.
10. That the developer enter into a Deferral Agreement with the City as required by the Department of Public Works whereby the developer agrees to dedicate thirteen (13) feet of additional right of way on the south side of 43rd Street from Washington Street approximately 92 feet westward as required by the Department of Public Works so as to provide a total of 50 feet of right of way as measured from the centerline of 43rd Street, at such time as a building permit is issued for Building B-5 as shown on the development plan.
11. That the developer enter into a Deferral Agreement with the City as required by the Department of Public Works whereby the developer agrees to dedicate twenty (20) feet of additional right of way on the north side of 43rd Street between Washington Street and Wornall Road as required by the Department of Public Works so as to provide a total of 50 feet of right of way as measured from the centerline of 43rd Street, at such time as a building permit is issued for Building B-5 as shown on the development plan.
12. That the developer enter into a Deferral Agreement with the City as required by the Department of Public Works whereby the developer agrees to dedicate twenty (20) feet of additional right of way on the south side of 43rd Street between J.C. Nichols Parkway and Wornall Road (proposed to be vacated) so as to provide a total of 50 feet of right of way as measured from the centerline

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030328

of 43rd Street at such time as the existing building is demolished and a building permit for the new building (Building B-6) as shown on the development plan is issued.

13. That the developer dedicate additional right of way at the southwest corner of 45th Street and Wornall Road so as to provide an appropriate turning radius at that corner as required by the Department of Public Works.
14. That the developer widen the intersection of 43rd Street and Broadway/Washington by constructing separate left, thru and right turn lanes for each approach at that intersection as required by the Department of Public Works at such time as a building permit is issued for Building B-5 as shown on the development plan.
15. That the developer improve the traffic signals located at the intersections of 43rd Street and Washington Street, 43rd Street and Wornall Road, 43rd Street and J.C. Nichols Parkway, including the interconnection of signals, as required by the Department of Public Works at such time as a building permit is issued for Building B-5 as shown on the development plan.
16. That the developer construct a northbound dedicated right turn lane on Madison Avenue at the intersection of 43rd Street and Madison Avenue as required by the Department of Public Works at such time as a building permit is issued for Building B-6 as shown on the development plan.
17. That the developer submit an updated traffic study to the Department of Public Works for approval prior to any construction within Phase II as shown on the development plan and the developer construct any traffic improvements as required by the approved updated traffic study.
18. That the developer construct a five foot wide sidewalk on the south side of 45th Street, within the project area, as required by the Department of Public Works.
19. That the developer petition for the vacation of the right-of-way of Wornall Road between 43rd Street and 45th Street within the project area as shown on the development plan as required by the Department of Public Works.
20. That the developer petition for the vacation of the right-of-way of W. 42nd Terrace between Washington Street and Wornall Road as required by the Department of Public Works.

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030328

21. That the developer secure the approval of the Board of Zoning Adjustment for a signage plan.
22. That the developer secure the approval of the Board of Zoning Adjustment for any variances to the required yard setbacks as shown on the development plan.
23. That the developer extend and/or relocate water and sewer lines as required by the Water Services Department.
24. That the developer extend sanitary and/or storm sewers and determine adequacy as required by the Department of Public Works.
25. That the developer install hard surface roads and provide for fire protection as required by the Fire Department prior to construction beyond foundations.
26. That prior to proceeding to design development, the developer review the design of Building P-6 with the City Development Department to monitor developer's compliance with the approved design guidelines and to review developer's exploration of the integration of occupied space on the first floor, street frontage, of the proposed garage.
27. That prior to issuance of a building permit for any structure, the developer submit a final plan to the City Plan Commission for approval, including plans for grading, landscaping, lighting, and signage and building elevations showing architectural design, materials, and colors.
28. That prior to approval of a final plan for any Phase I structure, the developer submit a final plan for the master plan area within Phase I, providing details on pedestrian connections/walkability, urban open space, signage, lighting, and landscaping in accordance with urban design guidelines proposed.
29. That prior to approval of a final plan for any Phase II structure, the developer submit a final plan for the master plan area within Phase II, providing details on pedestrian connections/walkability, urban open space, signage, lighting, and landscaping in accordance with urban design guidelines proposed.

A copy of said development plan is on file in the office of the City Clerk under Document No. 030328, which is attached hereto and 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.

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030328

--

I hereby certify that as required by Chapter 80, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form and legality:

Assistant City Attorney