



## Legislation Details (With Text)

**File #:** 220447      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/9/2022      **In control:** Council  
**On agenda:** 6/9/2022      **Final action:** 6/9/2022

**Title:** Approving a development plan in lieu of a Special Use Permit pursuant to Section 88-517-09-D, in Districts R-2.5 and B1-1 on about 4 acres generally located at northwest corner of E. 39th Street and Jackson Avenue to allow for a 53-unit residential development within seven (7) "Multi-Unit House" buildings. (CD-CPC-2021-00100).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CD-CPC-2021-00100\_Fact Sheet, 2. 09\_CD-CPC-2021-00100\_CPCStaffRpt\_10\_19\_21, 3. CD-CPC-2021-00100\_CPCDispo\_10\_19\_21, 4. CD-CPC-2021-00100\_Aproved Plan, 5. Authenticated Ordinance 220447

Date	Ver.	Action By	Action	Result
6/9/2022	1	Council	Passed	Pass
5/26/2022	1	Council	Assigned to Third Read Calendar	
5/25/2022	1	Neighborhood Planning and Development Committee		
5/19/2022	1	Council	referred	

### ORDINANCE NO. 220447

Approving a development plan in lieu of a Special Use Permit pursuant to Section 88-517-09-D, in Districts R-2.5 and B1-1 on about 4 acres generally located at northwest corner of E. 39th Street and Jackson Avenue to allow for a 53-unit residential development within seven (7) "Multi-Unit House" buildings. (CD-CPC-2021-00100).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in lieu of a Special Use Permit pursuant to Section 88-517-09-D, in Districts R-2.5 (Residential 2.5) and B1-1 (Neighborhood Business 1 (dash 1)) for Bodhi Development on about 4 acres generally located at the northwest corner of E. 39th Street and Jackson Avenue, and more specifically described as follows:

All that part of the Northeast Quarter of Section 22, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri, being more particularly described as follows: commencing at the southeast corner of the Northeast Quarter of said Section 22, thence North 02 degrees 21 minutes 37 seconds East, with the east line of the Northeast Quarter of said Section 22, a distance of 30.00 feet; thence North 87 degrees 43 minutes 51 seconds West, a distance of 30.00 feet to a point on the north right of way of 39th Street, said point also being the point of beginning; thence continuing with the northerly right of way of 39th Street, North 87 degrees 43 minutes 51 seconds West, a distance of 297.13 feet; thence North 02 degrees 21 minutes 13

seconds East, a distance of 603.10 feet to a point on the southerly right of way of 38th Street; thence continuing with the northerly right of way of 38th Street, South 87 degrees 41 minutes 08 seconds East, a distance of 297.20 feet to a point on the westerly right of way Jackson Avenue; thence continuing with the westerly right of way of Jackson Avenue, South 02 degrees 21 minutes 37 seconds West, a distance of 602.86 feet to the point of beginning. The above described tract contains 179,185 square feet or 4.11 acres.

is hereby approved, subject to the following conditions:

1. 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.
2. The west half of Jackson Avenue 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.
3. 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.
4. 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.
5. 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.
6. That 38th Street between Jackson Avenue and Norton Avenue shall be constructed 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.
7. 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.
8. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

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 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.
11. 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.
12. 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).
13. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
14. 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)
15. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
16. 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)
17. 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. Street trees shall be installed along all abutting street frontages.
18. 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 platting open space tracts) or a certificate of occupancy (if paying money-in-lieu).
19. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
20. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.

21. The developer shall submit water main extension drawings for new fire hydrants prepared by a registered professional engineer in Missouri to the water main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. The public fire hydrants shall have a maximum spacing of 300' along Jackson Avenue.

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 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.

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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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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney