



## Legislation Text

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**File #: 240023, Version: 1**

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### ORDINANCE NO. 240023

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 2 acres generally located at 4627 Madison Avenue from Districts UR and B4-5 to District B4-5, and approving a development plan to allow for an apartment complex and parking garage. (CD-CPC-2023-00153,155)

#### 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-1420, rezoning an area of about 2 acres generally located at 4627 Madison Avenue from Districts UR (Urban Redevelopment) and B4-5 (Heavy Commercial) to District B4-5 (Heavy Commercial), and approving a development plan to allow for an apartment complex and parking garage, said section to read as follows:

Section 88-20A-1420. That an area legally described as:

TRACT I: All of Lots 18 through 31, Both Inclusive, except that part of Lot 24 taken for street right-of-way by Ordinance Number 30109; All of the East 128.68 feet of Lots 32 through 36, Both Inclusive, along with the vacated alley lying between the North line of said Lots 18 and 31 and the North line of 47th Street, as now established, all in Block 16, Bunker Hill, a subdivision in Kansas City, Jackson County, Missouri.

TRACT II: Easements created in and by that certain Parking Easement Agreement dated October 30, 1997 and filed October 31, 1997 as Document No. 97K-51484, by and between Joseph B. Gibson and Jacquelyn C. Gibson as Co-Trustees of the Joseph B. Gibson Revocable Living Trust established by The Joseph B. Gibson Revocable Trust Agreement dated February 4, 1982, as restated by Restatement of the Joseph B. Gibson Revocable Trust Agreement dated December 19, 1991 and as amended by Amendments thereto dated December 4, 1992 and January 10, 1996 and S & G, L.C., a Missouri limited liability company.

TRACT III: Lot 2, Madison Plaza, a subdivision in the City of Kansas City, Jackson County, Missouri, according to the record plat.

is hereby rezoned from Districts UR (Urban Redevelopment) and B4-5 (Heavy Commercial) to District B4-5 (Heavy Commercial), all as shown outlined on a map marked Section 88-20A-1420, 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 submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping and street trees required of the approved plan have been installed in accordance with the plan and are healthy prior to the certificate of occupancy.
2. 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.
3. All signs must comply with 88-445-07 and are subject to permitting.
4. A deviation to the maximum height of a structure within the Plaza Bowl Overlay District adopted by Committee Substitute for Ordinance No. 190100 is hereby approved for the southeast corner of the property in the amount of 8 feet, to allow for an elevation of 98 feet.
5. Per 88-425-13, an administrative adjustment is approved to site 7 street trees along Madison Avenue and 0 along Summit Street. In lieu of 6 street trees along Summit Street, raised planters will be installed.
6. The developer shall provide an outdoor lighting plan conforming to 88-430. Per 88-430-05-C, spillover light may not exceed 0.186 footcandle onto R zoned property or 1.0 footcandle onto public rights of way measured at grade along the property line.
7. Per 88-424-03-C, projects in which no tree canopy cover will be impacted or removed are exempt from 88-424-03-C with a certified statement submitted by an SAF certified forester, ISA certified arborist, professional landscape architect, or a professional engineer registered in the State of Missouri. The statement shall be placed on required stamped plans and plats.
8. An Alternative Compliance Parking Plan must be submitted for the temporary loss of existing parking at 800 W. 47th Street for the users of 800 W. 47th Street.
9. The developer shall provide a utility plan showing and labeling the location and sizes of the existing and proposed public water mains and fire hydrants.
10. The developer will ensure that the enclosed interior parking space numbers reflect one parking space per bedroom plus at least 20 visitor parking spaces.
11. The developer agrees to not separate parking fee from rent, so that each bedroom is assigned one parking space as a part of the rental of the unit.
12. The proposed project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC 2018 § 507.1)

13. 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)
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) Also, fire hydrant distribution shall follow IFC 2018 Table C102.1.
15. Buildings which have an occupiable floor greater than 75 feet above grade shall meet high rise requirements. ( IFC 2018 Sec 914.3)
16. 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)
17. The developer shall be 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. The developer has indicated a money in lieu of parkland is to be paid in satisfying these requirements. The fee will be based on the total number of units at the 2023 park rate and due prior to a certificate of occupancy.
18. No water service line will be less than 1 1/2" in diameter where three or more units or commercial building will be served by one domestic service line and meter.
19. The developer shall ensure that water and fire service lines meet current Water Services Department rules and regulations prior to the certificate of occupancy.
20. Branch service lines one and one half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
21. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
22. Per the utility plan note to connect the proposed private domestic and fire service lines to the existing 6" public water main in Madison Avenue, this main is not likely adequately sized for these connections and providing for the existing water flow demands. The existing water main in Madison Avenue is slated for upsizing and replacement as part of the Water Services Department water main replacement program, however, the timing of the two projects is unknown, and the new main would need to be in service prior to connecting. An 8" main exists in 47th Street according to our GIS maps and is more likely to be able to provide adequate flows and pressures for the domestic and fire flows and would need further investigation for confirmation of available flows and pressures vs. anticipated demands. If these options are not viable then a main extension and upsizing project will be needed.

23. The developer shall provide acceptable easements and secure permits to relocate sanitary sewers out from under proposed buildings and structures. Any existing public lines located under proposed structures must be abandoned in place or removed and easement vacated as required by the Land Development Division and the Kansas City Water Services Department prior to recording the plat or issuance of a building permit, whichever occurs first.

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 and 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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Diane Binckley, AICP  
Deputy Director, City Planning and Development

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney