

ORDINANCE NO. _____

Approving a major amendment to an approved UR (Urban Redevelopment) Plan for the expansion of Foley Equipment and stream buffer modifications generally located 5701 E 87th St, or generally located at southwest corner of E 87th St and I-435 Hwy on about 31.1 acres. (CD-CPC-2020-00058)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

That an area legally described as:

LOT 1, DEAN MACHINERY FIRST PLAT, A SUBDIVISION AS SURVEYED AND PLATTED IN JACKSON COUNTY, MISSOURI.

"LOT 2" IS A COMBINATION OF 3 UNPLATTED PARCELS.

KCMO GIS PIN 261204 LEGAL DESCRIPTION: SEC-23 TWP-48 RNG-33---PT SE 1/4 DAF: BEG NW COR SE 1/4 TH E 1120' MOL TH S 94' MOL TO TRU POB TH CONT S 521' MOL TH S 86 DEG 50 MIN 58 SEC E 199' MOL TH N 521' MOL TH W 195' MOL TO TRU POB

KCMO GIS PIN 261202 LEGAL DESCRIPTION: SEC-23 TWP-48 RNG-33---PT SE 1/4 DAF: BEG NW COR SE 1/4 TH E 707' MOL TH S 105' MOL TO TRU POB TH CONT S 420' MOL TH S 70 DEG 07 MIN 31 SEC E 208.58' TH S 78 DEG 34 MIN 08 SEC E 100.8' TH S 79 DEG 08 MIN 48 SEC E 109.79' TH S 86 DEG 50 MI 58 SEC E 6' MOL TH N 521' MOL TH WLY 344' MOL TH SWLY 65' MOL TO TRU POB

KCMO GIS PIN 261200 LEGAL DESCRIPTION: SEC-23 TWP-48 RNG-33---PT SE 1/4 DAF: BEG NW COR SE 1/4 TH S 40' MOL TH ELY 276' MOL TH SELY 143' MOL TH SELY 91.5' TH NELY 44' MOL TO TRU POB TH S 06 DEG 30 MIN 41 SEC E 207.58' TH S 25 DEG 07 MIN 04 SEC E 106.35' TH S 48 DEG 10 MIN 35 SEC E 84.82' TH S 68 DEG 15 MIN 19 SEC E 81.91' TH N 420' MOL TH SWLY 226' MOL TRU POB

Section A. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri. (Section 88-425-12.A.4)
2. Prior to issuance of building permits the parcels shall be combined as necessary to comply with the lot and building standards of the M1-5 zoning district.
3. Prior to issuance of a final certificate of occupancy, a sealed letter by a licensed engineer shall be submitted, stating that photometries on the site comply with the approved photometric plan. (Section 88-430-06-C)
4. The developer shall secure approval of a UR Final Development Plan from Development

ORDINANCE NO. _____

Management Division staff prior to building permit.

5. Staff recommends the proposed street frontage landscaping provided with the major expansion, also be installed along the remaining street frontage of E 87th St for a complete and holistic design.
6. Show boundaries of floodplain and if there are any grading or constructions within the Regulatory Floodplain boundaries, per chapter 28 of Code of ordinance apply for a Flood Plain Application.
7. The developer must or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
8. The developer must 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
9. The owner/developer must submit plans for grading, siltation, and erosion control to 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.
10. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.
11. The developer must 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 recording the plat.
12. The developer must integrate into the existing street light system any relocated existing street lights 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 must 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.
14. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

ORDINANCE NO. _____

15. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
16. 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.
17. The developer must submit a Macro storm drainage study with the first Plat or Phase, from 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 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.
18. 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 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, 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 occupancy permits.
19. 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.
20. The developer must 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.
21. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.

ORDINANCE NO. _____

22. The developer must show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year flood prone area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
23. The developer provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
24. 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)
25. Fire hydrant distribution shall follow IFC-2018 Table C102.1
26. 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)
27. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to building permit.
28. Driveway at far west end of the site is shown to be 48' wide. Maximum driveway width is 30'. Submit turning template showing the need for a 48' wide driveway.
29. The developer shall break the median and construct a westbound left turn lane with a minimum 250' storage plus taper, prior to certificate of occupancy.
30. Follow the KCMO Rules and Regulations for domestic water and fire service lines.

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.

A legal notice of this matter was published on May 18, 2021, as required by law, and a public hearing was held by the City Plan Commission on June 1, 2021, in the Council Chambers on the 26th Floor of City Hall. The Commission recommended that this application be approved with conditions.

The staff recommended approval.

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.

ORDINANCE NO. _____

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 and legality:

Sarah Baxter
Assistant City Attorney