

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220932

Rezoning an area of about 25.61 acres generally located at the northeast corner of N.E. 48th Street and I-435 from Districts R-0.5, B4-5, and B3-2 to District MPD, and approving a preliminary development plan, which also acts as a preliminary plat for 179 residential units. (CD-CPC-2022-00137)

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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 80-20A-1358 rezoning an area of about 25.61 acres located at the northeast corner of NE 48th St and I-435 from Districts R-0.5 (Residential 0.5), B4-5 (Heavy Business/Commercial), and B3-2 (Community Business) to District MPD (Master Planned Development) said section to read as follows:

Section 80-20A-1358. That an area legally described as:

TRACT I: All of the South half of the Southwest Quarter of the Southwest Quarter of Section Thirty-four (34) in Township Fifty-one (51) of Range Thirty-two (32), except one half acre, more or less, for cemetery purposes as described in that deed dated July 3, 1905, and filed for recorded [sic] on August 22, 1905, in Book 139 at Page 377, and except that part now platted as Lots 1-22, Randolph Ridge, filed for record April 28, 1958, in Book 9 at Page 39 and except all that part of the South half of the Southwest Quarter of the Southwest Quarter of Section Thirty-four (34), Township Fifty-one (51) of Range Thirty-two (32) conveyed to the State of Missouri under Document No. C-6727, dated October 7, 1966, filed for record December 5, 1966, in Book 915 at Page 589, for I-435 and except the South 40 feet thereof, Kansas City, Clay County, Missouri, and further excepting the following described tract, to-wit: A tract of land in the South Half of the Southwest Quarter of the Southwest Quarter of Section 34, Township 51, Range 32 in Kansas City, Clay County, Missouri, described as follows: Commencing at the Southwest corner of the aforesaid Quarter Quarter Section; thence North 89 degrees 24 minutes 13 seconds East along the South line of said Quarter Quarter Section, 858 feet; thence North 0 degrees 00 minutes East, 40.0 feet for a true point of beginning; thence continuing North 0 degrees 00 minutes East, 92.0 feet, thence South 89 degrees 24 minutes 13 seconds West, 15.0 feet; thence South 0 degrees 00 minutes West, 92.0 feet; thence North 89 degrees 24 minutes 13 seconds East, 15.0 feet to the point of beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

TRACT II: The North Half of the Southwest Quarter of the Southwest Quarter, Section 34, Township 51, Range 32, Kansas City, Clay County, Missouri, except that part thereof in I-435.

TRACT III: Lots 10, 13, 14, 17, 18, 21 and 22, except that part taken for Interstate Route 435 as set forth in instrument recorded as Document No. C-6727 filed December 5, 1966, Randolph Ridge, a subdivision in Kansas City, Clay County, Missouri, together with vacated 48th Street Terrace and vacated 49th Street.

TRACT IV: Lot 9, except that part taken for Interstate Route 435, as set forth in instrument recorded as Document No. C-6727 filed December 5, 1966, Randolph Ridge, a subdivision in Kansas City, Clay County, Missouri, together with vacated 48th Street Terrace and vacated 49th Street.

is hereby rezoned from Districts R-0.5 (Residential 0.5), B4-5 (Heavy Business/Commercial), and B3-2 (Community Business) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1358, 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 which also acts as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall secure approval of an MPD final plan for each phase, if constructed separately, from the City Plan Commission prior to building permit.
2. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
3. 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.
4. 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.
5. The developer shall ~~seek~~ be granted a waiver, to be listed on the preliminary plat sheet to Section 88-405-10-B.2 - Connections to Abutting Properties.
6. Plant species shall be reviewed further during the MPD final plan process.
7. The developer shall adhere to any additional conditions from MoDOT.

8. The developer shall show implementation of green infrastructure for stormwater management on the MPD final plan.
9. The developer shall submit revised plans showing the pedestrian connection to N.E. 50th Street prior to ordinance request.
10. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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)
11. 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 be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
12. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018§ 507.1)
13. 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). The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: §503.2.4)
14. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided. (IFC-2018 § 503.6)
15. 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.
16. 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 a certificate of occupancy.
17. Stormwater management facilities, such as detention basins, BMPs, engineered surface water conveyance paths outside of right-of-way, which serve multiple lots or tracts, shall be privately maintained, located on separate tract(s), and covered by maintenance covenant(s) to be administered through the platting process.

18. The developer shall manage stormwater runoff quality with BMPs and do not increase pollutant discharges that could potentially violate City's MS4 permit. Follow MARC BMP Manual.
19. The developer shall verify no increases above pre-project levels of peak rate and volume of runoff leaving the site at any point (in storm drainage study).
20. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
21. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
22. 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.
23. The developer will need additional full flow fire meter connection to the public water main.
24. 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.
25. 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.
26. The north half of N.E. 48th Street shall be improved as required by Chapter 88, to current City standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining required permit from the Land Development Division for said ~~improvement~~ improvements, or the developer shall enter into an agreement with the City via its Public Works Department to recording provide money in lieu

of the ~~plat or improvements~~, prior to issuance of a building permit, ~~whichever occurs first~~.

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
34. 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.
35. 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.

36. 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.
37. 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.
38. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department 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.
39. The developer shall provide easements for the private sewers and a Covenant to Maintain Private Sewers document acceptable to the Water Services Department prior to recording the plat.

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 hereinabove, all public notices and hearings required by the Zoning and Development Code 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