



Legislation Details (With Text)

**File #:** 211090      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 12/1/2021      **In control:** Council

**On agenda:** 12/16/2021      **Final action:** 12/16/2021

**Title:** Rezoning an area of about 13 acres generally located at the southeast corner of E. 135th Street and Holmes Road from District B3-2 to District UR (Urban Redevelopment), and approving a development plan which also serves as a preliminary plat to allow for a 180-unit multi-family development within four buildings. (CD-CPC-2021-00125)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CD-CPC-2021-00125\_FACTSHT, 2. 08\_CD-CPC-2021-00125\_CPCStaffRpt\_10\_05\_21, 3. Exhibit A\_ Section Map, 4. CD-CPC-2021-00125\_10\_05\_21\_CPC, 5. Authenticated Ordinance 211090

Date	Ver.	Action By	Action	Result
12/16/2021	1	Council	Passed	Pass
12/15/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
12/9/2021	1	Council	referred	

ORDINANCE NO. 211090

Rezoning an area of about 13 acres generally located at the southeast corner of E. 135th Street and Holmes Road from District B3-2 to District UR (Urban Redevelopment), and approving a development plan which also serves as a preliminary plat to allow for a 180-unit multi-family development within four buildings. (CD-CPC-2021-00125)

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 88-20A1305, rezoning an area of approximately 13 acres generally at the southeast corner of E. 135th Street and Holmes Road from District B3-2 (Community Business (Dash 2)) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A1305 That an area legally described as:

All that part of the North 30 acres of the East 1/2 of the Southeast 1/4 of Section 20, Township 47, Range 33, in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the northeast corner of the Southeast Quarter of Section 20, Township 47, Range 33, Kansas City, Jackson County, Missouri; thence North 85°47'47" West (deed: North 85°44'08" West), along the north line of the east half of said Southeast Quarter, 450.00 feet to the northwest corner of the east 450 feet of the north 30 acres thereof, said point being the point

of beginning; thence South 03°28'51" West (deed: South 03°29'24" West), along the west line of the east 450 feet of said north 30 acres, 989.53 feet (deed: 989.99 feet) to the southwest corner thereof; thence North 85°51'31" West (deed: North 85°51'20" West), along the south line of said north 30 acres, 575.26 feet; thence North 03°44'00" East, 960.11 feet to the south line of a tract of land conveyed to the City of Kansas City for right-of-way by Document No. 1990-K-0948420; thence South 85°47'47" East (deed: South 85°44'08" East), along the south line of said tract of land, 31.50 feet to the southeast corner thereof; thence North 04°12'13" East (deed: North 04°15'52" East), 30.00 feet to the northeast corner of said tract of land, said point being on the north line of the east half of the Southeast Quarter of said Section 20; thence South 85°47'47" East (deed: South 85°44'08" East), along the north line of said east half, 539.17 feet (deed: 539.38 feet) to the point of beginning, containing 13.000 acres, more or less.

is hereby rezoned from District B3-2 (Community Business (Dash 2)) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A1305, 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 for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall submit design guidelines for the proposed development. The design guidelines shall call out how this plan incorporates the Martin City Area Plan design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials.
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 secure approval of a final development plan from Development Management Division staff prior to building permit.
4. The developer shall file for a minor subdivision lot split to create the project parcel prior to ordinance request. Said minor subdivision plat shall be approved and recorded prior to issuance of a building permit.
5. 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.
6. The developer shall show the limits of the 100-year floodplain plus the one foot freeboard on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
7. 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.

8. 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.
9. 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.
10. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1).
11. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
12. 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 241-2013 § 8.7.2).
13. 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).
14. Fire Department access roads shall be provided before to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5).
15. Required Fire Department access roads are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3).
- 16.
17. Dead-end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turn around 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 turn around feature (i.e., cul-de-sac, hammerhead). (IFC-2018: § 503.2.5).
18. The turning radius for Fire Department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4).
19. Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1).
20. 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).

21. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
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. Per the note referencing payment in lieu of dedication, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to a certificate of occupancy. At 180 units, the parkland fee shall be \$105,410.95.
23. The developer shall construct a southbound left turn lane at the intersection of Holmes Road and Drive 3 (located approximately 390 feet south of the Holmes Road/E. 135th Street intersection) with a minimum 50 feet of storage plus taper. This shall be constructed before any certificate of occupancy for the development.
24. The developer shall construct a northbound right turn lane at the intersection of Holmes Road and Drive 3 (located approximately 390 feet south of the Holmes Road/E 135th Street intersection) with a minimum 100 feet of storage plus taper. This shall be constructed before any certificate of occupancy for the development.
25. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development prior to issuance of a building permit.
26. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
27. 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. The engineer shall set up a coordination meeting with Water Services Department staff to discuss water mains and service lines.

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.

---

Joseph Rexwinkle, AICP

Secretary, City Plan Commission

Approved as to form and legality:

---

Sarah Baxter  
Assistant City Attorney