



Legislation Text

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[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240466

Sponsor: Councilmember Wes Rogers
COMMITTEE SUBSTITUTE

Approving a development plan which also serves as a preliminary plat in District B3-2 on about 18.97 acres generally located at the southwest corner and southeast corner of N.W. Englewood Road and North Mercier Drive to allow for residential development. (CD-CPC-2024-00033)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan which also serves as a preliminary plat in District B3-2 (Community Business) on an approximately 18.7 acre tract of land generally located at the southwest corner and southeast corner of N.W. Englewood Road and North Mercier Drive, legally described as:

Part of the Northeast Quarter of Section 34, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri, being more particularly described as follows:

Beginning at the intersection of the East line of Kinsley Forest Estates First Plat, a subdivision in said Clay County, Missouri, and the South right-of-way line of NW. Englewood Road, as established by Special Warranty Deed Book 8038 at Page 191 in said Clay County, Missouri; thence Easterly, along said South right-of-way line to the intersection of said South right-of-way line and the West right-of-way line of N. Mercier Drive, as established by the plat of Kinsley Forest Apartments First Plat, a subdivision in said Clay County, Missouri; thence Southerly, along said West right-of-way line to the Northernmost corner of Lot 1, said Kinsley Forest Apartments First Plat; thence Southwesterly, along the West line of said Lot 1 to the Northeast corner of Tract J of Kinsley Forest Estates Second Plat, a subdivision in said Clay County, Missouri; thence Westerly, along the North line of said Kinsley Forest Estates Second Plat to the Southeast corner of Tract "D" of said Kinsley Forest Estates First Plat; thence Northerly, along the East line of said Kinsley Forest Estates First Plat to the point of beginning. Containing 11.35 acres, more or less.

and

Beginning at the intersection of the West right-of-way line of N. Mercier Drive, as established by the plat of Kinsley Forest Apartments First Plat, a subdivision in said Clay County, Missouri, and the South right-of-way line of NW. Englewood Road, as established by Special Warranty Deed Book 8038 at Page 191 in said Clay County, Missouri; thence Easterly, along said South right-of-way line to the intersection of said South right-of-way line and the West right-of-way line of N. Summit Street, as established by Special Warranty Deed Book 8038 at Page 190 in

said Clay County, Missouri; thence Southerly, along said West right-of-way line to the intersection of said West right-of-way line and the Northeasterly right-of-way line of N. Mercier Drive, as established by said Kinsley Forest Apartments First Plat; thence Westerly and Northerly, along said Northeasterly right-of-way line to the point of Beginning. Containing 7.62 acres, more or less.

is hereby approved, subject to the following conditions

1. 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.
2. 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 a certificate of occupancy.
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. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
6. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
7. Prior to any certificate of occupancy is issued for each phase, a final plat must be approved by the City and recorded with the County Recorder of Deeds.
8. 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.
9. 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.
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 the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
17. 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.
18. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the Storm Water Pollution Prevention (SWPP) plan submitted to the Missouri Department of Natural Resources (MDNR)

- and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
19. 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.
 20. 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). Fire hydrant distribution shall follow IFC-2018 Table C102.1.
 21. 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)
 22. 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 be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3). The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4). and shall provide fire lane signage on fire access drives.
 23. One- and two-family residential developments exceeding 30 dwelling units shall have at least two separate and approved fire apparatus access roads (IFC-2018: § D107.1). Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2018: § D106.3)
 24. The developer shall submit plans to the Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements, pedestrian and streetlighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per the Parks and Recreation Department standards.
 25. 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.
 26. 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 2024 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to the release of the certificate of occupancy.
 27. The developer shall be responsible for tree preservation in an easement or platted tract,

mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to issuance of certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.

28. The developer shall use the Parks and Recreation Department's approved site furnishings within parks and recreation jurisdictional street and/or park right-of-way.
29. Prior to construction adjacent to a parks and recreation jurisdictional street and/or park, the developer and/or their representative shall obtain a parks permit for storage and restoration within a park or a parks and recreation jurisdictional street right-of-way including but not limited to the installation of construction trailer, stockpiling of materials or equipment, construction roads and utility cabinets/meters.
30. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Parks and Recreation Department, prior to recording the plat or issuance of any certificate of occupancy permits including temporary certificate of occupancy permits
31. The developer shall include the same stone masonry shown on the front elevations of the residential buildings for the quadplex facades front facing the Boulevard.
32. 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.
33. 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.
34. A full flow fire meter shall be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
35. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
36. No water service line will be less than 1-1/2" in diameter where three or more units or commercial building will be served by one domestic service line and meter.
37. Submit public water main plans following the Kansas City Water rules and regulations for water

- main extensions. Plans and contracts shall be reviewed and approved prior to building permit issuance.
38. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
 39. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
 40. The developer shall submit a final stream buffer plan 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.
 41. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88, prior to issuance of any stream buffer permits.
 42. The developer shall show the limits of the 100-year floodplain 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.
 43. The internal storm and sanitary sewers shall be private 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 B. 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