



Legislation Details (With Text)

**File #:** 210856      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 9/15/2021      **In control:** Council

**On agenda:** 9/30/2021      **Final action:** 9/30/2021

**Title:** Rezoning an area of about 1.2 acres generally located at the southeast corner of E. 3rd Street and Oak Street from District DC-15 to District UR, and approving a development plan, which also acts as a preliminary plat, to allow for construction of a multi-family residential building. (CD-CPC-2021-00095)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fact Sheet, 2. 21\_CD-CPC-2021-00095\_Ascend in River Market\_8-17-21, 3. CPC plan, 4. Exhibit A, 5. legal description, 6. PPT, 7. REZONING\_ORDREQ, 8. Authenticated Ordinance 210856

Date	Ver.	Action By	Action	Result
9/30/2021	1	Council	Passed	Pass
9/29/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
9/23/2021	1	Council	referred	

ORDINANCE NO. 210856

Rezoning an area of about 1.2 acres generally located at the southeast corner of E. 3rd Street and Oak Street from District DC-15 to District UR, and approving a development plan, which also acts as a preliminary plat, to allow for construction of a multi-family residential building. (CD-CPC-2021-00095)

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-1297, rezoning an area of approximately 1.2 acres generally located at the southeast corner of E. 3rd Street and Oak Street from District DC-15 (Downtown Core 15) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A-1297. That an area legally described as:

File No. B19-3016 DeFeo Apartments April 15, 2021 V\_PP\_93016 Preliminary Plat Property Description All of Lots 393, 394 and 395, Block 35, together with all of Lots 396 and 397, Block 36, together with all that part of Vacated Fourth Street right of way, all as established in Town of Kansas, a subdivision in Kansas City, Jackson County, Missouri, and as vacated in Document 1965B0506737, all in Fractional Section 32, Township 50 North, Range 32 West, more particularly described by Patrick Ethan Ward, MOPLS-2005000071, of Olsson, MOLC-366, as follows: BEGINNING at the Northwest corner of Block 35, Town of Kansas, a subdivision in Kansas City, Jackson County, Missouri; thence North 75 degrees 36 minutes 37 seconds East, on the North line of said Block 35, a distance of 142.65 feet to the Northeast corner of Lot 395 of

said Block 35; thence South 14 degrees 33 minutes 00 seconds East, on the Easterly line of said Lot 395, and on the East line of Lots 394 and 393 of said Block 35, and on the Southeasterly extension of said East line, and on the East line of Lots 396 and 397 of Block 36 of said Town of Kansas, a distance of 350.79 feet to the Southeast corner of said Lot 397; thence South 75 degrees 37 minutes 44 seconds West, departing said East lines, on the South line of said Lot 397, a distance of 142.21 feet to the Southwest corner of said Lot 397; thence North 14 degrees 37 minutes 22 seconds West, on the West line of said Lot 397, and on the West line of said Lot 396 and its Northwesterly extension, and on the West line of said Block 35, a distance of 350.74 feet to the point of beginning, containing 49,960 Square Feet or 1.1469 Acres, more or less.

is hereby rezoned from District DC-15 (Downtown Core 15) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1297, 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 proposed development is located in an area where the Charles B. Wheeler Downtown Airport (MKC) height zoning restrictions apply. No structure in this area shall be constructed which exceeds these restrictions. The development would penetrate the horizontal airspace surface which is a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the runway. Potential penetration of this surface will require evaluation by the FAA. In addition, the development will be situated inside MKC's Traffic Pattern Airspace which extends 4.0 Nm (nautical miles) from the runway centerline. Per FAR Part 77, Objects Affecting Navigable Airspace, the proponent/developer shall file an on-line Form 7460-1, Notice of Proposed Construction or Alteration. 7460s must be submitted a minimum of 45 days prior to the start date of the proposed construction or alteration. The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website can be accessed at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> <<https://oeaaa.faa.gov/oeaaa/20external/portal.jsp>>. The proponent/developer is recommended to comply with Chapters 3, 4, and 5 of FAA Advisory Circular (AC) 70/7460-1, Obstruction Marking and Lighting, as amended.
2. The buildings shall comply with all requirements of wall rating and opening protection per 602 and 705.8 of International Building Code 2018 edition with respect to property lines and lot lines.
3. 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.
4. 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.

5. 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.
6. The developer shall 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.
7. 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.
8. 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.
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.
10. 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.
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 shall 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.
13. The south half of Third Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
14. The east half of Oak Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the

Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.

15. The developer shall grant a City approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
16. The developer shall secure approval of a streetscape plan from Development Management Division staff prior to a building permit. The plan shall include all vertical and horizontal obstructions within and adjacent to the right-of-way along the project frontage including but not limited to signage, sidewalks, driveways, landscaping, and shall demonstrate compliance with applicable policies and regulations.
17. 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.
18. 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.
19. 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.
20. 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.
21. The plan is revised to show short-term bicycle parking as required of 88-420-09 prior to request for ordinance.
22. The applicant shall state the number of shared parking in the preliminary plat and the site plan prior to request for ordinance. The agreement shall be recorded per code requirement prior to final certificate of occupancy.
23. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
24. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
25. 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)
26. 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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat (if

dedicating private open space) or a certificate of occupancy (if only electing to pay money-in-lieu).

27. 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.
28. At the time of final plat submittal, provide the following language on the plat: PRIVATE OPEN SPACE: Tract contains (insert number of) private open space acres which are hereby reserved at the election of the developer in lieu of the required parkland dedication for (insert number and type of units) pursuant to Section 88-408-E of the Zoning and Development Code. A total of (insert number of) acres are required to satisfy the parkland request for this final plat.
29. At the time of final plat submittal, the locations reserved to meet the parkland dedication requirements shall be platted into private open space tracts.
30. At the time of final plat submittal, provide the following language on the final plat: PAYMENT IN LIEU OF PARKLAND: The developer elects to pay the City of Kansas City, Missouri, a sum of \$ in lieu of required parkland dedicating for (# single family units, duplex units, multi-family units) pursuant to Section 88-408-C of the Zoning and Development Code.
31. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development. South of River contact -Sean Allen -816-513-0318 North of River contact Dan Richardson - 816-513-4883.
32. Before abandoning Water Easement No. 260, the developer must submit water main extension plans to connect the water main on Locust Street from 4th Street to 3rd Street.
33. No Permanent structures shall be built on top of a Water Easement (No. 260). (Please provide documentation that Water Easement No. 260 has been vacated)

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 Council finds and declares that before taking any action on the proposed amendment 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.

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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney