



Legislation Details (With Text)

**File #:** 230198      **Version:** 2      **Name:**

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

**File created:** 2/13/2023      **In control:** Council

**On agenda:** 4/23/2023      **Final action:** 3/23/2023

**Title:** Sponsor: Director of City Planning and Development Department

Rezoning an area of about 0.98 acres generally located at 400 Main street from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), and approving a development plan that also serves as a preliminary plat. (CD-CPC-2022-00174)

**Sponsors:** Director of City Planning & Development, City Plan Commission

**Indexes:**

**Code sections:**

**Attachments:** 1. Docket Memo Templatev28, 2. EV3065-SLBE Contract Review Request Form REV. 10.26.2022 - Fillable-signed, 3. 07\_CD-CPC-2022-00174\_400MainStreet, 4. CPCDispo\_Letter, 5. Exhibit A, 6. Public comment, 7. StampedPlans, 8. CityHarvestCPC.PPT, 9. 23-0301\_5th and Main NPD committee, 10. City Market Letter, 11. Public Testimony - Case# CD-CPC-2022-00174 and NPDC agenda item 230198, 12. Public Testimony 2 - Case# CD-CPC-2022-00174 and NPDC agenda item 230198, 13. Public Testimony 3 - Case# CD-CPC-2022-00174 and NPDC agenda item 230198, 14. Concerns regarding case # 230198 400 Main Street\_City Harvest CD-CPC-2022-00174, 15. GGB City Harvst Letter to KCMO NP&D, 16. Public Comment, 17. Public Testimony - #230198 400 Main Street\_Harvest Development, 18. Public Testimony 5 - Case #CD-CPC-2022-00174 and NPDC and NPDC agenda item 230198, 19. Business Parking-Public Testimony, 20. Public Testimony 4 - Case# CD-CPC-2022-00174 and NPDC agenda item 230198., 21. Public Testimony - # 230198, 400 Main Street\_City Harvest, 22. Public Testimony File # 230198 NPDC Meeting 3\_1\_2023, 23. Public Testimony 7 Case# CD-CPC-2022-00174 and NPDC agenda item 230198, 24. Public Testimony - City Harvest Project, 25. Public Testimony 6 Case# CD-CPC-2022-00174 and NPDC agenda item 230198.0, 26. Public Testimony 8 Case# CD-CPC-2022-00174 and NPDC agenda item 230198 City Harvest Project., 27. Public Testimony re\_City Harvest apartment project, 28. Public Testimony 9 Case# CD-CPC-2022-00174 and NPDC agenda item 230198 City Harvest Project, 29. Laura Lynch - case #230198 - City Harvest Testimony Letter, 30. Ai Namima-Davison - # 230198 - 400 Main Street\_City Harvest, 31. Public Testimony - City Harvest #230198, 32. Public Testimony - Concerns regarding case # 230198 400 Main Street\_City Harvest CD-CPC-2022-00174, 33. Public Testimony - Case # 230198, 34. Public Testimony - Case #230198 Main\_City Harvest, 35. Public Testimony - Request CD-CPC-2022-00174 Rezoning from district UR to district UR Development Plan, 36. Public Testimony - Re\_Request CD-CPC-2022-00174 Rezoning from district UR to district UR Development Plan, 37. Public Testimony 10 Case# CD-CPC-2022-00174 and NPDC agenda item 230198 City Harvest Project, 38. Public Testimony - case#CD-CR-2022-00174. NPDC agenda 230198 City Harvest, 39. Fw\_case#230198 ; Kyle Getz Statement letter against Parking Decimation by Harvest Development, 40. Public Testimony 12 - # 230198, 400 Main Street\_City Harvest, 41. Public Testimony 11 - Case # 230198, 42. Public Testimony - Updated City Market Letter, 43. Ben Snider - Support for #230198, 44. Public Testimony River Market Parking Solution V-F, 45. Public Testimony 13 #230198 400 Main Street\_City Harvest, 46. Public Testimony for Ordinance 230198 (CD-CPC-2022-00174 and NPDC agenda item Ordinance 230198 City Harvest Project), 47. Public Testimony - Agenda Item # 230198, NPDC Meeting 3\_8\_2023, 48. Shawn Tolivar - Support Ord 230198, 49. City Harvest Development - Concern on the Development's Aesthetic Compatibility with Historic District, 50. David Lindahl - Re\_Concerns regarding case # 230198 400 Main Street\_City Harvest CD-CPC-2022-00174, 51. Colby Soden - Support Ord 230198, 52. 230198 cs to org ord-com, 53. Forrest Chumley - File # 230198 NPDC Meeting 3\_22\_2023, 54. Authenticated Ordinance 230198 CS

Date	Ver.	Action By	Action	Result
3/23/2023	1	Council	Passed as Substituted	Pass
3/22/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
3/8/2023	1	Neighborhood Planning and Development Committee	Hold on Agenda	
3/1/2023	1	Neighborhood Planning and Development Committee	Hold on Agenda	
2/23/2023	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230198

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 0.98 acres generally located at 400 Main street from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), and approving a development plan that also serves as a preliminary plat. (CD-CPC-2022-00174)

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 80-20A-1373 rezoning an area of about 0.98 acres located at 400 Main Street from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) said section to read as follows:

Section 80-20A-1373, That an area legally described as:

All of Lots 165 through 169, Block 17, Old Town, a subdivision in Kansas City, Jackson County, Missouri.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 80-20A-1373, which is attached hereto and made a part hereof, and which is hereby adopted as 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 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 should be constructed which exceeds these restrictions. Given the potential height and proximity of this plan to MKC, the proposed development will exceed FAR Part 77, Objects Affecting Navigable Airspace, standards. The proponent/developer has filed an on-line Form 7460-1, Notice of Proposed Construction or Alteration, for permanent vertical improvements or new structures and shall receive a Determination of No Hazard to Air Navigation from the FAA. Temporary cranes used for construction activities extending higher than the proposed top elevation of the building will need to be evaluated for compliance with FAR Part 77 standards as well. The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website can be accessed at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. Aviation recommends the proponent/developer provide the FAA with a 1A survey accuracy statement assuming the highest horizontal and

vertical tolerance was used for this design. This information certifies the ground elevations the developer has portrayed within the plans are to higher level of accuracy. Per OEAAA, if this accuracy statement is not provided, an adjustment commensurate with a 50 foot vertical buffer is applied to the development. This information can be referenced at:

<https://oeaaa.faa.gov/oeaaa/external/content/surveyAccuracy.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. KCAD is actively working with the FAA to address airspace restrictions in the River Market that will allow vertical development while at the same time ensuring airspace surfaces are maintained according to FAA criteria.

2. The developer shall continue to work with staff to find opportunities to activate 5th Street and provide alternatives that will allow for the construction materials to better match the character of the neighborhood prior to submittal of the final UR plan.
3. That 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.
4. The developer shall provide a lighting plan in compliance with Section 88-430 of the Code at the time of UR final plan.
5. The developer shall continue to work with the Public Works Department and the Kansas City Streetcar Authority regarding the redesign of inlets serving Main Street and 5th Street to ensure adequate drainage is provided to maintain streetcar operations.
6. The developer shall submit a detailed list of landscaping materials with the submittal of the UR final plan. Staff is strongly encouraging the developer provide native vegetation throughout the site.
7. The developer shall meet the requirements in Section 88-420-17-B-4 regarding no idle or idle free zone signage in all off-street loading zones.
8. The developer shall include an alternative compliance plan sheet providing alternatives for the required screening of the mechanical equipment located in the alley (on the west side of the building) at the time of UR final plan.
9. The developer shall secure approval of a UR final plan from the Development Management Division staff prior to a building permit. The UR final plan submittal must include updated parking information, additional floor plans, and an updated site plan along with all other required plan sheets.
10. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.
11. 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.
12. The plan is revised to show short-term bicycle parking as required of 88-420-09. The developer

- is missing two short term bicycle parking spaces on the site plan, the missing spaces shall be included on the final UR plan.
13. The developer shall submit plans showing compliance with the lighting requirements listed in Section 88-420-15-D at the time of final UR plan.
  14. The developer shall continue to work with the Public Works Department and the Kansas City Streetcar Authority regarding the KC Streetcar Overhead Contact System (OCS) for the streetcar.
  15. The developer shall continue to work with staff to provide alternatives to the vast areas of blank concrete proposed for the first couple floors of the building. Alternatives shall be submitted at the time of UR final plan submittal.
  16. 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.
  17. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, as shown on the approved street plans and to a tie-in point with the existing sidewalks and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
  18. 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.
  19. 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.
  20. 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.
  21. The developer shall request the Land Development Division to initiate an ordinance to establish or re-establish the grade on existing streets that are being improved where existing grades change by more than 6 inches and the grades have been previously established.
  22. 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.
  23. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.

24. 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.
25. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
26. 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)
27. 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)
28. Required Fire Department access roads shall be an all-weather surface (IFC-2012: § 503.2.3) and all 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) and shall provide fire lane signage on fire access drives.
29. The fire access lane from 3rd Street is allowed to be 18' 8", the fire access lane shall be marked with signage and striping.
30. The proposed building shall have a Fire Department access road within 150 feet of any exterior portion of the structure. (IFC-2018: § 503.1.1)
31. 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)
32. Buildings which have an occupiable floor greater than 75 feet above grade shall meet high-rise requirements.
33. 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)
34. The developer has indicated a payment of cash-in-lieu to satisfy the parkland dedication

requirements of 88-408. The amount due shall be based upon the (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to a certificate of occupancy.

35. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
36. 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.
37. The developer shall submit water main extension drawings for a new fire hydrant 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. [Limiting planters near water mains to 6" x 4' curbs and short fences.]

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:

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Sarah Baxter  
Senior Associate City Attorney