

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240566

Rezoning an area of about 23.40 acres with the common address of 4520 Benton Boulevard generally bounded by Agnes Avenue on the west, Emanuel Cleaver II Boulevard on the south, Benton Avenue on the east, and East 45th Street on the north, from District R-2.5 to District UR; approving a development plan.

WHEREAS, on May 2, 2024, the City Council by Committee Substitute for Ordinance No. 24048 authorized the City Manager designee to negotiate and execute sale and development agreements for real property located generally at 4520 Benton Boulevard; and

WHEREAS, to effectuate sale and development agreements, it has been deemed necessary to rezone the area from District R-2.5 to District UR; and

WHEREAS, the City Plan Commission considered this proposed rezoning on July 3, 2024; and

WHEREAS, after all interested persons were given an opportunity to present testimony, the City Plan Commission did, on July 3, 2024, recommend approval of the proposed rezoning to the City Council; NOW, THEREFORE,

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-1426, rezoning an area of about 23.40 acres with the common address of 4520 Benton Boulevard from District R-2.5 (Residential 2.5) to District UR (Urban Redevelopment) and approving a development plan, said section to read as follows:

Section 88-20A-1426. That an area legally described as:

All of Lot 1 of the Minor Subdivision recorded with the Jackson County, Missouri Recorder of Deeds on March 27, 2024 as Instrument Number 2024E0018905.

is hereby rezoned from District R-2.5 (Residential 2.5) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1426, 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. 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 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 an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
2. Final landscape plan and species list shall be reviewed in detail at the time of building permit.
3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. 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.
5. 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.
6. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
7. 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.
8. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.
9. The developer shall provide lighting around the amenity trail in Tract G, per KCPD, at the time of UR final plan.
10. Dumpster enclosure screening shall be raised 6 inches to 1 foot from the ground on at least one side if solid screening materials are proposed, per KCDP, to be shown on the UR final plan.

11. Addressing shall be clearly displayed on all buildings from public or private rights of way for emergency services, per KCPD, to be shown on the building elevations at the time of UR final plan.
12. The maximum height of proposed tree plantings shall not impact or lessen the footcandles of proposed lighting on the photometric plan, per KCPD.
13. The developer shall provide sidewalk on one side of the street along access road that goes out toward Cleaver II Boulevard, per Public Works Mobility Division. This could be a trail connection from Tract G. The plans shall be revised at the time of UR final plan to show this pedestrian connection.
14. The developer shall comply with all applicable standards in 88-323-03-B at the time of UR final plan.
15. The developer shall provide a more detailed tree preservation and mitigation plan at the time of UR final plan to accurately provide all required calculations. Required mitigation and/or payment in-lieu shall be identified on the UR final plan.
16. The applicant shall reengage with the community in the same manner as prior by sending notice of the upcoming NPD hearing date and to allow for continued communication about the project, prior to NPD.
17. The developer shall secure approval of a UR final plan from the Development Management Division staff prior to a building permit or recording of the final plat, whichever occurs first.
18. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
19. 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)
20. 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) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
21. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed). Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) 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) The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius (IFC-2018: § 503.2.4) and shall provide fire lane signage on fire access drives.

22. 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). Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
23. The desirable minimum spacing of 250' is not met between the fire station driveway and private drive along Emmanuel Cleaver Boulevard. Revise plans at the time of UR final plan. As recommended in the traffic impact study, an eastbound left turn lane on Emmanuel Cleaver II Boulevard is needed.
24. 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.
25. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the Storm Water Pollution Prevention (SWPP) plan submitted to the Missouri Department of Natural Resources (MDNR) and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
26. 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.
27. 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.
28. 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.
29. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department 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.
30. 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.


31. 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.
32. 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 and 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.
33. No water service tap permits will be issued until the public water main is released for taps.
34. 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.
35. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
36. The developer shall submit water main extension plans for review, approval and contracts for the proposed public water main improvements. The improvements shall include at a minimum a new main extension along 45th Street between Benton Boulevard and Bellefontaine Avenue, new public fire hydrants at 300' max. spacing, and a connection between the 6" main and 24" main in Benton Boulevard. The water main extension plans shall follow all the Kansas City Water rules and regulations and shall be under contract prior to a building permit issuance. The water main extension size will need to be confirmed to provide adequate fire and domestic flows and pressures to the proposed development.
37. The project shall have no more than 280 residential units.
38. That street connections otherwise required by Section 88-405-B-2 are hereby waived, pursuant to Section 88-405-25.

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

Diane Binckley, AICP  
Secretary, City Plan Commission


Approved as to form:

  
Sarah Baxter  
Senior Associate City Attorney



Authenticated as Passed

  
Quinten Lucas, Mayor

  
Marilyn Sanders, City Clerk

AUG 01 2024

Date Passed