



## Legislation Text

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**File #: 220555, Version: 1**

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### ORDINANCE NO. 220555

Rezoning an area of about 21.85 acres generally located within the West Bottoms area from Districts DX-10, M3-5, and UR to District UR, and approving a development plan which also serves as a preliminary plat to allow for a multi-phase mixed-use redevelopment, including a hotel. (CD-CPC-2022-00078)

#### 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 88-20A-1335, rezoning an area of approximately 21.85 acres generally located within the West Bottoms area from Districts DX-10 (Downtown Mixed-Use - 10, M3-5 (Manufacturing 3-5), and UR (Urban Redevelopment) to District UR (Urban Redevelopment) , said section to read as follows:

Section 88-20A-1335. That an area legally described as:

A tract of land being part of the Northeast Quarter, the Southwest Quarter, the Southeast Quarter of the Northwest Quarter of Section 6, Township 49 North, Range 33 West, Turner and Co's Addition, Part of Blocks 39, 40, 42, 43, 44, 45, 53, 54, 57 and 58, West Kansas Addition part of Blocks 28 and 29, all in the City of Kansas City, Jackson County, Missouri described as: Beginning at the northwest corner of Lot 16, of Block 3 of West Kansas 2nd addition in said Southwest Quarter; thence North 03°17'20" East 35.35 feet to the southwest corner of Block 58 of said Turner and Co's Addition; thence North 02°01'25" East 414.37 feet to the southwest corner of Lot 32 of Block 44 of said Turner and Co's Addition; thence North 87°40'37" West along the south line of said Block 45 and the extension thereof, 293.28 feet to a point on the east line of the Southeast Quarter of said Northwest Quarter; thence South 01°56'54" West along the east line of the Southeast Quarter of said Southwest Quarter 2.30 feet; thence North 87°14'33" West 38.24 feet to a point 2.01 feet south of the south line of said Block 45; thence North 01°55'20" East 61.92 feet; thence North 64°55'20" East 43.05 feet to a point on the east line of the Southeast Quarter of said Northwest Quarter, said point being 79.72 feet north of the south line of said Block 45; thence North 65°18'55" East 19.42 feet to a point on the west line of Lot 25 of said Block 45; thence North 63°05'10" East 27.43 feet to a point on the east line of Lot 25 of said Block 45, 18.69 feet south of the northeast corner of Lot 25 of said Block 45; thence North 74°37'13" East 25.15 feet to a point on the east line of Lot 24 of said Block 45, 11.03 feet south of the northeast corner of Lot 24 of said Block 45; thence North 02°02'41" East 11.03 feet to the northeast corner of Lot 24 of said Block 45; thence South 87°39'09" East along the north line of Lot 23 of said Block 45, 9.84 feet; thence North 02°20'59" East 10.00 feet to a point on the south line of Lot 10 of said Block 45; thence North 60°08'56" East along the southerly line of the Union Pacific Railroad Company, 186.23 feet to a point on the east line of Lot 16 of said Block 45, said point being 21.59 feet south of the northeast corner of Lot 16 of said Block 45; thence North 86°40'53" East 60.17 feet to a point on the west line of Lot 1 of said Block 44;

thence North  $45^{\circ}53'39''$  East 21.67 feet to a point on the north line of Lot 1 of said Block 44; thence North  $51^{\circ}13'28''$  East 106.53 feet to a point on the south line of Block 39 of said Turner and Co's Addition; thence South  $87^{\circ}41'45''$  East 144.31 feet to the southeast corner of Lot 23 of said Block 39; thence North  $02^{\circ}11'01''$  East along the east line of said Lot 23 86.70 feet to a point on the southerly right of way of the Union Pacific Railroad; thence North  $61^{\circ}16'47''$  East along the southerly right of way of said Union Pacific Railroad, 223.37 feet; thence South  $87^{\circ}44'54''$  East 60.49 feet to a point on the west line of Lot 3 of Block 40 of said Turner and Co's Addition; thence North  $02^{\circ}07'16''$  East 50.00 feet to the northwest corner of said Lot 3; thence South  $87^{\circ}44'54''$  East along the north line of said Lot 3, 20.36 feet; thence North  $61^{\circ}34'43''$  East 137.22 feet to a point on the south line of Block 29 of said West Kansas Addition; thence South  $87^{\circ}44'54''$  East 78.65 feet to the southeast corner of Lot 23 of said Block 29; thence North  $02^{\circ}14'35''$  East along the east line of said Lot 23, 46.64 feet to a point on the southerly right of way line of said Union Pacific Railroad; thence North  $61^{\circ}36'35''$  East along the southerly right of way line of said Union Pacific Railroad 371.36 feet to a point on the west line of the Northeast Quarter of said Section 6, thence North  $62^{\circ}00'01''$  East along the southerly right of way line of said Union Pacific Railroad, 711.10 feet; thence South  $28^{\circ}01'41''$  East 88.22 feet to a point on the north right of way line of Bruce Forester Viaduct; thence South  $61^{\circ}56'44''$  West along the north right of way line of said Bruce Forester Viaduct, 284.38 feet; thence North  $27^{\circ}48'46''$  West along the north right of way line of said Bruce Forester Viaduct, 0.39 feet; thence South  $62^{\circ}11'14''$  West along the north line of said Bruce Forester Viaduct, 231.79 feet; thence westerly along a curve to the right having a radius of 340.00 feet and an arc length of 175.51 feet; thence North  $87^{\circ}49'35''$  West 3.28 feet; thence South  $60^{\circ}32'12''$  West 48.72 feet to a point on the west line of said Northeast Quarter; thence South  $01^{\circ}55'54''$  West along the west line of said Northeast Quarter, 87.66 feet; thence South  $48^{\circ}21'39''$  East 33.26 feet to a point on the north right of way of St. Louis Ave. as now established; thence South  $42^{\circ}11'21''$  West along the north right of way line of said St. Louis Ave., 105.23 feet; thence North  $87^{\circ}44'54''$  West along the north right of way line of said St. Louis Ave., 78.00 feet to a point on the east line of Santa Fe Street as now established; thence South  $02^{\circ}14'17''$  West along the east line of said Santa Fe Street 387.93 feet to the northwest corner of Block 42 of said Turner and Co's Addition; thence South  $87^{\circ}58'19''$  East 122.02 feet to the northeast corner of Lot 5 of said Block 42, said point being on the west line of the Northeast Quarter of said Section 6; thence North  $50^{\circ}11'21''$  East along the south right of way line of Union Ave., 258.03 feet; thence South  $39^{\circ}53'30''$  East 102.55 feet; thence South  $50^{\circ}11'21''$  West parallel with the south right of way line of said Union Ave., 250.65 feet; thence South  $37^{\circ}32'32''$  West 80.98 feet; thence South  $49^{\circ}27'54''$  West 35.74 feet to a point on the west line of the Northeast Quarter of said Section 6, point also being the southeast corner of Lot 6 of Block 42 of said Turner and Co's Addition; thence North  $87^{\circ}53'02''$  West 123.19 feet to the southwest corner of said Lot 6, said point being on the east right of way line of said Santa Fe Street; thence South  $02^{\circ}12'54''$  West along the east right of way line of said Santa Fe Street, 366.14 feet; thence South  $24^{\circ}50'22''$  West 194.76 feet to a point on the south right of way line of 12th Street in the Southwest Quarter of said Section 6; thence North  $87^{\circ}25'13''$  West along the south right of way line of said 12th Street, 448.86 feet to the northeast corner of Lot 1, Block 3 West Kansas 2nd Addition; thence North  $87^{\circ}25'28''$  West 383.69 feet to the point of beginning.

A tract of land being part of the Northeast Quarter of Section 6, Township 49 North, Township 33 West, in the City of Kansas City, Jackson County, Missouri described as: Commencing at the southwest corner of the Northeast Quarter of said Section 6; thence South  $87^{\circ}21'11''$  East along

the south line of said Northeast Quarter, 91.21 feet; thence North 02°38'49" East 30.00 feet to a point on the north right of way line of West 12th Street and the point of beginning; thence North 15°37'19" East 406.35 feet; thence South 87°21'11" East 339.92 feet; thence South 15°37'19" West 406.35 feet to a point on the north right of way line of said West 12th Street; thence North 87°21'11" West 339.92 feet to the point of beginning.

Except Lots 1 through 8, Block 43; Lots 6, 7, 8 in Block 44; Lots 14, 15, 16 and the north half of alley adjacent to said lots also Lots 17, 18 and the south half of alley adjacent to lots in Block 53; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, the south half of Lots 13, 14, 15, 16, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, the east 4.95 of Lot 26, Lots 31, 32, and the 10.0' alley in Block 54, in Turner and Co's Addition to said City of Kansas City. Containing in all 21.85 acres of land more or less.

is hereby rezoned from Districts DX-10 (Downtown Mixed-Use - 10, M3-5 (Manufacturing 3-5), and UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1335, 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 that will also serve as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. Plan sheets may be submitted in "concept" form for a development plan if the applicant 1) expressly consents to subsequent project plan approval wherein a detailed form of the same sheets is required, and 2) the applicant submits design standards to regulate the design of all buildings (along with transparency) within the plan area ensuring such buildings are harmonious in their design and materiality.
2. Administrative adjustments for alternative compliance are approved pursuant to 88-425-23 for the submitted street tree plan to satisfy landscaping requirements and will be maintained or replaced on the subject site.
3. An administrative adjustment to the screening of mechanical/utility equipment standards is approved to selectively exempt lots. Noting, screening of mechanical/utility equipment will be designed wherever possible as part of each building proposed and will be subject to final review and approval by the City Planning and Development Department and Historic Preservation review.
4. All signage must comply with 88-445.
5. There is currently a pending application to list the area as part of the West Bottoms Historic District. Staff would recommend documentation of any listed building to be demolished in coordination with the City Historic Preservation Office for the types of information to be included in the final documentation.
6. 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.

7. 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.
8. 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.
9. The developer shall submit plans for approval and permitting by the Land Development Division prior to beginning construction in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
10. 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. Any improvements would be required at the time outlined in the study or prior to a certificate of occupancy for the applicable project phase, if not specified.
11. 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.
12. 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.

13. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
14. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
15. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
16. 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)
17. Required Fire Department access roads shall be signed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
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. 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)
20. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
21. 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)
22. For buildings under 30 feet, required Fire Department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in clearance height. Check with Streets & Traffic (Kansas City, Missouri Public Works) or Missouri Department of Transportation (MODOT) that may have street planning regulations that supersede the Fire Code. (IFC-2018: § 503.2.1)
23. 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.
24. 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 2022 acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to a certificate of occupancy for each phase/building.

25. 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.
26. The developer shall submit water main extension drawings 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.
27. The developer shall complete the Traffic Impact Study (study) as required by the Public Works Department and shall complete any traffic signal improvements that may be required as a result of the study. Any improvements would be required at the time outlined in the study or prior to a certificate of occupancy for the applicable project phase, if not specified.

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  
Senior Associate City Attorney