Legislation Details (With Text)

File #:	210651	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Passed
File created:	8/4/2021			**In control:**	Council
On agenda:	8/19/2021			**Final action:**	8/19/2021
Title:	Rezoning about three acres generally located at the northeast corner of E. 9th Street and Euclid Avenue from District R-0.5 to District UR and approving a development plan, to allow for a 62 unit multi-family residential development within three buildings. (CD-CPC-2021-00078)				
Sponsors:	Ryana Parks-Shaw				
Indexes:					
Code sections:					
Attachments:	1. Authenticated Ordinance 210651, 2. Fact Sheet, 3. 12_CD-CPC-2021-00012_00078_StaffReport_06-15-21, 4. Exhibit A_ Section Map				

Date	Ver.	Action By	Action	Result
8/19/2021	1	Council		
8/18/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
8/11/2021	1	Neighborhood Planning and Development Committee	Hold on Agenda	
8/5/2021	1	Council	referred	
8/5/2021	1	Council		

ORDINANCE NO. 210651

Rezoning about three acres generally located at the northeast corner of E. 9th Street and Euclid Avenue from District R-0.5 to District UR and approving a development plan, to allow for a 62 unit multi-family residential development within three buildings. (CD-CPC-2021-00078)

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 88-20A12894, rezoning an area of approximately three acres generally located at the northeast corner of E. 9th Street and Euclid Avenue from District R-0.5 (Residential 0.5) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A12894. That an area legally described as:

All that part of Lot 1, Fountain Estates, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the southeast corner of said Lot 1, said point being on the north right-of-way line of E. 9th Street as now established; thence North 87°26'52" West (plat: North 87°25'45" West), along said north right-of-way line (40 feet from the centerline thereof), 448.10 feet to a point of curve; thence in a northwesterly direction, continuing along said north right-of-way line and along the east right-of-way line of Euclid Avenue as now established,

powered by Legistar™

along a curve to the right, having a radius of 15.00 feet through a central angle of 089° 42'05" (plat: 089°41'04"), an arc distance of 23.48 feet to a point of tangent; thence North 02° 15'13" East, along the east right-of-way line of said Euclid Avenue (25 feet from the centerline thereof), 353.97 feet; thence South 87°44'47" East, 154.85 feet; thence South 34°25'41" East, 87.29 feet; thence South 03°31'56" East, 63.30 feet; thence South 21°30'05" East, 106.51 feet; thence North 62°15'13" East, 162.57 feet; thence South 87°32'08" East, 65.72 feet to the east line of said lot 1, also being on the west right-of-way line of a 13 foot wide alley; thence South 02°11'45" West, along the east line of said Lot 1 and along said west right-of-way line, 221.88 feet to the point of beginning, containing 2.857 acres, more or less.

is hereby rezoned from District R-0.5 (Residential 0.5) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A12894, 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 secure approval of a UR final development plan from the Director of City Planning and Development prior to issuance of building permit.

2. The buildings shall comply with all requirements of wall rating and opening protection per Sections 602 and 705.8 of International Building Code, 2018 edition, with respect to property lines and lot lines.

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 a certificate of occupancy.

4. If there are no design guidelines, the developer shall submit a project plan in lieu of a final UR plan to the City Plan Commission for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) and building elevations prior to issuance of building permit.

5. The developer shall improve the north half of East 9th Street 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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

13. 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.

14. 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.

15. 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.

16. The developer shall provide an acceptable easement and secure permits to relocate sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.

17. The developer shall improve the east-half of Euclid Avenue 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.

18. The developer shall improve the west-half of Brooklyn Avenue 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.

19. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)

20. Fire hydrant distribution shall follow IFC-2018, Table C102.1.

21. 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)

22. The building's FDC shall be immediately recognizable from the street or nearest point of Fire Department access (IFC-2018§ 912.2.1)

23. 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).

24. Dead-end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a "phased" project shall provide an approved temporary turnaround feature (i.e., cul-de-sac, hammerhead). (IFC-2018: § 503.2.5)

25. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided. (IFC-2018 § 503.6)

26. 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.

27. 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 a certificate of occupancy, whichever is applicable to the project.

28. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

29. The developer shall ensure that water and fire service lines shall meet current Water Services Department rules and regulations.

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.

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

_____
Secretary, City Plan Commission

Approved as to form and legality:

_____
Sarah Baxter
Assistant City Attorney