



Legislation Details (With Text)

File #: 230082 **Version:** 2 **Name:**
Type: Ordinance **Status:** Passed
File created: 1/12/2023 **In control:** Council
On agenda: 2/2/2023 **Final action:** 2/2/2023
Title: Sponsor: Director of City Planning and Development Department

Rezoning an area of about 145 acres generally located at the southeast corner of E. 139th Street and Horridge Road from District R-80 to District R-7.5 and approving a residential development plan to allow for 300 detached residential lots. (CD-CPC-2022-00177 & CD-CPC-2022-00178)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. CPC Staff Report_CD-CPC-2022-00177&00178_12_06_22, 2. Exhibit A_ Section Map, 3. Dispo_CPC_CD-CPC-2022-00177_12-6-22, 4. Dispo_CPC_CD-CPC-2022-00178_12-6-22, 5. CPC_PwrPoint_12-6-22, 6. CD-CPC-2022-00178 Approved Plan, 7. Docket Memo_CD-CPC-2022-00177_178_2, 8. No Fact Sheeet 230082, 9. 230082 cs to org ord-com, 10. Authenticated Ordinance 230082 CS

Date	Ver.	Action By	Action	Result
2/2/2023	1	Council	Passed as Substituted	Pass
2/1/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
1/26/2023	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230082

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 145 acres generally located at the southeast corner of E. 139th Street and Horridge Road from District R-80 to District R-7.5 and approving a residential development plan to allow for 300 detached residential lots. (CD-CPC-2022-00177 & CD-CPC-2022-00178)

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-1372 rezoning an area of about 145 acres generally located at the southeast corner of E. 139th Street and Horridge Road from R-80 (Residential) to R-7.5 (Residential) and approving a residential development plan in District R-7.5 (Residential) on about 145 acres to allow for the 300 detached residential lots, said section to read as follows:

Section 88-20A-1372. That an area legally described as:

All that part of the Northwest and Southwest Quarters of Section 26, Township 47 North, Range 32 West, situate in the City of Kansas City, Jackson County, Missouri, being described as

follows: Beginning at the Northwest corner of said Section 26; thence South 88°06'19" East, along the North line of said Section 26, a distance of 1,504.55 feet to the intersection with the North line of said Section 26 and the Northerly prolongation of the West line of Summit View Farms Amended 1st Plat, a subdivision of record filed with the Jackson County, Missouri Register of Deeds as Instrument No. 2017E0048627, said line also being the city limit line between Kansas City, Missouri and Lee's Summit, Missouri; thence South 2°22'18" West, along the West line of said Summit View Farms Amended 1st Plat and its Northerly prolongation and also along the West line of Summit View Farms 4th Plat, a subdivision of record filed with said Register of Deeds as Instrument No. 2022E0006745, a distance of 1,624.62 feet; thence South 2°21'56" West, continuing along the West line of said Summit View Farms 4th Plat, a distance of 1,033.59 feet to the Southwest plat corner thereof, said point also being on the North line of the Southwest Quarter of said Section 26; thence North 87°59'47" West, along the North line of the Southwest Quartet of said Section 26, a distance of 179.92 feet to a point on the East line of the West Half thereof; thence South 2°23'27" West, along the East line of the West Half of the Southwest Quarter of said Section 26, a distance of 1,766.36 feet to the Northeast corner of the plat of Lee's Summit Elementary School No. 17, a subdivision of record filed with said Register of Deeds as Instrument No. 2007E0094456; thence North 88°09'04" West, along the North line of said Lee's Summit Elementary School No. 17 and its Westerly prolongation, a distance of 1,318.91 feet to a point on the West line of the Southwest Quarter of said Section 26; thence North 2°18'40" East, along the West line of the Southwest Quarter of said Section 26, a distance of 1,769.90 feet to the Southwest corner of the Northwest Quarter of said Section 26; thence North 2°17'56" East, along the West line of the Northwest Quarter of said Section 26, a distance of 2,655.32 feet to the point of beginning. Containing 6,326,781 square feet or 145.24 acres, more or less.

is hereby rezoned from R-80 (Residential 80) to District R-7.5 (Residential) all as shown outlined on a map marked Section 88-20A-1372, 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.

Section B. That a development plan is hereby approved, subject to the following conditions:

1. The developer shall submit a street naming plan to the Development Management Division prior to issuance of a building permit for any phase/lot. The street naming plan shall be approved prior to Mylar approval of the first final plat.
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. The developer shall submit a project plan to the City Plan Commission for all private open space indicating plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero footcandles at the property lines prior to Mylar approval or issuance of a building permit.
4. 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.
5. 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.
6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. The developer shall dedicate additional right of way and provide easements for E. 139th Street as required by the adopted Major Street Plan and/or Chapter 88 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 City Plan Commission approval.
 11. 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.
 12. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage for Horridge Road as shown on the approved street plans and to a tie-in point with the existing sidewalks. In addition, the developer shall construct associated ADA ramps at street intersections and the proposed entrance drives as necessary for the type of drive approach.
 13. 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 Section 88-415 requirements.

14. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, and streetlights.
15. 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.
16. 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
17. The developer shall submit covenants, conditions and restrictions to the Land Development Division 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 stormwater detention area tracts, prior to recording the plat.
18. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
19. 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)
20. 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) and shall provide fire lane signage on fire access drives.
21. 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)
22. 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 (2023) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat.
23. 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.
24. 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 for any phases served by Kansas City Missouri Water.

25. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations for any phases served by Kansas City Missouri Water.
26. Unless otherwise approved, the existing water transmission main easement requirements such as limited grading, no utility boxes, no structures, no tree planting shall be followed.
27. The developer shall 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.
28. The developer shall file a stream buffer waiver application for review by Kansas City Water for the southern portion of the regulated stream shown on the parcel viewer.

A copy of said preliminary plat 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:

Sarah Baxter
Senior Associate City Attorney