



Legislation Details (With Text)

**File #:** 220013      **Version:** 1      **Name:**

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

**File created:** 12/9/2021      **In control:** Council

**On agenda:** 1/13/2022      **Final action:** 1/13/2022

**Title:** Rezoning an area of about 2.276 acres, generally located on the east side of Highland Avenue in between 24th Street to the north and 25th Street to the south from District UR to District UR to approve an amendment to a previously approved development plan and a preliminary plat to create two (2) lots for construction of thirty-nine (39) residential units. (CD-CPC-2021-00182)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fact Sheet, 2. 11\_CD-CPC-2021-00182\_CPCStaffRpt\_Crescendo\_12-7-21, 3. 12-07-21\_CPCPPT, 4. Exhibit A, 5. Legal Description, 6. Plan Set\_12-9-21, 7. Authenticated Ordinance 220013

Date	Ver.	Action By	Action	Result
1/13/2022	1	Council		
1/12/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
1/6/2022	1	Council		

ORDINANCE NO. 220013

Rezoning an area of about 2.276 acres, generally located on the east side of Highland Avenue in between 24th Street to the north and 25th Street to the south from District UR to District UR to approve an amendment to a previously approved development plan and a preliminary plat to create two (2) lots for construction of thirty-nine (39) residential units. (CD-CPC-2021-00182)

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-1307, rezoning an area of approximately 2.276 acres generally located on the east side of Highland Avenue in between 24th Street to the north and 25th Street to the south from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A-1307. That an area legally described as:

Cowherds Vine Street Addition Lots 31-45 together with; Mount Evanston Lots 16-30 a subdivision in Kansas City, Jackson county, Missouri.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1307, 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 revise the preliminary plat drawing to indicate the proposed property lines include the proposed vacation of the alleyway on the east side of the property, and ensure it shows the minimum information required for the preliminary plat prior to issuance of a building permit.
2. 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.
3. 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 all intersections and proposed entrance drives as necessary for the type of drive approach.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
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 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.
12. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
13. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 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.
14. The south half of 24th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, 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.
15. 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.
16. The north half of 25th Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, 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.
17. The east half of Highland Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, 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.
18. The full width of 24th Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, 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.
19. The developer shall petition for the vacation of the existing alleyway as shown on the

- development plan on the east side of the property and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
20. 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.
  21. The developer shall secure approval of a final development plan from the Development Management Division staff prior to building permit.
  22. 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.
  23. The required street vacation application shall be approved prior to issuance of a building permit.
  24. 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.
  25. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
  26. The developer shall revise the outdoor lighting plan to conform to 88-430 prior to a building permit.
  27. The proposed fence shall not exceed 4 feet in the front and street side yard and 6 feet for the rear and interior side yard.
  28. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
  29. 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)
  30. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
  31. 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.
  32. 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. This requirement shall be satisfied prior to a certificate of occupancy.
  33. The developer shall ensure that water and fire service lines should meet current Water Services

Department rules and regulations.

34. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
35. The developer shall submit fire hydrant installation plans meeting the 300 foot maximum spacing along the adjacent public roadways. Plans shall be prepared by a registered professional engineer in Missouri. They shall be submitted to the water main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.
36. The developer shall submit an analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to the issuance of new water service permits. Depending on adequacy of the existing water mains systems, making other improvements may be required.

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.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney