

# COMMUNITY PROJECT/REZONING

Ordinance Number **220013**

## Ordinance Fact Sheet

Case No. CD-CPC-2021-00182

### Rezoning

Rezoning an area of about 2.276 acres, generally located on the east side of Highland Avenue in between 24th Street to the north and 25th Street to the south from District UR to District UR to approve an amendment to a previously approved development plan and a preliminary plat to create two (2) lots for construction of thirty-nine (39) residential units. (CD-CPC-2021-00182)

### Details

**Location:** generally located on the east side of Highland Avenue in between 24th Street to the north and 25th Street to the south

**Reason for Legislation:** Rezoning to UR require City Council approval.

**The Commission recommended that this application be approved with the following conditions:**

1. The developer shall revise the preliminary plat drawing to indicate the proposed property lines include the proposed vacation of the alleyway on the east side of the property and ensure it shows the minimum information required for the preliminary plat prior to issuance of building permit.
2. The developer must 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.
3. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage and construct associated ADA ramps at all intersection and proposed entrance drives as necessary for the type of drive approach.
4. The developer must 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.
5. 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

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	3 <sup>rd</sup> District (Ellington, Robinson)
<b>Applicants / Proponents</b>	<p><b>Applicant</b> Kathleen Bole Brinshore Development 1001 Bannock St, 1085 Denver, CO 80204</p> <p><b>City Department</b> City Planning &amp; Development</p> <p><b>Other</b></p>
<b>Opponents</b>	<b>Groups or Individuals</b>
	<b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <b>Reason Against</b>
	City Plan Commission (6-0) 12-7-2021 By Allender, Beasley, Crawl, Enders, Rojas, Baker) <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do Pass
	<input type="checkbox"/> Do Pass (as amended)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold

project without the prior written consent of the Land Development Division.

6. 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.

7. 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.

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 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.

10. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

11. 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.

12. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division 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 entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards.

Do not pass

The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.

13. The developer must 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 that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.

14. That the south half of 24th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

15. 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.

16. That the north half of 25th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

17. That the east half of Highland Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

18. That the full width of 24th Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required

permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

19. The developer must petition for the vacation of the existing alleyway as shown on the development plan on the east side of the property and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.

20. 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 Certificate of Occupancy.

21. The developer shall secure approval of a final development plan from Development Management Division staff prior to building permit.

22. That 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 Certificate of Occupancy.

23. The required street vacation application shall be approved prior to issuance of building permit.

24. 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 Certificate of Occupancy.

25. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.

26. Revise the outdoor lighting plan to conform to 88-430 prior to building permit.

27. The proposed fence shall not exceed 4 feet in the front and street side yard and 6 feet for the rear and interior side yard.

28. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)

29. 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)

30. Fire hydrant distribution shall follow IFC-2018 Table C102.1

31. 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 beginning work in the public right-of-way.

32. With the developer proposing to provide payment in lieu of parkland dedication per plans, said payment equates to \$22,839.04. Fee shall be due prior to Certificate of Occupancy.

33. The developer is 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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to certificate of occupancy.

34. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.

35. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

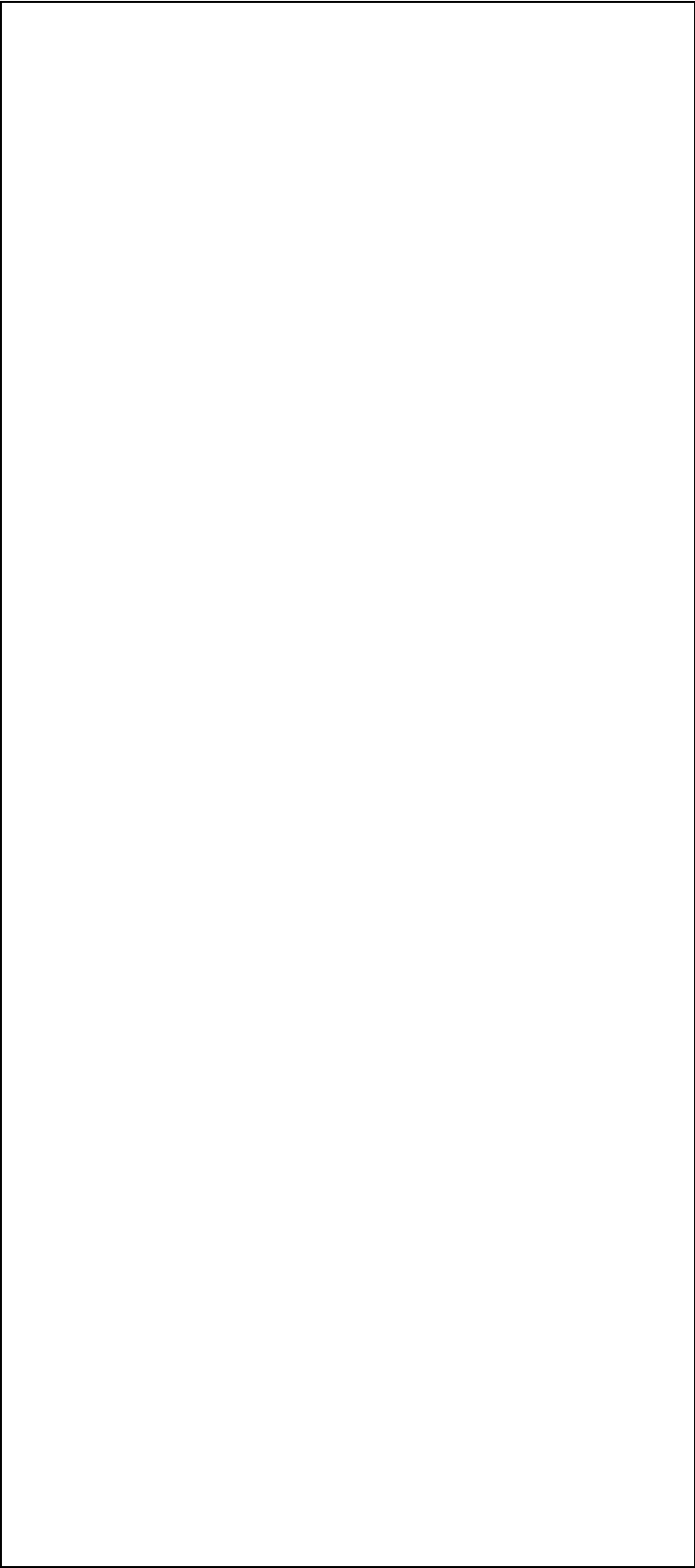
36. The developer must submit Fire Hydrant installation plans meeting the 300' maximum spacing along the adjacent public roadways. Plans shall be prepared by a registered professional Engineer in Missouri. They shall be submitted to the water main extension desk for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations.

37. 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 new water service permits. Depending on adequacy of the existing water mains systems, making other improvements may be required.

**See Staff Report for more information.**

Continued from Page 1

<p><b>Policy or Program Change</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Operational Impact Assessment</b></p>	



**Finances**

<p><b>Cost &amp; Revenue Projections – Including Indirect Costs</b></p>	
<p><b>Financial Impact</b></p>	
<p><b>Funding Source(s) and Appropriation Account Codes</b></p>	

Continued from Page 2

**Fact Sheet Prepared By:**      **Date:** 12/9/2021

Xue Wood  
Staff Planner

**Reviewed By:**                      **Date:** 12/9/2021

Joe Rexwinkle, AICP  
Division Manager  
Development Management

**Initial Application Filed:** 10/1/2021

**City Plan Commission:** 12/7/2021

**Revised Plans Filed:** 12/9/2021

**Reference Numbers:**

Case No. CD-CPC-2021-00182