



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

January 23rd, 2024

Project Name
Brooke Hills, First Plat

Docket #C2

Request
CLD-FnPlat-2023-00023
Final Plat

Applicant
Doug Ubben
Phelps Engineering, Inc.

Owner
Jim Robertson
Robertson Construction LLC

Location 10333 NE Cookingham Dr
Area About 17 acres
Zoning R-7.5
Council District 1st
County Clay
School District Liberty 230

Surrounding Land Uses

North: Low Density Residential, zoned R-7.5
South: Low Density Residential, zoned R-2.5
East: Low Density Residential, zoned R-7.5
West: Low Density Residential, zoned R-7.5

Major Street Plan

The City's Major Street Plan identifies NE 104th St as a Local Link with two lanes at this location

Land Use Plan

The Shoal Creek Valley Area Plan recommends Residential Low Density uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on August 14th, 2023. Scheduling deviations from 2023 Cycle C have occurred.

- Applicant had to revise plans before proceeding to City Plan Commission.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

A public hearing notification is not required for Final Plats therefore notice is not sent.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request.

EXISTING CONDITIONS

The subject site is currently undeveloped. It is within the existing Rock Creek Development. To the North, is Manderley Subdivision. To the South, Highland Plaza development. To the East, across Cookingham Dr is the Brentwood Development, consisting of primarily single-family residential. To the West, is the Amber Lakes subdivision which consists of primarily single-family residential. There is an associated regulated stream with the subject site, on the northwest edge of the site.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a Final Plat in District R-7.5 (Residential) on about 17 acres generally located at the southeast corner of NE Cookingham Dr and NE 104th St, allowing for the creation of 32 lots and 4 tracts.

CONTROLLING CASE

Case No. CD-CPC-2022-00041 – A residential development plan in District R-7.5 and R-5 to allow for 258 detached lots and 140 multi-family units (398 total units) on about 140 acres generally located at the SE corner of NE 104th St and NE Cookingham Dr.

PROFESSIONAL STAFF RECOMMENDATION

Docket #C2 Recommendation: **Approval Subject to Conditions**

RELEVANT CASES

Please see Controlling Case above.

PLAT REVIEW

The request is to consider approval of a Final Plat in District R-7.5 on about 17 acres generally located at the southeast corner of NE 104th St and NE Cookingham Dr creating 32 lots and 4 tracts to allow for a single-family residential development. This use was approved in Case No. CD-CPC-2022-00041 which the development plan served as the Preliminary Plat. The Rock Creek development plan proposed to develop 258 detached lots and 140 multi-family units on about 140 acres. This is the first phase of the plan. The plan also proposes to construct new street connections consisting of the extension of NE 103rd St and NE 103 Terrace west. This phase will also create N Arlington, connecting to NE 104th St. This Final Plat is in conformance with the Preliminary Plat as well as the lot and building standards of Section 88-110 of the Zoning and Development Code.

PLAT ANALYSIS

***indicates adjustment/deviation requested**

Standards	Applies	Meets	More Information
Lot and Building Standards (88-110)	Yes	Yes	Proposed application complies with all standards
Accessory or Use- Specific Standards (88-305 – 385)	No		
Boulevard and Parkway Standards (88-323)	No		
Parkland Dedication (88-408)	Yes	Yes	Developer agrees to pay \$45,622.02 in lieu of Parkland Dedication

APPROVAL CRITERIA

No final plat may be approved unless the decision-making body finds that the proposed subdivision conforms with the approved preliminary plat with all applicable regulations and standards of this zoning and development code.

The request Final Plat is in conformance with the controlling plan and all standards as required by 88-555-04 of the Zoning and Development Code.

ATTACHMENTS

1. Conditions Report
2. Applicants Submittal

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **Approval Subject to Conditions** as stated in the conditions report.

Respectfully Submitted,



Justin Smith
Planner



Plan Conditions

Report Date: January 17, 2024

Case Number: CLD-FnPlat-2023-00023

Project: Rock Creek, First Plat

Condition(s) by City Planning and Development Department. Contact Justin Smith at (816) 513-8823 / Justin.Smith@kcmo.org with questions.

1. The developer shall secure approval of a project plan from the City Plan Commission prior to building permit.
2. Insert Text Here

Condition(s) by City Planning and Development Department. Contact Terry Thomas at (816) 513-2510 / Terry.A.Thomas@kcmo.org with questions.

3. The developer shall submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
4. The developer shall dedicate additional right of way [and provide easements] for _____ as required by the adopted [Major Street Plan and/or Chapter 88] so as to provide a minimum of ___ feet of right of way as measured from the centerline, along those areas being platted.
5. 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.
6. The developer shall submit a detailed Micro storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division showing compliance with the current, approved Macro study on file with the City and with current adopted standards in effect at the time of submission, including Water Quality BMP's, prior to approval and issuance of any building permits to construct improvements on the site or prior to recording the plat, whichever occurs first. The developer shall verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by Land Development Division as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.

Condition(s) by Fire Department. Contact Michael Schroeder at (816) 513-4604 / michael.schroeder@kcmo.org with questions.

7. • 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)
8. • A 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 designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)

Condition(s) by Parks & Recreation. Contact Justin Peterson at (816) 513-7599 / Justin.Peterson@kcmo.org with questions.

9. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks & Recreation Department's Forestry Division prior to recording final plat.
10. 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 rate of at the time (2024) of plat approval. This requirement shall be satisfied prior to recording final plat.

Condition(s) by Water Services Department. Contact Lucas Kaspar at (816) 513-2131 / Lucas.Kaspar@kcmo.org with questions.

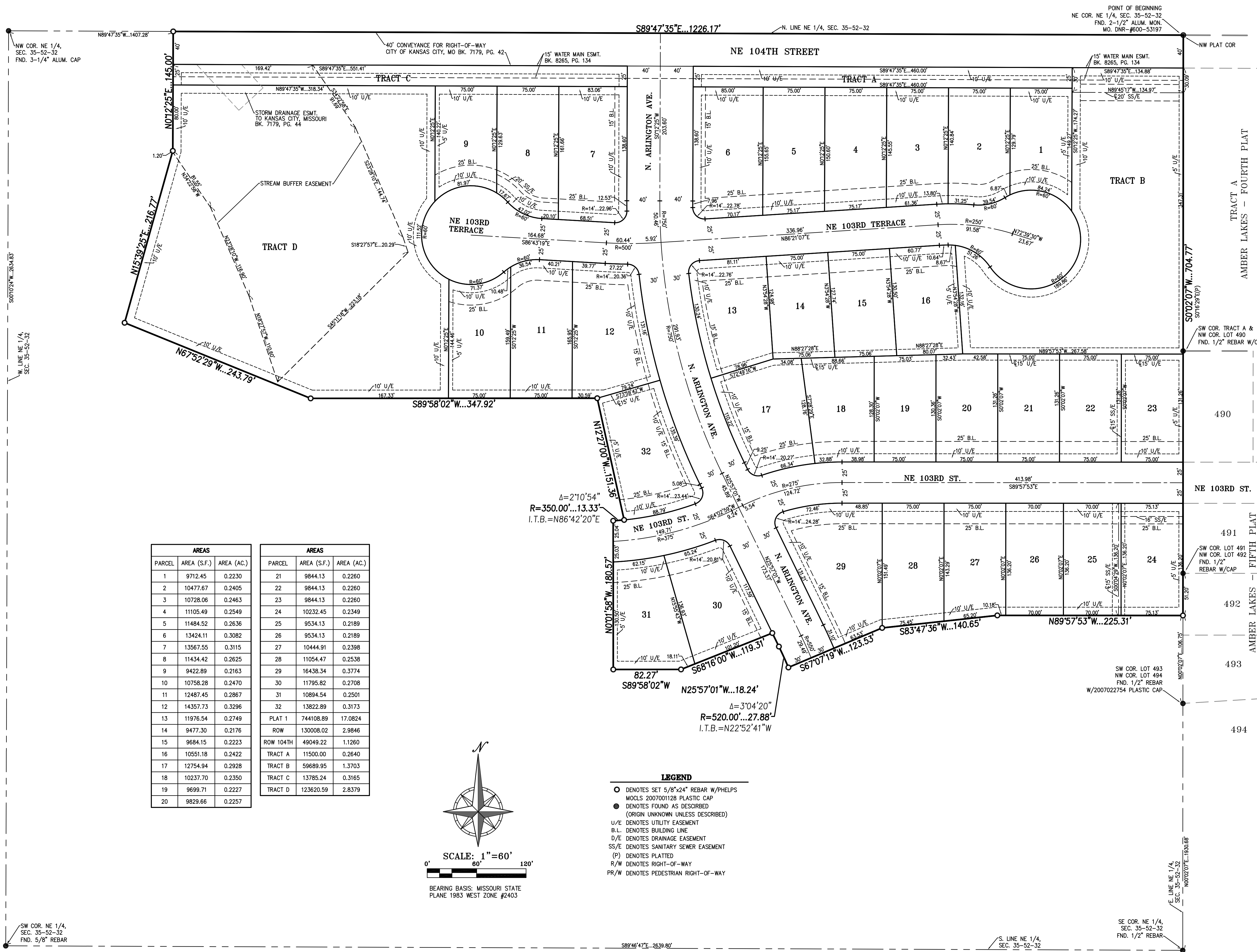
11. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the Stream Buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.

Condition(s) by Water Services Department. Contact Lucas Kaspar at (816) 513-2131 / Lucas.Kaspar@kcmo.org with questions.

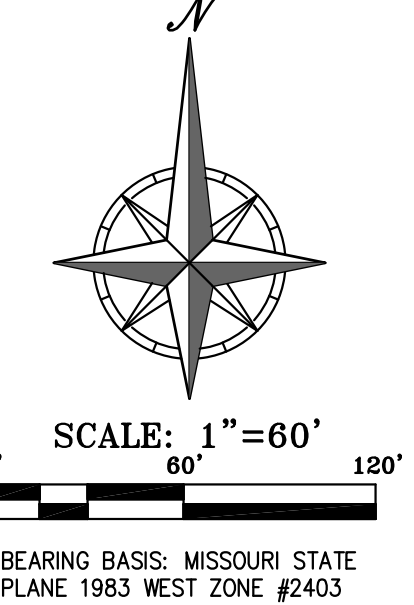
12. The developer must grant on City approved forms, a STREAM BUFFER Easement to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.

FINAL PLAT OF ROCK CREEK, FIRST PLAT

A SUBDIVISION OF LAND IN THE NORTHEAST QUARTER OF
SECTION 35, TOWNSHIP 52 NORTH, RANGE 32 WEST, IN THE
CITY OF KANSAS CITY, CLAY COUNTY, MISSOURI



AREAS			AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)	PARCEL	AREA (S.F.)	AREA (AC.)
1	9712.45	0.2230	21	9844.13	0.2260
2	10477.67	0.2405	22	9844.13	0.2260
3	10728.06	0.2463	23	9844.13	0.2260
4	11105.49	0.2549	24	10232.45	0.2349
5	11484.52	0.2636	25	9534.13	0.2189
6	13424.11	0.3082	26	9534.13	0.2189
7	13567.55	0.3115	27	10444.91	0.2398
8	11434.42	0.2625	28	11054.47	0.2538
9	9422.89	0.2163	29	16438.34	0.3774
10	10758.28	0.2470	30	11795.82	0.2708
11	12487.45	0.2867	31	10894.54	0.2501
12	14357.73	0.3296	32	13822.89	0.3173
13	11978.54	0.2749	PLAT 1 7441.08.89 17.0824		
14	9477.30	0.2176	ROW 130008.02 2.9846		
15	9684.15	0.2223	ROW 104TH 49049.22 1.1260		
16	10551.18	0.2422	TRACT A 11500.00 0.2640		
17	12754.94	0.2928	TRACT B 59689.95 1.3703		
18	10237.70	0.2350	TRACT C 13785.24 0.3165		
19	9699.71	0.2227	TRACT D 123620.59 2.8379		
20	9829.66	0.2257			



- LEGEND**
- DENOTES SET 5/8"x24" REBAR W/HELPS
 - MOCLS 2007001128 PLASTIC CAP
 - DENOTES FOUND AS DESCRIBED (ORIGIN UNKNOWN UNLESS DESCRIBED)
 - U/E DENOTES UTILITY EASEMENT
 - B/L DENOTES BUILDING LINE
 - D/E DENOTES DRAINAGE EASEMENT
 - SS/E DENOTES SANITARY SEWER EASEMENT
 - (P) DENOTES PLATED
 - R/W DENOTES RIGHT-OF-WAY
 - PR/W DENOTES PEDESTRIAN RIGHT-OF-WAY

PROPERTY DESCRIPTION

This description was prepared by Scott G. Chrisman, RLS #2594 on July 27, 2023, for project no. 230570. All that part of the Northeast Quarter of Section 35, Township 52 North, Range 32 West, in the City of Kansas City, Clay County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 35, said point also being the Northwest plot corner of AMBER LAKES - FOURTH PLAT, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence S 0°02'07" W, along the East line of the Northeast Quarter of said Section 35 and the West plot line of said AMBER LAKES - FIFTH PLAT and the West plot line of AMBER LAKES - FIFTH PLAT, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 704.77 feet; thence N 89°57'53" W, a distance of 225.31 feet; thence S 83°47'36" W, a distance of 140.65 feet; thence S 67°07'19" W, a distance of 123.53 feet; thence Northwesterly on a curve to the left, said curve having an initial tangent bearing of N 22°52'41" W and a radius of 520.00 feet, an arc distance of 27.88 feet; thence N 25°57'01" W, a distance of 18.24 feet; thence S 68°18'00" W, a distance of 119.31 feet; thence S 89°58'02" W, a distance of 82.27 feet; thence N 0°01'58" W, a distance of 180.57 feet; thence Easterly on a curve to the left, said curve having an initial tangent bearing of N 86°42'20" E and a radius of 350.00 feet, an arc distance of 13.33 feet; thence N 12°27'00" W, a distance of 151.36 feet; thence S 89°58'02" W, a distance of 347.92 feet; thence N 67°52'22" W, a distance of 243.79 feet; thence N 15°39'25" E, a distance of 216.77 feet; thence N 0°12'22" E, a distance of 145.00 feet, to a point on the North line of the Northeast Quarter of said Section 35; thence S 89°47'35" E, along the North line of the Northeast Quarter of said Section 35, a distance of 1226.17 feet, to the Point of Beginning, containing 17.0824 acres, more or less, unplatted land.

PLAT DEDICATION

The undersigned proprietors of the above described tract of land have caused the same to be sub-divided in the manner as shown on the accompanying plat which subdivision shall be known as "ROCK CREEK, FIRST PLAT".

EASEMENT DEDICATION

An easement is hereby granted to Kansas City, Missouri, for the purpose of locating, constructing, operating, and maintaining facilities for water, gas, electricity, sewage, telephone, cable tv and surface drainage, and grading, including, but not limited to, underground pipes and conduits, post-mounted transformers, services pedestals, any or all of them upon, over, under and along the strips of land designated Utility Easements (U/E). The easement herein is granted to the City of Kansas City, Missouri, and shall be subordinate to all existing easements. All utilities located within the designated utility easements, by virtue of their existence, do hereby covenant, consent, and agree that they shall be subordinate to said public right of way in the event that additional public right of way is dedicated over the location of the utility easement. Where other easements are designated for a particular purpose, the use thereof shall be limited to that purpose only. All of the above easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance thereof, and specifically there shall be no structure or any other structure or any other structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Kansas City, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easement. No excavation or fill shall be made or operation of any kind or nature shall be performed which will reduce or increase the earth coverage over the utilities above stated or the appurtenances thereto without a valid permit from the Department of Public Works as to utility easements, and/or written approval of the Director of Water Services as to water main easements.

DRAINAGE EASEMENT

A Drainage Easement (D/E) for the purpose of storm water drainage including the right to build, construct, keep, repair and maintain storm water drainage facilities under, in, over, and upon, over and through land lying, being and to be located and situated in Kansas City, Missouri ("The City") is hereby granted to The City. The City shall have the right at all times to go upon the lands herein described to construct, maintain and repair the said drainage facilities as may be necessary. Nothing shall in any way interfere with the unrestricted use of the land adjacent to and above said drainage facilities, nor attempt to use said property in such manner as would interfere with the proper, safe and continuous maintenance and use of said drainage facilities and specifically shall not build thereon or thereover any structure which with the maintenance and use thereof.

SANITARY SEWER EASEMENT

A Sewer Easement (SS/E) for the location, construction, reconstruction, maintenance, operation and repair of sewerage improvements and any and all appurtenances incidental thereto in, over, and upon, over and through land lying, being and situated in Kansas City, Missouri ("The City") is hereby granted to The City. By the granting this easement, it shall not be construed to prohibit development of any adjoining property or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters, upon, over or across said easement or any portion thereof; provided, however, said easement shall be kept free from additional depth of overburden, buildings, and any other structure or obstruction (except sidewalks, roadways, pavement, grass, shrubs, fences, or curbs), which will interfere with The City in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing, operating, repairing and maintaining such sewerage improvements and appurtenances.

WATER MAIN EASEMENT

A water main easement (W/E) for the operation and movement of equipment, and the movement of a working force, in connection with the location, construction, reconstruction, maintenance, operation and repair of water mains and any appurtenances thereto over, under and through land lying, being, and situated in Kansas City, Missouri ("The City") is hereby granted to The City. The City, its agents, employees and independent contractors shall have the right to go upon the above described tracts of land, for the purpose of constructing, maintaining, and repairing the water main improvements and appurtenances thereto, and shall upon completion of such construction, maintenance or repair, cause the land to be restored to substantially the same condition that existed prior to the City's entry upon it. The tract of land over which a water main easement is being granted shall be kept free from buildings or any other structures or obstructions (except non-ornamental grass, non-ornamental shrubs, sidewalks, roadways, pavement or curbs) that would interfere with the City in excavating upon said easement for the purposes of laying, constructing, operating, maintaining or repairing water mains and all appurtenances incidental thereto. No change in the earth cover over the water line will be made without the written approval of the Director of Water Services. This easement shall not be construed to prohibit development of any adjoining property or from the laying out, establishing and constructing of pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof.

PEDESTRIAN RIGHT-OF-WAY

A pedestrian right-of-way easement is hereby granted to the City of Kansas City, Missouri to be used only as a walk for pedestrians upon, over, under and along the strips of land designated "Ped R/W Emt" with all rights, immunities, privileges and appurtenances; thereto belonging, so that no one shall or will hereafter claim or demand any right or title to the aforesaid premises or any part hereof. The easement shall be kept free from any and all obstructions which would interfere with the city's use. Owner shall be solely responsible for the construction, maintenance and repair of the easement.

STREET DEDICATION

Streets shown on this plat and not heretofore dedicated for public use as thoroughfares, are hereby so dedicated.

BUILDING LINES

Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the lot line nearest thereof.

RIGHT OF ENTRANCE

The right of entrance and egress in travel along and across the boundaries of the property is hereby granted to Kansas City, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Service for the delivery of mail; provided, however such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither Kansas City, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

FLOOD PLAIN

The subject property is located in OTHER AREAS, ZONE X, (areas determined to be outside the 0.2% annual chance floodplain), OTHER FLOOD AREAS, ZONE X, (areas of 0.2% annual chance flood over and above the 0.2% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile), and SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AE (Base Flood Elevations determined), according to the Clay County, Missouri and Incorporated Areas Flood Insurance Rate Map (FIRM), Number 29095C0089 G, effective January 20, 2017.

The lands herein plotted lie totally or partially within the limits of a regulatory floodplain, as designated on the official floodplain documents and are subject to the restrictions of Chapter 28, Code of Ordinances of Kansas City, Missouri, and are further subject to the revisions of Chapter X - Federal Insurance Administration, Subchapter B - National Flood Insurance Program for eligibility thereof. However, due to change in circumstances, the boundaries as shown herein may be modified from time to time. Therefore, specific information concerning the location of the floodplain boundaries should be ascertained at the pertinent time from the appropriate authorities, the City of Kansas City, Missouri and the Federal Emergency Management Administration.

MAINTENANCE OF TRACTS

Tracts A, B, C and D are hereby reserved as Private Open Space and shall be maintained by the ROCK CREEK Homes Association, Inc. pursuant to the Declaration of Covenants, Restrictions, Easements, Charges, Assessments and Liens for ROCK CREEK recorded as Document No. _____ in Book _____ at Page _____ of the plat herein, as supplemented and amended.

The developer elects to pay the City of Kansas City, Missouri, a sum of \$45,622.02 in lieu of require parkland dedicating for 32 single family units pursuant to Section 88-408-C of the Zoning and Development Code.

STREET GRADES

The Street Grades for NE 104th Street were previously established by Ordinance No. _____ passed _____ day of _____, 20____.

BUILDING SETBACKS

Fronts: 25', Side= 5', Rear= 15', Side (Corner Lots)= 15'

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this _____ day of _____, 20____.

ROBERTSON CONSTRUCTION, LLC
By: _____
Jim Robertson, Authorized Member

ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came Jim Robertson, Authorized Member of ROBERTSON CONSTRUCTION, LLC, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVALS

CITY PLAN COMMISSION PUBLIC WORKS

Approved: _____ Director: Michael J. Shaw

COUNCIL

This is to certify that the within Plat was duly submitted to and approved by the Council of Kansas City, Missouri, by Ordinance No. _____ duly authenticated as passed this _____ day of _____, 2022.

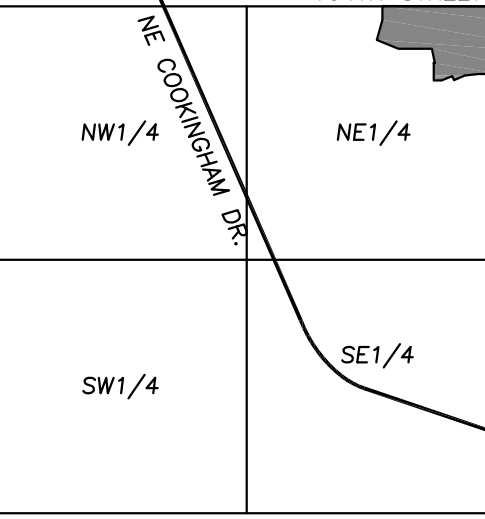
Mayor Quinton Lucas City Clerk Marilyn Sanders

THE PLAT TITLED "ROCK CREEK, FIRST PLAT", HAS BEEN PREPARED FOR ROBERTSON CONSTRUCTION, AND IS BASED ON AN ACTUAL FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, IN JUNE 2023, AND THAT SAID SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN CLASS SURVEY, AND THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS, AND THE DEPARTMENT OF AGRICULTURE, LAND SURVEY PROGRAM. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH THE STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATING OF SUBDIVISIONS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.



DEVELOPER:
ROBERTSON CONSTRUCTION, LLC
ATTN: JIM ROBERTSON
PO BOX 876
LIBERTY, MO 64069

By: SCOTT D. CHRISMAN, MO. LS-2594



VICINITY MAP
SEC. 35-52N-32W.

