

COMMUNITY PROJECT/ZONING

210336

Ordinance Number

Ordinance Fact Sheet

Cases No. CD-CPC-2020-00091 & 2020-00116

Brief Title

Approval Deadline

To consider amending the Hearth of the City Area Plan and to rezoning about 2.5 acres from Districts B3-2 and R-2.5 to District UR to allow for 35 unit multi-family residential development.

Details

Specific Address

Generally located on the south side of E. 38th Street, on the west side of Montgall Avenue and the east side of Prospect Avenue.

Reason for Legislation

1. To amend the Heart of the City Area Plan by changing the recommended land use from Residential Urban Low Density to Residential Medium High Density land use designation on about 2.5 acres.
2. To consider rezoning about 2.5 acres from Districts B3-2 and R-2.5 to District UR (Urban Redevelopment), to allow for 35 unit multi-family residential development within five (5) buildings.

Discussion

SEE ATTACHED STAFF REPORT.

The City Plan Commission meeting in regular session on November 17, 2020, recommended that this case be approved subject to the following conditions based on the application, plans, and documents provided for review prior to the hearing:

1. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
2. The developer shall secure approval of a final UR plan from the Director of City Planning and Development prior to building permit. This plan shall demonstrate compliance with any applicable lot and building standards of 88-100, use standards of 88-300, and development standards of 88-400 which are not expressly waived by approval of this preliminary development plan.
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 Certificate of Occupancy.
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.
5. That the west half of Montgall 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.

Positions/Recommendations

Sponsor	Jeffrey Williams, AICP, Director Department of City Planning and Development
Programs, Departments, or Groups Affected	3rd District (Ellington & Robinson)
Applicants / Proponents	Applicant Roasemann & Associates City Department City Development Other
Opponents	Groups or Individuals Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 11-17-2020 By Aye: (Allender, Baker, Beasley, Crowl, Enders, Rojas & Sadowski. <input checked="" type="checkbox"/> For <input type="checkbox"/> Against No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

Details

CONTINUED.

6. 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.
7. The developer must dedicate additional right of way for Prospect Avenue as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
8. 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.
9. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
10. The owner/developer must submit plans for grading, siltation, and erosion control to 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.
11. 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.
12. The developer must 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.

Policy/Program Impact

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Finances

Cost & Revenue Projections -- Including Indirect Costs	
Financial Impact	
Fund Source (s) and Appropriation Account Codes	

Fact Sheet Prepared By:

Olofu O. Agbaji
Staff Planner

Date: 04-08-2021

Initial application filed: 05-02-2020
Revised Plans Recieved: 03-03-2021

Reviewed by:

Joseph Rexwinkle, AICP, Division Manager
Development Management

Date: 04-13-2021

Reference Numbers

CONTINUED.

13. That the south half of East 38th Street 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.
14. 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.
15. 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.
16. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.
17. The developer shall submit an analysis by a registered Professional Engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to CPC. Depending on adequacy of the existing water mains systems, making other improvements may be required.
18. That the developer provide a fire Hydrant plan for a Hydrant to be installed on Montgall Avenue.
19. The developer shall follow the KCMO Rules and Regulations for domestic water and fire service lines.
20. The developer shall pay money in lieu of dedication of parkland in the amount of per formula or Dedicate Acreage of Private Open Space for Parkland Purpose as identified in 88-408. The Money in Lieu is to be paid prior to certificate of occupancy.
Calculation will be as follows:
 $(\# \text{ of townhome units}) \times (2.0) \times (0.006 \text{ acres per person}) = \text{Parkland Acres} \times 2020 \text{ Rate } (\$48,801.37) = \text{Parkland Fee.}$
21. 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.
22. Buildings shall comply with accessible route from public side walk to units per 1104.1 and 1107.6.2.2.2 of International Building Code 2012 and 1004.1 of American National Standard ANSI A117.1-2003. Units also will be on a route from common areas per above sections. Note; the section requires every unit to be type B unit.
23. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.
24. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2018: § 507.5.1)
25. 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)
26. All construction shall be in compliance of the applicable building codes which are in effect at the time of construction and shall be built under valid building permits issued by City Planning and Development. (IFC-2018 § 102.4)