

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.



Authenticated as Passed



Quinton Lucas, Mayor

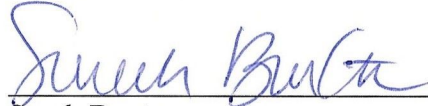

Marilyn Sanders, City Clerk

NOV 21 2024

Date Passed

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:



Sarah Baxter
Senior Associate City Attorney



File #: 240953

ORDINANCE NO. 240953

Rezoning an area of about 45 acres generally located on the south side of E. 27th Street and the west side of Blue Ridge Boulevard from District R-7.5 to District MPD and approving a development plan which also serves as a preliminary plat, allowing for a mix of uses that includes residential, office, agricultural farm, tree service and the preservation and protection of natural resource areas. (CD-CPC-2024-00087)

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-1452, rezoning an area of about 45 acres generally located on the south side of E. 27th Street and the west side of Blue Ridge Boulevard from District R-7.5 (Residential 7.5) to District MPD (Master Planned Development), and approving a development plan which also serves as a preliminary plat allowing for a mix of uses that includes residential, office, agricultural farm, tree service and the preservation and protection of natural resource areas, said section to read as follows:

Section 88-20A-1452. That an area legally described as:

TRACT 1:

The North 30 acres of the Northwest Quarter of the Northwest Quarter of Section 17, Township 49, Range 32, in Kansas City, Jackson County, Missouri.

TRACT 2 PARCEL: A

That part of Lot 3. Commissioner's Plat of Robert Fogle Lands described as follows: Beginning at the Northwest corner of Northeast Quarter of Northwest Quarter of Section 17, Township 49, Range 32, Thence South 141 feet; thence East 154.5 feet; Thence North 141 feet, Thence West 154.5 feet to beginning, Except that part in 27th Street, in Kansas City, Jackson County, Missouri.

That part of Lot 4, Commissioner's Plat of Robert Fogle lands described as follows: Beginning 141 feet of South of Northwest corner of Northeast Quarter of Northwest Quarter of Section 17, Township 49, Range 32; thence South 172.7 feet; thence East 154.6 feet; thence North 172.7 Feet; Thence West 154.6 feet to Beginning. In Kansas City, Jackson County, Missouri. Subject to that part in streets and/or roads if any.

TRACT 3:

The West 154.6 feet of lots 1 and 2, FOGLE HEIGHTS, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 4:

Lots 6 to 8, and 13 to 15 Inclusive, Hollyvale, a subdivision in Kansas City, Jackson County, Missouri.

TRACT 5:

All that part of Lots 3 and 4, COMMISSIONER'S PLAT OF ROBERT FOGLE LANDS, being a part of the Northeast Quarter of the Northwest Quarter of Section 17 Township 49, Range 32. In Kansas City, Jackson County, Missouri, Described as follows: Beginning 313.7 feet South and 252.1 feet East of the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 49, Range 32, which is the Point of Beginning; thence East 211.4 feet; thence North 172.7 feet; Thence West 211.4 feet; thence South 172.7 feet to the place of beginning, also, Beginning 154.5 feet East of the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 49, Range 32, which is the Point of Beginning; Thence East 309 feet; Thence South 141 feet; Thence West 309 feet; Thence North 141 feet to the Point of Beginning; Also beginning 313.7 feet South and 154.5 feet East of the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 49, Range 32, which is the point of beginning; Thence East 97.6 feet; thence North 172.7 feet; thence West 97.6 feet; thence South 172.7 feet to the Point of Beginning. Subject to that part in streets and/or roads , if any/ Except that part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 49, Range 32. Described as follows: Beginning at a point 141 feet South of the North line and 363.5 feet East of the West line of said Northeast Quarter of the Northwest Quarter. Thence East parallel with the North line of said Quarter Quarter Section 100 feet; Thence South parallel with the West line of said Quarter Quarter Section 172.7 feet to the North line of 27th Street Terrace, now established; thence West parallel with the North line of said Quarter Quarter Section and along the North line of said 27th Street Terrace 100 feet, Thence North parallel with the West line of said Quarter Quarter Section 172.7 feet to the Point of Beginning.

And except that part described as follows:

All that part of Lots 3 and 4, Commissioners Plat of Robert Fogle Lands, being a part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 17, Township 49, Range 32, in Kansas City, Jackson County, Missouri, described as follows, Beginning 247.0 feet East of the Northwest corner of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said section, and being the true point of beginning, thence East 96.0 feet, thence South 181.0 feet thence West 96.0 feet thence North 181.0 feet to the true point of beginning, except that part taken for 27th Street.

TRACT 6:

All that part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 49, Range 32, in Kansas City, Jackson County, Missouri and being a part of Lots 5 and 7, as shown on the Commissioner's Plat of land of Robert Fogle, Deceased, filed for record in the Office of the Recorder of Deeds of said County at Independence and recorded in Book 208 at Page 85, described as follows: Beginning at a point in the West line of said Quarter Quarter Section which is also the West line of said Lot 5, 169.5 feet North of the Southwest corner of said Quarter Quarter Section, which is also the Southwest corner of said Lot 5; thence North along said West line, 164.2 feet; thence East 1184.1 feet, more or less, to the center line of Blue Ridge Road as now established; thence Southeasterly along said center line 177.3 feet, more or less, to a point due East of point of beginning; thence West 1251 feet, more or less, to point of beginning, except that part thereof in Blue Ridge Road.

TRACT 7:

All that part of Lot 5, Commissioner's Plat of Robert Fogle Estate, beginning at the Northwest corner of Lot 5; thence East along the North line of Lot 5, a distance of 797.25 feet, thence South parallel to the West line of Lot 5, a distance of 270.5 feet; thence West parallel to the South line of Lot 5, a distance of 797.25 feet to the West line of Lot 5; thence North 270.5 feet to the point of beginning; is hereby rezoned from District R-7.5 (Residential 7.5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1452, 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. The North 20 feet of the above tract is subject to being dedicated for a roadway.

Section B. That a development plan which also serves as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, have been installed or preserved in accordance with the plan and are healthy prior to a certificate of occupancy.
2. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.

3. Prior to issuance of the certificate of occupancy for each lot within the plat 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.
4. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to a building permit for the future phases.
5. 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.
6. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
7. The developer shall consolidate the parcels addressed as 2804 and 2808 Blue Ridge Boulevard prior to issuance of any building permit.
8. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
9. 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)
10. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
11. The 30,000 square-foot building on the north of the property will likely require a sprinkler system.
12. Required Fire Department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in. clearance height. The developer shall check with Streets and Traffic (Kansas City, Missouri Public Works Department) or the Missouri Department of Transportation (MODOT) regarding street planning regulations that may supersede the Fire Code. (IFC-2018: § 503.2.1)
13. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3)
14. 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)

15. 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) and shall provide fire lane signage on fire access drives.
16. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
17. The developer shall submit verification of vertical and horizontal sight distance to the Land Development Division for the drive connection to E. 27th Street public right-of-way 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.
18. 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.
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 employ a Missouri professional engineer to complete a comparative analysis of the proposed fire and domestic water demands to the capacity of the adjacent water mains to supply these demands. If necessary the developer shall design and install upsized public water distribution mains to accommodate the new demands prior to a building permit issuance.
21. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
22. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Kansas City Water Services Department, prior to issuance of any stream buffer permits.
23. 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.
24. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department 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 disturbed area 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 Kansas City Water Services Department prior to issuance of any certificate of occupancy.

25. The developer shall submit covenants, conditions and restrictions to the Kansas City Water Services Department for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or storm water detention area tracts, prior to recording the plat or issuance of a building permit, whichever occurs first.
26. The developer shall submit a final stream buffer plan to the Kansas City Water Services Department 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.
27. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
28. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department 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.
29. The developer shall demonstrate that the proposed private sewage disposal system complies with Chapter 18, Kansas City Building Code, in the City's Code of Ordinances, MDNR requirements, and Health Department requirements prior to issuance of a permit for the private sewage disposal system.

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.
