



Legislation Text

File #: 220656, Version: 1

ORDINANCE NO. 220656

Approving a preliminary plat in District MPD (Master Planned Development) on about 24.24 acres generally located at E. 52nd Terrace and Belmont Avenue. (CD-CPC-2022-00055).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a preliminary plat in District MPD (Master Planned Development), and more specifically described as follows:

5926-28 E 52nd Ter prt W 1/2 NW 1/4 Sec 36 49 33 beg 1723.92 ft s & 1316.04 ft e of nw cor sd 1/2 1/4 th n 898.92 ft th w 785.05 ft th n to sely r/w of KC & Grandview RR th swly alg sd r/w to a pt 180 ft e of w li sd 1/2 1/4 ths 180 ft e & parl with sd w lito a pt 1723.92 ft s of n li sd 1/2 1/4 th e to beg.

is hereby approved, subject to the following conditions:

1. The developer shall provide a BMP easement and ensure access to detention facility is provide per APWA 5608 requirements prior to recording the final plat.
2. The developer shall dedicate additional right-of-way for East 52nd Terrace as required by Chapter 88 so as to provide a minimum of 40 feet of right-of-way as measured from the centerline.
3. 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.
4. 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.
5. 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.

6. East 52nd Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks on one side of the street, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining required permits from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
7. 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.
8. The developer shall enter into a deferral agreement for the street improvements to Belmont Avenue along the platted frontage as required by Chapter 88 prior to recording the final plat. The secured deferral agreement shall be for a period until further improvements occur on the property or the property directly to the north, or until street improvements occur on the opposite side of the street, whichever occurs first.
9. The developer shall construct a cul-de-sac and dedicate street right-of-way for the required cul-de-sac to the City as required by the Land Development Division, prior to recording the plat.
10. The developer shall 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.
11. 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.
12. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
13. 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.
14. 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.
15. If new residential living units are proposed, 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. 2021 park rate is utilized from plan approval of CD-CPC-2021-00018. Should the developer elect to provide private open space, said space shall be platted into private open space tracts and provide recreational amenities beneficial to residents. This requirement shall be satisfied prior to recording the final

plat or a certificate of occupancy, whichever is applicable to the project.

16. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to certificate of occupancy.
17. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and 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 Ordinance 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