Legislation Details (With Text)

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On agenda:	10/28/2021			**Final action:**	
Title:	Rezoning approximately 0.96 acres generally located at 506 E. 31st Street from District M1-5 to District UR and approving a development plan for a new structure with 163 multi-family units with amenity space. (CD-CPC-2020-00137)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Fact Sheet, 2. 04_CD-CPC-2020-00137_TheLevyatMartiniCorner_CPC_10-5-21, 3. Exhibit A, 4. legal description, 5. Plan Set, 6. PPT_Levy at Martini Corner, 7. REZONING_ORDREQ, 8. Authenticated Ordinance 210965 C.S_				

Date	Ver.	Action By	Action	Result
10/27/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
10/21/2021	1	Council	referred	

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210965

Rezoning approximately 0.96 acres generally located at 506 E. 31st Street from District M1-5 to District UR and approving a development plan for a new structure with 163 multi-family units with amenity space. (CD-CPC-2020-00137)

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 88-20A1301, rezoning an area of approximately 0.96 acres generally located at 506 E. 31st Street (northeast corner of E. 31st Street and Gillham Road) from District M1-5 (Manufacturing 1 dash 5) to District UR (Urban Redevelopment) said section to read as follows:

Section 88-20A1301. That an area legally described as:

All that part of Lot 11 lying south of a line beginning in the east line of said Lot 11 at a point which is 340.37 feet north of the north line of 31st Street, as now established, said point being 0.59 feet east of the southeast corner of a one story concrete block building, presently located on the North One-Half (1/2) of said Lot 11; thence west along the face of the south wall of said building, 80.77 feet, more or less, to the southwest corner of said building, which corner is located 40.15 feet east of the east line of Gillham Road and 339.70 feet north of the north line of said 31st Street, as now established; thence west along a line 339.70 feet north of and parallel with said north line of 31st Street, 40.15 feet, to a point in the east line of Gillham Road as now established; and all of Lot 12, except the part of said lots now in Gillham Road, in Bentley's

Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Together with all of Lots 13, 14, 15, 16, except the part thereof in Gillham Road, in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Together with all of Lots 17 and 18, except part thereof in Gillham Road, and Lots 19, 20, 21, 22 and 23, except that part of Lot 23 in Gillham Road, in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is hereby rezoned from District M1-5 (Manufacturing 1 dash 5) to District UR (Urban Redevelopment) all as shown outlined on a map marked Section 88-20A1301, 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. 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.

2. The developer shall obtain an encroachment permit for door swing over the property line on east side.

3. The developer shall address continues rating of stair 01 directly to outside per 1024.3 and 1024.4 of International Building Code 2018 edition.

4. The developer shall address elevator opening into exit passageway, contrary to 1024.5 of International Building Code 2018.

5. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.

6. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.

7. 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.

8. The developer shall dedicate additional right-of-way for 31st Street as required by the adopted Major Street Plan so as to provide a minimum of 35 feet of right of way as measured from the centerline, along those areas being platted.

9. The developer shall provide acceptable easements and secure permits to relocated 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.

10. 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.

11. 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.

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 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.

14. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.

15. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.

16. 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.

17. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

18. The developer shall 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.

19. 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.

20. 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.

21. Please note that any proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Department for construction. Requests for on-street parking require review by Public Works staff during the plan review process; this includes any boulevards and parkways.

22. 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.

23. The developer shall secure approval of a final development plan from the Development Management Division staff prior to building permit.

24. 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.

25. 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.

26. The developer shall secure approval of a streetscape plan from the Development Management Division staff prior to 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.

27. The developer shall obtain approval of the alley vacation from the City Council prior to recording of the plat or certificate of occupancy, whichever occurs first.

28. The developer shall pay money in lieu of dedication of parkland in the amount pursuant to the 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 a certificate of occupancy. Money in lieu of parkland for 2020 shall be based on the following formula: (# of units) X (2 persons per unit) X (0.006 acres per person)=acres of parkland required X (2020 parkland fee ($48,801.37) per acre) = Fee.

29. The developer shall remain in full compliance with the parkway and boulevard standards of 88-323.

30. 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.

31. On a parks and recreation jurisdictional street and/or park, the Parks and Recreation Department will have the right to approve or reject those items encroaching the right of way. These include but are not limited to the following: roof overhangs, balconies, awnings, signs, sidewalk cafes, valet parking and/or fencing. The developer shall present plans to the Parks Development Review Committee and enter into an encroachment agreement with the Board of Parks & Recreation if approved using the most recent encroachment fee schedule.

32. The developer will need to apply for and receive approval for the drop off zone shown on Gilham Road.

33. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.

34. 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 the issuance of new water service permits. Depending on adequacy of the existing water mains systems, making other improvements as may be required.

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