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**File #: 230646**

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ORDINANCE NO. 230646

Rezoning an area of about three acres generally located at 5015 Garfield Avenue from District R-6 to District UR and approving a development plan to allow for a multi-unit residential development. (CD-CPC-2023-00069).

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 88-20A-1399, rezoning an area of about three acres generally located at 5015 Garfield Ave from District R-6 (Residential) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A-1399. That an area legally described as:

All of lots 1 to 8, both inclusive, and 13 to 16, both inclusive, in Garfield Heights, a subdivision in Kansas City, Jackson County, Missouri; and all of Lots 6 to 11 in Parkina Place, a subdivision in Kansas City, Jackson County, Missouri.

is hereby rezoned from R-6 (Residential) to UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1399 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. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping and street trees required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
2. 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.

3. Per 88-110-06-D, multiple principal buildings and any customarily accessory uses (playground and community building) are appropriate for 5015 Garfield.
4. The developer acknowledges that signage is not approved with this plan and shall be reviewed and permitted in accordance with Section 88-445 of the Zoning and Development Code.
5. The developer shall submit and secure approval of a final development plan prior to issuance of a building permit.
6. 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.
7. 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 prior to issuance of a building permit.
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 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. The developer agrees to connect its private system to the public sewer main and further agrees to make any improvements to the public sewer main deemed necessary by the division prior to issuance of a certificate of occupancy.
10. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in 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 prior to issuance of a certificate of occupancy.
11. 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 prior to issuance of a certificate of occupancy and the developer further agrees the relocated lights must comply with all adopted lighting standards.

12. 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, which identifies sidewalks, curbs, and gutters in disrepair as defined by the Public Works Department's *Out of Repair Criteria for Sidewalk, Driveway and Curbs, Revised November 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.
13. The developer shall submit verification of vertical and horizontal sight distance for the drive connection 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.
14. The developer shall submit a storm drainage analysis from a licensed civil engineer registered in the State of Missouri to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a combined sewer overflow 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. The developer agrees to 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.
15. The developer shall submit building plans which demonstrate compliance with fire flow requirements as set forth in Appendix B of the International Fire Code 2018 prior to issuance of a building permit.
16. The developer shall install fire hydrants in accordance with Table C102.1 of the International Fire Code 2018 prior to the arrival of combustible materials to the property.
17. The developer shall construct any required Fire Department access roads as an all-weather surface designed to support a fire apparatus with a gross axle weight of 85,000 pounds in accordance with Section 503.2.3 of the International Fire Code 2018 prior to the issuance of any demolition permit or building permit.

18. Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
19. 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 issuance of a certificate of occupancy.
20. 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.
21. The developer has elected 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.
22. Any sidewalks that are damaged during the construction and development phase needs to be repaired or replaced. The developer shall replace any sidewalks that are damaged during construction prior to issuance of a full certificate of occupancy.
23. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
24. 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.
25. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development, prior to a certificate of occupancy.
26. No water service line will be less than 1-1/2" in diameter where three or more units or commercial building will be served by one domestic service line and meter.
27. Water Services recommends doing two water service taps with two master meters instead of 17 different taps for water service and fire protection. The public water main in E. 50th Street is a 1" steel pipe according to our records.

28. Water main capacity analysis and related water main extension plans The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. The plans shall include replacement of the existing 1" main in 50th Street between Brooklyn and Garfield with a new 8" water main. The plans should also include upsizing and replacement of existing 6" water mains in Brooklyn and Garfield between 50th and 51st Streets to meet minimum fire and domestic flow capacity needs of the new development. The developer shall submit an analysis by a Missouri registered professional engineer to determine the capacity of the existing water distribution system as compared to the proposed domestic and fire water demands. It is anticipated a water main extension will be necessary to serve this new development due to the size and configuration of the existing water distribution system. 6/5/23 Plan-The connection notes on the ends of 50th Street need to be flip-flopped as the 6" main is in Brooklyn and the 8" main goes to the west.

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 development plan described above is hereby approved with the following deviations from Chapter 88, Code of Ordinances:

1. A deviation in the amount of five feet to the front yard setback requirements for an R-2.5 zoning district (underlying zoning) to permit a 20-foot front yard setback for the proposed UR plan.
2. A deviation to the encroachment standards to permit covered porches in the front yard setback for the proposed UR Plan.
3. A deviation in the amount of five feet to the rear yard setback requirements for an R-2.5 zoning district (underlying zoning) to permit a 20-foot rear yard setback for the proposed UR plan.

Section D. That the Council finds and declares that before taking any action on the proposed amendment and development plan hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

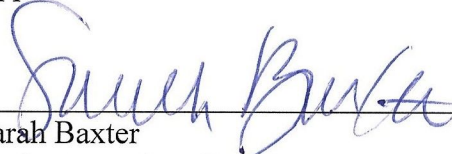
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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.



Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form:



Sarah Baxter  
Senior Associate City Attorney



Authenticated as Passed



Quinton Lucas, Mayor

  
Marilyn Sanders, City Clerk

AUG 10 2023

Date Passed