Legislation Details (With Text)

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Title:	Sponsor: Director of City Planning and Development Department Rezoning an area of about 2.5 acres generally located at Warwick Boulevard and E. 38th Street from District MPD to District MPD to allow for the construction of 100 residential units. (CD-CPC-2022-00022)				
Sponsors:	Director of City Planning & Development Department				
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Attachments:	1. Docket Memo, 2. 02_CD-CPC-2022-00222_WestportCommons_3_7_2023, 3. CPC Disposition Letter, 4. Communications Received Cover Sheet 3_1_2023_Post, 5. Westport Commons MPD Development Plan, 6. Case # CD-CPC-2022-00222 Westport Commons OLD HYDE PARK letter, 7. CD-CPC-2022-00222_WestportCommons_PPT, 8. All Letters, 9. 2023-04-05 NPD Presentation_Final, 10. Authenticated Ordinance 230259				

Date	Ver.	Action By	Action	Result
4/6/2023	1	Council	Passed	Pass
4/5/2023	1	Neighborhood Planning and Development Committee		
3/22/2023	1	Neighborhood Planning and Development Committee		
3/16/2023	1	Council	referred	

ORDINANCE NO. 230259

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 2.5 acres generally located at Warwick Boulevard and E. 38th Street from District MPD to District MPD to allow for the construction of 100 residential units. (CD-CPC-2022-00022)

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-1378 rezoning an area of about 2.5 acres generally located at Warwick Boulevard and E. 38th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) said section to read as follows and approving a major amendment to the approved MPD (Master Planned Development) to allow for the construction of 100 residential units in district MPD on about 2.5 acres generally located at Warwick Boulevard and E. 38th Street, and more specifically described as follows:

Section 80-20A-1378. That an area legally described as:

All of Lot 1, Westport Plat, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is hereby rezoned from District MPD (Master Planned Development) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1378, 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. All mechanical equipment and dumpsters shall be screened pursuant to 88-425-08.

2. 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.

3. 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. All signage shall conform to 88-445 and shall require a sign permit prior to installation.

5. 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.

6. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to a building permit.

7. The developer shall coordinate with the KCATA to resolve pedestrian level lighting and ADA compliant bus stop on Warwick Boulevard prior to approval of an MPD final plan.

8. Deviations to the boulevard and parkway standards are hereby granted to allow a 105-foot setback from Warwick Boulevard.

9. Deviations to the boulevard and parkway standards are hereby granted to allow for 0-foot setback from the Gillham Road right-of-way.

10. Deviations to the boulevard and parkway standards are hereby granted to allow for seven additional parking stalls to be constructed within the existing vehicular use area on the northwest corner of the project area.

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 prior to issuance of any building permits, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.

12. 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.

13. 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 any certificate of occupancy.

14. 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.

15. 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.

16. 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.

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

18. 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)

19. 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)

20. 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)

21. A required Fire Department access road shall be an all-weather surface (IFC-2012: § 503.2.3) and 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)

22. 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) The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)

23. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. 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 Parks and Recreation Department, prior to recording the plat or issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

24. The developer shall submit plans to Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements, pedestrian and street lighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per Parks & Recreation Department standards.

25. The developer shall install and/or replace any dead or missing street trees along roadways adjacent to this project.

26. The developer shall pay money-in-lieu of parkland dedication in the amount of $202.89 per unit per approved ordinance #150834 and Case No. 14560-MPD.

27. The developer shall comply with the parkway and boulevard standards of 88-323 unless certain waivers granted by the City Council.

28. The developer shall continue to work with Parks and City Planning staff to enhance the pedestrian experience at the northwest corner of the site. Enhancements to the pedestrian experience at this location shall be incorporated as part of the final MPD plan.

29. The developer shall work with Parks and City Planning staff to enhance the retaining wall and railing along Warwick Boulevard as part of the final MPD plan submission.

30. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to any certificate of occupancy. The developer shall

ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to any certificate of occupancy.

A copy of said MPD development plan and is on file in the office of the City Clerk with this ordinance and 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 Ordinance 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:

_____
Sarah Baxter
Senior Associate City Attorney