



## Legislation Text

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**File #: 240224, Version: 1**

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### ORDINANCE NO. 240224

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 3.6 acres generally located at the northwest corner of Benton Boulevard and East 37th Street from District R-2.5 to District UR, and approving a development plan to allow for a mixed-use development. (CD-CPC-2023-00144)

#### 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-1426, rezoning an area of approximately 3.6 acres generally located at the northwest corner of Benton Boulevard and East 37th Street from District R-2.5 (Residential 2.5) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A-1426, That an area legally described as:

Zurn Add Lots 1-15 & tr daf: beg ne cor Lot 7 of sd sub th w 263 ft th s 375 ft th e 263 ft th n 375 ft to pob.

is hereby rezoned from District R-2.5 (Residential 2.5) to District UR (Urban Redevelopment) all as shown outlined on a map marked Section 88-20A-1426 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 screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
2. Signage has not been reviewed with this application. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
3. 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.
4. 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.

5. 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.
6. The developer shall secure approval of a UR final plan from the Development Management Division staff prior to a building permit.
7. All delivery and service access for the buildings along Benton Boulevard shall be located on the side or rear of the building and shall not be visible from the boulevard or parkway.
8. A change in paving material, embossed striping, or other approved method is required where the on-site pedestrian circulation system crosses driveways, parking areas or loading areas.
9. Applicant shall work with Planning staff and Police Department staff to increase lighting for the high pedestrian areas of the property, while remaining in compliance with 88-430 prior to ordinance request.
10. Per CSO regulations undetained storm runoff cannot be directly discharged to the public sewer. Applicant shall submit revised plans showing compliance with CSO regulations at the time of a building permit.
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 a 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. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements 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.
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 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.

15. The developer shall be granted a deviation to Section 88-323-02 requiring non-residential development to be setback a maximum of 20 feet from the right-of-way line, the deviation would allow for the commercial structure to be set back 46 feet 4 inches from the right of way line.
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 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.
18. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the Storm Water Pollution Prevention (SWPP) plan submitted to the Missouri Department of Natural Resources (MDNR) 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 a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements 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.
20. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
21. 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)
22. 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) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
23. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3) 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)
24. 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)
25. 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). Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)

26. Dumpster screening should abide by 88-425-08-A, but consider raising the screening approximately 1 1/2 to 2 inches off the ground to allow pedestrians sight within the concealment area for safety. A convex mirror could also be considered to remove the concealment area created by dumpster screening.
27. Addresses should be shown on elevations to verify that they will be large and clearly visible from the roadway.
28. 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. 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 2023 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to certificate of occupancy.
29. The developer shall submit plans to the 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 streetlighting) 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 and Recreation Department standards. This applies to that work along Benton Boulevard.
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.
31. 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/issuance of any certificate of occupancy permits including temporary certificate occupancy permits. This applies to that work along Benton Boulevard.
32. The developer shall comply with the parkway and boulevard standards as outlined in 88-323 unless specific variances are requested as part of these plans and approved by the Board of Zoning Adjustment.
33. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

34. When an existing building is being renovated, is being changed in use or occupancy, or is undergoing a building addition, and the existing water service line(s) will be reused, the water service line(s) and related appurtenances shall meet the most current version of Kansas City Water rules and regulations.
35. 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.
36. 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. Our records indicate that the existing public water distribution main in Benton Boulevard is a 1914 vintage 6" CIP water main. The developer's design engineer will need to confirm through comparative analysis the available capacity of the existing system and new domestic and fire flow demands and provide this analysis to Kansas City Water staff for review. It is anticipated that the 6" public water main in Benton Boulevard will need to be upsized and replaced from approximately 36th Street to 37th Street. A parallel 30" transmission main exists in Benton Boulevard that can provide additional capacity to the new distribution main, however the 30" main cannot be tapped directly. If replacement and upsizing of the 6" main is confirmed to be required, then the developer shall be responsible for designing and constructing the improvements per Kansas City Water rules and regulations. Plans shall be submitted as water main extension drawings prepared by a Missouri professional engineer for review, acceptance and contracts.

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 development plan described above is hereby approved with the following deviations from Chapter 88, Code of Ordinances:

1. The developer shall be granted a deviation to Section 88-323-02 requiring non-residential development to be setback a maximum of 20 feet from the right of way line, the deviation would allow for the commercial structure to be set back 46 feet 4 inches from the right of way line.

Section D. 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  
Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney