

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220664

Rezoning an area of about 24 acres generally located at 6200 E. Bannister Road from UR (Urban Redevelopment) to UR (Urban Redevelopment) and approving a UR development plan and preliminary plat for 342 residential units. (CD-CPC-2022-00098).

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-1342 rezoning an area of about 24 acres located at 6200 E. Bannister Road from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) said section to read as follows:

Sec. 88-20A-1342. That an area legally described as:

TRACT 1: Intentionally omitted

TRACT 2: The South One-Half of a tract of land in the Southeast Quarter of the Northwest Quarter of Section 25, Township 48, Range 33, in Kansas City, Jackson County, Missouri and described as follows: Beginning at the northwest corner of said Quarter Quarter Section and running then East 661.41 feet; thence South 1320.97 feet; thence West 661.14 feet to the southwest corner of said Quarter Quarter Section; thence North 1321.22 feet to the point of beginning, being Lot 3 in Sechrest Estate, Commissioner's Plat, except that part in roads, less and except: Part of the Southeast Quarter of the Northwest Quarter of Section 25, Township 48, Range 33, including a part of Lot 3, Sechrest Estate, a subdivision in Kansas City, Jackson County, Missouri described as follows: Beginning at the Southwest Quarter (should be corner) of said Quarter Quarter Section; thence east along the south line of said Quarter Quarter Section 330 feet; thence north parallel with the west line of said Quarter Quarter Section 335 feet; thence west parallel with the south line of said Quarter Quarter Section 330 feet to the west line of said Quarter Quarter Section; thence south along said west line 335 feet to the point of beginning, except that part in Bannister Road.

TRACT 3: All that part of Lot 4, lying Westerly of the right of way of the Kansas City Southern Railroad, of the Subdivision of Sechrest Estate, according to the recorded plat thereof made a part of the Commissioner's Report in Cause No. 2482, Mary Amanda Talley, et al. v. William Zimmerman, in the Circuit Court of Jackson County, Missouri, at Independence, of record in the Recorder's Office at Kansas City in Book B-1405 at page 171 as Document No. 846683, situate in Kansas City,

Jackson County, Missouri. Less and except: The north 70 feet of the following described land: Beginning 786 feet north and 209.09 feet east of the southwest corner of said Lot 4; thence East 209.09 feet; thence North 534.81 feet to the north line of said Lot 4; thence West 209.09 feet; thence South 534.89 feet to the point of beginning, being the same land conveyed to the City of Kansas City, Missouri for park purposes by Deed recorded as Document No. K-1060221 in Book K-2338 at page 1784. Also less and except: The South 200 feet of the North 270 feet of the following described: Beginning 786 feet north and 239.09 feet east of the southwest corner of said Lot 4; thence East 179.09 feet; thence North 534.81 feet to the north line of said Lot 4; thence West 179.09 feet; thence South 534.89 feet to the point of beginning, being the same land conveyed to the City of Kansas City, Missouri for park purposes by Deed recorded as Document No. K-1112959 in Book K-2484 at page 1118. Also less and except: The North 70 feet of the following described land: Beginning 786 feet north of southwest corner of said Lot 4; thence East 209.09 feet; thence North 534.81 feet to the north line of said Lot 4; thence West 209.09 feet; thence South 534.89 feet to the Point of Beginning, being the same land conveyed to the City of Kansas City, Missouri for park purposes by Deed recorded as Document No. K-1112960 in Book K-2484 at page 1122. Also less and except: The North three hundred seventy-five (375) feet of the at part of Lot Four, lying Westerly of the right of way of the Kansas City Southern Railroad, of the subdivision of Sechrest Estate, according to the recorded plat thereof, made a part of Commissioner's Report in Cause No. 24821, Mary Amanda Talley, et al. v. William Zimmerman, in the Circuit Court of Jackson County, Missouri, at Independence, of record in the Recorder's Office at Kansas City in Book B-1405 at page 171 as Document No. 846683, situated in Kansas City, Jackson County, Missouri, described as follows: Beginning at a point seven hundred eighty six (786) feet north of the southwest corner of said (Lot) Four (4); thence east four hundred eighteen and eighteen hundredths (418.18) feet to the true point of beginning; thence east one hundred sixty nine and fifteen hundredths (169.15) feet more or less to the west right of way of the Kansas City Southern Railroad; thence northeasterly along said right of way line five hundred thirty seven and thirteen hundredths (537.13) feet more or less to the north line of said Lot Four (4); thence west along said north line of said Lot Four (4) two hundred and twenty (220) feet more or less to the northeast corner of Schumacher Park; thence southerly along the east boundary line of Schumacher Park and its prolongation five hundred thirty-four and eight-one hundredths (534.81) feet more or less to the point of beginning.

TRACT 4: A tract of land in the Southwest Quarter of the Northwest Quarter of Section 25, Township 48, Range 33, in Kansas City, Jackson County, Missouri, described as follows: Beginning at the southeast corner of said Quarter Quarter Section; thence north along the east line of said Quarter Quarter Section 75 feet; thence west, parallel to the south line of said Quarter Quarter Section, 165 feet; thence south parallel with the east line of said Quarter Quarter Section 75 feet to the south line thereof; thence east along said south line 165 feet to the point of beginning, except that part in Bannister Road.

TRACT 5: Part of the Southeast Quarter of the Northwest Quarter of Section 25, Township 48, Range 33, including a part of Lot 3, Subdivision of Sechrest Estate, a subdivision all in Kansas City, Jackson County, Missouri, described as follows: Beginning at the southwest corner of said Quarter Quarter Section, thence east along the south line of said Quarter Quarter Section, 330 feet; thence north parallel with the west line of said Quarter Quarter Section 335 feet; thence west parallel with the south line of said Quarter Quarter Section, 330 feet to the west line of said Quarter Quarter Section; thence south along said west line 335 feet to the point of beginning, except that part in Bannister Road.

TRACT 6: The north three hundred seventy-five (375) feet of that part of Lot Four (4), lying westerly of the right of way of the Kansas City Southern Railroad, of the subdivision of Sechrest Estate, according to the recorded plat thereof, made a part of the Commissioner's Report in Cause No. 24821, Mary Amanda Talley, et al. v. William Zimmerman, in the Circuit Court of Jackson County, Missouri, at Independence, of record in the Recorder's Office at Kansas City in Book B-1405 at page 171 as Document No. 846683, situated in Kansas City, Jackson County, Missouri, described as follows: Beginning at a point seven hundred eighty-six (786) feet north of the southwest corner of said Lot Four (4); thence east four hundred eighteen and eighteen hundredths (418.18) feet to the true point of beginning; thence east one hundred sixty-nine and fifteen hundredths (169.15) feet more or less to the west right of way line of the Kansas City Southern Railroad; thence northeasterly along said right of way line five hundred thirty-seven and thirteen hundredths (537.15) feet more or less to the north line of said Lot Four (4); thence west along said north line of said Lot Four (4) two hundred twenty (220) feet more or less to the northeast corner of Schumacher Park; thence southerly along the east boundary line of Schumacher Park and its prolongation five hundred thirty-four and eighty-one hundredths (534.81) feet more or less to the point of beginning.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1342, 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 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. A photometric plan shall show spillover light.
2. 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.

3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. The developer shall secure approval of a UR final plan from Development Management Division staff prior to a building permit.
5. All ground and roof mounted utility cabinets shall be screened from public view pursuant to 88-425-08-B.
6. 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.
7. The developer shall coordinate with the Public Works Department to resolve all traffic safety related corrections along Bannister Road prior to a final certificate of occupancy.

~~8. The developer shall coordinate with Kansas City Water to resolve the stormwater review correction prior to ordinance request.~~

~~98.~~ The developer shall dedicate additional right-of-way for Bannister Road as required by the adopted major street plan so as to provide a minimum of 50 feet of right-of-way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the major street plan prior to the City Plan Commission approval.

~~109.~~ The developer shall 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 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.

~~110.~~ 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.

- ~~12~~11. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
- ~~13~~12. 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.
- ~~14~~13. 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.
- ~~15~~14. The south half of E. 93rd Street shall be improved as required by Chapter 88, to current standards, including curb, gutter, relocating any utilities as may be necessary 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.
- ~~16~~15. 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.
- ~~17~~16. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
- ~~18~~17. The developer shall submit a plan for approval and permitting by the Land Development Division prior to beginning construction of the 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.
- ~~19~~18. The developer shall 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.
- ~~20~~19. 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.

- ~~21~~20. 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.
- ~~22~~21. The developer shall grant any BMP and/or surface drainage easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
- ~~23~~22. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
- ~~24~~23. 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~~24. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
- ~~26~~25. 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)
- ~~27~~26. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
- ~~28~~27. 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)
- ~~29~~28. 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)
- ~~30~~29. Dead-end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). 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)
- ~~31~~30. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
- ~~32~~31. 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).

- 3332.** 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 (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat or a certificate of occupancy, whichever is applicable to the project.
- 3433.** 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 along E. 93rd Street and Bannister Road.
- 3534.** A parks permit shall be obtained for any work/trail connection in Schumacher Park.
- 3635.** 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.
- 3736.** The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
- 3837.** A full flow fire meter will be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
- 3938.** The developer shall submit water main extension drawings for the proposed public main along Bannister Road between Belmont and White Avenues. Plans shall be prepared by a registered professional engineer in Missouri and submitted to the water main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.

A copy of said UR 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 Ordinance 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 and legality:

Sarah Baxter
Senior Associate City Attorney