

ORDINANCE NO. 180389

Rezoning approximately 9.11 acres bounded by E. 44th Street on the north, Oak Street on the east, E. 45th Street on the south, and Warwick Boulevard on the west from District R-5 to District MPD, and approving a preliminary MPD plan to allow construction of new structures, additions, and parking lots. (9610-MPD-4)

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 88-20A1149, rezoning an area of 9.11 acres bounded by E. 44th Street on the north, Oak Street on the east, E. 45th Street on the south, and Warwick Boulevard on the west from District R-5 (Residential 5) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A1149. That an area legally described as:

TRACT 4: Lot 7, Marburg, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 7: All of Lot 6 and the south 10 feet of Lot 5, Marburg, an addition in Kansas City, Jackson County, Missouri, and all of Marburg except Lots 6, 7 and the south 10 feet of Lot 5, a subdivision in Kansas City, Jackson County, Missouri. Tracts 4 & 7 combined contain 395,430 square feet or 9.078 acres more or less.

is hereby rezoned from District R-5 (Residential 5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A1149, 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 preliminary MPD development for the area legally described above is hereby approved, to allow construction of new structures, additions, and parking lots, subject to the following conditions:

1. For any final MPD plan submitted to the City Plan Commission for review and approval, the developer shall notify any property owner, any registered neighborhood organization, and/or registered civic organization whose boundaries include the subject property, and all owners of property within 300 feet of the subject property.
2. 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

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and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.

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 shall be designed to retain rainfall of 1.5 inch depth over the entire site of each project 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.
4. The developer shall submit verification of vertical and horizontal sight distance for the drive connections 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.
5. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
6. The developer shall integrate into the existing streetlight system any relocated existing streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
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 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.

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8. 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.
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.
10. 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.
11. The developer shall review flow requirements along Warwick Boulevard.
12. The developer shall comply with Water Services Department requirements in regard to potential water main replacement and new services.
13. The developer shall pay money in lieu of parkland fee for multifamily (dormitory) units in satisfaction of the Zoning and Development Code, calculated as follows:

$$119 \text{ units} \times 2.0 \text{ persons/multi-family unit} \times 0.006 \text{ acres/person} = 1.43 \text{ acre}$$
$$1.43 \text{ acre} \times \$37,662.28 \text{ (average cost of parkland per acre for 2018)} = \$53,857.06$$
14. The developer shall follow the boulevard and parkway standards established by Ordinance No. 150544 and described in Sections 88-323, 88-405-D, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165 for work along Warwick Boulevard.
15. The developer shall submit a streetscape plan with 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.
16. 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 along Warwick Boulevard. 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, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure

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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.

17. Unless otherwise approved by the City Planning and Development Director, all loading and unloading spaces and related maneuvering areas must be located on the subject lot and may not be located in the right-of-way.
18. Exterior walls must comply with fire resistance requirements of IBC table 602.
19. The maximum area of exterior wall openings must comply with IBC 705.

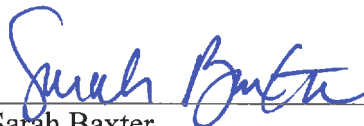
A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

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



Authenticated as Passed

[Handwritten signature]

Sly James, Mayor

[Handwritten signature]

Marilyn Sanders, City Clerk

MAY 24 2018

Date Passed