



File #: 230258

ORDINANCE NO. 230258

Rezoning an area of about 19.79 acres generally located at 3350 North Holmes Street from District R-6 and District R-2.5 to District R-0.75 and approving a residential development plan that will also serve as a preliminary plat to allow for the construction of four buildings containing 340 residential units. (CD-CPC-2022-00202 and CD-CPC-2022-00205)

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-1377 rezoning an area of about 19.7 acres located at 3350 North Holmes Street from District R-6 (Residential Dash 6) and District R-2.5 (Residential Dash 2.5) to District R-0.75 (Residential Dash 0.75) said section to read as follows:

80-20A-1377 That an area legally described as:

All that part of the East Half of the Southeast Quarter lying West of N. Holmes Road, as now established and the South Quarter of Lot 12, all of Lots 13 and 14, and all of Lot 15, except the South 475 feet thereof, in Braecklein's Subdivision, a subdivision, all in Section 11, Township 50, Range 33 in Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of said Section 11, thence South 89°03'20" East along the South line of said Southeast Quarter, 844.44 feet, thence North 00°56'40" East, 609.53 feet a point on the East Right-of-Way of Cherry Street, as now established and the true Point of Beginning of the tract herein described; thence along said East Right-of-Way line the following seven course; course one, on a curve to the left with an initial tangent bearing North 14°16'52" West, a radius of 1,160.15 feet, a length of 250.80 feet; course two, North 26°40'01" West, 197.54 feet; course three, on a curve to the right, tangent to the last described course, with a radius of 539.14 feet, a length of 273.27 feet; course four, North 02°22'29" East, 259.95 feet; course five, on a curve to the right, tangent to the last described course, with a radius of 669.22 feet, a length of 84.81 feet; course six, North 09°38'09" East, 132.25 feet; course seven, on a curve to the left, tangent to the last described course, with a radius of 662.07 feet, a length of 93.36 feet to the North line of the South Quarter of said Lot 12; thence South 89°06'11" East along said North line and the south line of Hill Crest Annex, a subdivision in said Kansas City, 627.47 feet to the Southeast corner thereof and the West line of the East Half of said Southeast Quarter; thence North 00°57'07"

East along the East line of said Hill Crest Annex and the West line of the East Half of said Southeast Quarter, 158.84 feet to the West Right-of-Way line of N. Holmes Road, as now established; thence along said West Right-of-Way the following six courses; course one, on a curve to the right with an initial tangent bearing South 21°36'00" East, a radius of 1,230.00 feet, a length of 258.17 feet; course two, South 09°34'27" East, 298.89 feet; course three, on a curve to the right, tangent to the last described course, with a radius of 905.00 feet, a length of 495.88 feet; course four, South 21°49'14" West, 95.99 feet; course five, on a curve to the left, tangent to the last described course, with a radius of 770.00 feet, a length of 173.56 feet;

is hereby rezoned from District R-6 (Residential Dash 6) and District R-2.5 (Residential Dash 2.5) to District R-0.75 (Residential Dash 0.75), all as shown outlined on a map marked Section 80-20A-1377, 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. The proposed development is located in an area where the Charles B. Wheeler Downtown Airport (MKC) height zoning restrictions apply. No structure in this area should be constructed which exceeds these restrictions.

Given the potential height and proximity of this plan to MKC, the proposed development will exceed FAR Part 77, Objects Affecting Navigable Airspace, standards. The proponent/developer shall file an on-line Form 7460-1, Notice of Proposed Construction or Alteration, for permanent vertical improvements or new structures and receive a Determination of No Hazard to Air Navigation from the FAA. Temporary cranes used for construction activities extending higher than the proposed top elevation of the building will need to be evaluated for compliance with FAR Part 77 standards as well. The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website can be accessed at <https://oecaa.faa.gov/oecaa/external/portal.jsp>.

It is further recommended the proponent/developer provide the FAA with a 1A survey accuracy statement assuming the highest horizontal and vertical tolerance was used for this design. This information certifies the ground elevations the developer has portrayed within the plans are to higher level of accuracy. Per OEAAA, if this accuracy statement isn't provided, an adjustment commensurate with a 50 foot vertical buffer is applied to the development. This information can be referenced at: <https://oecaa.faa.gov/oecaa/external/content/surveyAccuracy.jsp>

The proponent/developer is recommended to comply with Chapters 3, 4, and 5 of FAA Advisory Circular (AC) 70/7460-1, Obstruction Marking and Lighting, as amended.

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. 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.
4. The developer shall provide color elevations for trash enclosures, the enclosures shall match the building materials of the primary structure.
5. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
6. 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.
7. The developer shall secure approval of a project plan from the City Plan Commission prior to a building permit.
8. The developer shall be granted a deviation to 88-405-10-K Half Street Improvements along North Cherry Street.
9. The developer shall submit a site plan showing compliance with 88-420-15-H-2 regarding lighting for pedestrian safety at the time of project plan submittal.
10. The developer shall submit a lighting plan in compliance with 88-430 at the time of project plan submittal.
11. The developer shall coordinate with the North Kansas City Levee District to prepare a macro stormwater/drainage study in compliance with Section 5600 (Storm Drainage Systems & Facilities) prior to project plan submittal. The macro stormwater/drainage study shall be included in the submittal for the project plan and shall be approved by the City Plan Commission.
12. The developer shall show the location of the short term and long term bicycle storage on the site plan at the time of project plan.
13. The developer shall secure approval of a project plan from the City Plan Commission prior to a building permit.

14. The developer shall include a detailed list of all landscaping materials including the varieties of native plants in the "native mix".
15. The enclosed pipe system along North Cherry Street runs into the District right-of-way. The developer shall ensure that the enclosed pipe system along Cherry receives all necessary permits through USACE, with acceptance contingent upon a vote by the Board of Supervisors of the North Kansas City Levee District.
16. The developer shall clearly label if the proposed basin is wet or dry on all the plans included for the project plan.
17. The developer shall comply with Kansas City, Missouri's Division V Section 5600 Storm Drainage Systems and Facilities and submit a revised preliminary stormwater drainage study with required corrections to pages 13, 17, 18, 21, 22, 23, 23, and 25 of the plan to the North Kansas City Levee District and receive approval of the plan at the time of project plan submittal.
18. Upon approval of the preliminary stormwater drainage study and prior to issuance of permits, the District and USACE will require the following steps to be completed:
 - a. Update to the stormwater drainage study (SDS) to correspond to the final design plans (if needed). At the time of project plan submittal.
 - b. Review of the SDS and final design plans by the NKC Levee District to confirm they align with updated SDS or preliminary SDS at the time of project plan submittal.
 - c. Any work within the District's right-of-way must be approved by a vote by the NKC Levee District Board of Supervisors. This is done in conjunction with the approval of the access agreement or easement noted in item d.
 - d. Any work within the District's right-of-way will require an easement or access agreement with the NKC Levee District for the work on the District's property.
 - e. Any work within the District's right-of-way will require submittal to the USACE and receipt of a Section 408 permit. This submittal should be made near the end of the design process.
19. The developer shall widen the cul de sac of North Kenwood to 50 feet (diameter) or whatever the widest is that is feasible if less than 50 feet.
20. 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.

21. That full street improvements to North Holmes Street shall be made 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.
22. 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, prior to recording the plat.
23. 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.
24. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
25. 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.
26. 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.
27. The developer shall submit a storm drainage study prepared by a Missouri licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division. The developer shall coordinate the development of the storm drainage study with, and allow for review by, the North Kansas City Levee District.

28. 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)
29. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
30. 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)
31. 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)
32. Due to the size of this project and the response time for the Fire Department we suggest another entrance off of Cherry Street. Required Fire Department access roads 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) and required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
33. 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).
34. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
35. The developer shall provide fire lane signage on fire access drives.
36. The proposed building shall have a Fire Department access road within 150 feet of any exterior portion of the structure. (IFC-2018: § 503.1.1)
37. As noted on the plans on sheet C200, the developer is responsible for payment of cash-in-lieu of parkland dedication in accordance with 88-408. 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.
38. 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

39. The developer shall submit plans to Parks and Recreation Department and obtain permits prior to beginning construction of any improvements located on property owned by the City of Kansas City Parks Department. Such improvements shall be installed per Parks and Recreation Department standards.
40. 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
41. 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.
42. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
43. 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.
44. 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. Show fire hydrants at 300' max. spacing.
45. The developer shall submit an analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to the issuance of the final plat. Depending on adequacy of the existing water mains systems, making other improvements may be required to confirm the south connection does not require a north connection.
46. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.

- 47. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
- 48. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
- 49. The developer shall mitigate any increase in peak flow rate and total volume for storm water on the project due to sensitive downstream infrastructure.

A copy of said rezoning, development plan and preliminary plat 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 and Development Code 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



Authenticated as Passed


Quinon Lucas, Mayor


Marilyn Sanders, City Clerk
MAR 23 2023

Date Passed