

# COMMUNITY PROJECT/REZONING

**220447**

## Ordinance Fact Sheet

Ordinance Number

**Case No.** CD-CPC-2021-00100 & CD-ROW-2020-00038

### Brief Title

To approve a development plan for Bodhi Residential Development to allow for a 53-unit residential development within seven (7) "Multi-Unit House" buildings, and to vacate Norton Avenue.

### Details

**Location:** 3840 Jackson Avenue - generally located at northwest corner of E. 39th Street and Jackson Avenue.

**Reason for Legislation:** Development plans requires City Council approval, and to vacate Norton Avenue from E. 38<sup>th</sup> Street to E. 39<sup>th</sup> Street.

See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.

#### SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- Staff determined that there was no stream buffer present as the site did not have an actual stream or riparian vegetation present.
- Plans were revised to remove stream buffer from the development plan and preliminary plat.
- The stream buffer conditions have been deemed satisfied by staff.
- Right of way vacation eliminated the condition to improve Norton Avenue.

#### CITY PLAN COMMISSION RECOMMENDATION:

Approval subject to the following corrections and conditions:

1. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy.
2. That the west half of Jackson Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
3. 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 private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
4. The developer must 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.

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	3 <sup>rd</sup> District (Ellington & Robinson)
<b>Applicants / Proponents</b>	<p><b>Applicant</b> Vecino Group, LLC 3800 Norton Avenue Kansas City, MO 64128</p> <p><b>City Department</b> City Planning &amp; Development</p> <p><b>Other</b></p>
<b>Opponents</b>	<b>Groups or Individuals</b> None
	<b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <b>Reason Against</b>
	<p>City Plan Commission (7-1) 10-19-2021 By Aye: Allender, Baker, Crawl, Enders, Hill, Rojas &amp; Sadowski. Nay: Beasley</p> <p> <input type="checkbox"/> <b>For</b>    <input type="checkbox"/> <b>Against</b>    <input type="checkbox"/> <b>No Action Taken</b> </p> <p> <input checked="" type="checkbox"/> <b>For, with revisions or conditions</b>                  (see details column for conditions)             </p>
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b> <input type="checkbox"/> <b>Do Pass (as amended)</b> <input type="checkbox"/> <b>Committee Sub.</b> <input type="checkbox"/> <b>Without Recommendation</b> <input type="checkbox"/> <b>Hold</b> <input type="checkbox"/> <b>Do not pass</b>

5. The developer must design and construct all interior public streets to City Standards, as required by Chapter 88 and the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
6. That 38th Street between Jackson Avenue and Norton Avenue shall be constructed to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

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**CONDITIONS:**

7. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
8. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
9. 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, commonly known as the Development Regulations.
10. The developer must grant a BMP and/or Surface Drainage Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
11. 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 to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. 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.
12. Aerial Fire Apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial Fire Apparatus Roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
13. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
14. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2)
15. Fire hydrant distribution shall follow IFC-2018 Table C102.1
16. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
17. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way. Street trees shall be installed along all abutting street frontages.
18. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2022) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat (if platting open space tracts) or certificate of occupancy (if paying money-in-lieu).
19. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
20. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.
21. The developer must submit water main extension drawings for new Fire Hydrants prepared by a registered professional Engineer in Missouri to the water main extension desk for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations. The public fire hydrants shall have a maximum spacing of 300' along Jackson Ave.

**Fact Sheet Prepared By:** Olofu Agbaji  
Lead Planner  
**Date:** 04-23-22

**Reviewed By:** Joseph Rexwinkle, AICP  
Division Manager  
Development Management  
Division.  
**Date:** 05-02-22

**Initial Application Filed:** 06-03-2021  
**City Plan Commission Action:** 10-19-2021  
**Revised Plans Filed:** 04-15-2022  
**Total Days in City Review:**

**Total Days in Applicant's  
Hands:**

**Reference Numbers:**  
Case No. CD-CPC-2021-00100  
Case No. CD-ROW-2021-00038