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**File #: 230399**

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ORDINANCE NO. 230399

Approving a development plan in District M1-5 on about 0.41 acres generally located on Broadway Boulevard between W. 3rd Street and W. 4th Street to allow for a multi-unit residential building with associated parking. (CD-CPC-2023-00026).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District M1-5 (Manufacturing 1 (Dash 5)) generally located on Broadway Boulevard between West 3rd Street and West 4th Street and more specifically described as follows:

Lots 2 and 3, except the east 27.5 feet and all of Lots 4, 5, 6, 7 and 8, except the east 2.5 feet thereof; also except from all of the above lots any part thereof in streets and roads, in O. Case & Bali's subdivision of land 28 in Old Town, Kansas City, Jackson County, Missouri; together with that part of vacated Broadway that lies west of the west line of Lots 2 and 3 in the above addition and east of a straight line drawn between the northwest corner of Lot 4 and the northwest corner of Lot 1 in the above addition.

is hereby approved, subject to the following conditions:

1. The proposed development is within the Charles B. Wheeler Downtown Airport (MKC) height zone and the developer must secure approval of Form 7460-1, Objects Affecting Navigable Airspace, prior to issuance of a building permit.
2. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
4. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.

5. 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 a certificate of occupancy.
6. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
7. The developer shall submit and receive approval for an alternative compliance parking plan prior to the issuance of a building permit.
8. The developer shall work with staff to find a suitable alternative to the section of blank concrete on the northeastern corner of the building prior to a building permit.
9. The developer shall be granted a deviation to Section 88-140-04, requiring that a development in the M1-5 zoning district have a maximum FAR (Floor Area Ratio) of 5.0 to allow for a FAR (Floor Area Ratio) of 5.31.
10. The developer shall investigate the configuration of the sidewalk on the west side for potential bump outs prior to a building permit.
11. 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
12. The 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.
13. 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 disturbed area 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.

14. The developer shall integrate into the existing streetlight system any relocated 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.
15. 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.
16. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the improvements within the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
17. 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)
18. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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 -2013 § 8.7.2)
19. Buildings which have an occupiable floor greater than 75 feet above grade shall meet high-rise requirements ( IFC 2018 Sec 914.3).
20. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
21. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
22. In buildings required to have standpipes by Section 905.3.1, not less than one standpipe shall be provided for use during construction. Such standpipes shall be installed prior to construction exceeding 40 feet (12 192mm) in height above the lowest level of Fire Department vehicle access. Such standpipes shall be provided with Fire Department hose connections at locations adjacent to stairways complying with Section 3311.1. As construction progresses, such standpipes shall be extended to within one floor of the highest point of construction having secured decking or flooring. (IFC-2018 3313.1)

23. The developer shall be 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 2023 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
24. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
25. The developer shall provide, install, maintain and remove all signs, barricades, and channelization devices shown on the attached drawings. Access to adjacent properties shall be maintained. Traffic control shall comply with part VI of the MUTCD at all times. This permit must be on the job site at all times. Unless otherwise stipulated in this permit, an alternate accessible route must be maintained for temporary pedestrian route closures and access to all loading zones shall be maintained.
26. All open excavations shall be plated and the street reopened to traffic during non-working hours.
27. Pedestrian traffic control shall be maintained in accordance with APWA-KCMO Section 2305.4.
28. When a pedestrian route is temporarily closed for reconstruction, and alternate accessible route must be maintained. At no time shall the pedestrian route be closed on both sides of the street at the same time or for more than one continuous block.
29. No sidewalk shall be closed for more than fifteen (15) consecutive calendar days. Audible pedestrian warning devices or pedestrian audio recordings (PARs) shall be placed and maintained at each end of the closure alerting pedestrians of the closure and the detour route.
30. The contractor is responsible for posting any emergency regulation signs that are hereby authorized by this permit to be posted along a permitted lane closure. Permittee or their designee will need to contact the Police Department (non-emergency number) at the time the signs are posted which shall be 18 to 24 hours in advance of the tow away time.
31. No water service line will be less than 1-1/2" in diameter where three or more units or a commercial building will be served by one domestic service line and meter.



- 32. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.
- 33. The developer shall contact the Water Services Department to conduct a flow test to ensure there is adequate water pressure to serve the development prior to a building permit.

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 B. 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.

  
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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form:

  
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Sarah Baxter  
Senior Associate City Attorney



Authenticated as Passed

  
\_\_\_\_\_  
Quinton Lucas, Mayor

  
\_\_\_\_\_  
Marilyn Sanders, City Clerk

**MAY 11 2023**

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Date Passed