Legislation Details (With Text)

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Title:	Rezoning an area of about 22.33 acres generally located by N.W. 87th Terrace on the south, N. Platte Purchase Drive on the east, Missouri 152 on the north from Districts R-7.5 and AG-R to District R-1.5, and approving a development plan that will also serve as a preliminary plat to create one lot and four tracts for multi-family residential uses containing 341 units. (CD-CPC-2022-00028 and 00029)				
Sponsors:					
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Attachments:	1. Fact Sheet_Rezoning, 2. 6_1_6_2_CD-CPC-2022-00028_00029_CaseApts_05_03_2022, 3. Exhibit A Rezoning, 4. Rezoning Disposition Letter, 5. 5-3-2022-CaseApartments_PPT, 6. 220419 cs to org ord-com, 7. Authenticated Ordinance 220419 C.S				

Date	Ver.	Action By	Action	Result
5/19/2022	1	Council	Passed as Substituted	Pass
5/12/2022	1	Council	referred	

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220419

Rezoning an area of about 22.33 acres generally located by N.W. 87th Terrace on the south, N. Platte Purchase Drive on the east, Missouri 152 on the north from Districts R-7.5 and AG-R to District R-1.5, and approving a development plan that will also serve as a preliminary plat to create one lot and four tracts for multi-family residential uses containing 341 units. (CD-CPC-2022-00028 and 00029)

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-1325**,** rezoning an area of approximately 22.33 acres located by N.W. 87th Terrace on the south, N. Platte Purchase Drive on the east, Missouri 152 on the north from Districts R-7.5 (Residential 7.5) and AG-R (Agricultural-Residential) to District R-1.5 (Residential 1.5), said section to read as follows:

Section 88-20A-1325. That an area legally described as:

A tract of land that is a part of the Fractional Southwest Quarter of Section 3, part of the Southeast Quarter of Section 4, part of the Fractional Northwest Quarter of Section 10, all in Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri, and a part of Tract A, part of Tract B, and part of the right-of-way dedicated by Barry Middle School, a subdivision in the Northeast Quarter of Section 9, Township 51, Range 33, Kansas City, Platte County, Missouri, said tract being bounded and described as follows: Commencing at the northeast corner of said Tract A, said point being also the northeast corner of

the Northeast Quarter of said Section 9; thence North 89°35'33" West (plat- North 89°36'52" West), along the north line of said tract a, 264.26 feet to the point of beginning; thence North 0° 25'14" East, 456.42 feet to a point on the southerly right-of-way line of Missouri Route 152, as now established; thence North 87°18'52" East, along said southerly right-of-way line, 338.90 feet; thence North 71°26'23" East, along said southerly right-of-way line, 604.67 feet to its intersection with the westerly right-of-way line of North Platte Purchase Drive, as now established; thence South 14°03'04" East, along said westerly right-of-way line, 202.56 feet; thence South 0°53'33" West, along said westerly right-of-way line, 464.28 feet to a point on the north line of the Fractional Northwest Quarter of said Section 10; thence South 00°53'33" West, continuing along said westerly right-of-way line, 473.26 feet; thence South 15°48'24" East, continuing along said west right-of-way line, 50.13 feet; thence South 00°17'50" East, continuing along said west right-of-way line, 84.88 feet; thence South 00°11'35" West, continuing along said west right-of-way line, 174.26 feet; thence southwesterly, continuing along said west right-of-way line, on a curve to the right, being tangent to the last described course with a radius of 26.00 feet, a central angle of 90°03'52" and an arc distance of 40.87 feet to a point on the northerly right-of-way line of N.W. 87th Terrace, as now established; thence North 89°44'33" West, along said northerly right-of-way line, 80.26 feet; thence northwesterly, continuing along said northerly right-of-way line, on a curve to the right, being tangent to the last described course with a radius of 370.00 feet, a central angle of 53°00'30" and an arc distance of 342.31 feet; thence North 36°44'03" West, continuing along said northerly right-of-way line, 623.66 feet; thence northwesterly, continuing along said northerly right-of-way line, on a curve to the left, being tangent to the last described course with a radius of 335.03 feet, a central angle of 38°25’54” and an arc distance of 224.72 feet to a point on the northerly line of Northwest 87th Street Terrace, as established in Barry Middle School Plat; thence North 89° 35’33” West and along said northerly right-of-way line, for a distance of 7.97 feet; thence North 0°29’40” East for a distance of 30.00 feet to the point of beginning. Containing 982,538 square feet or 22.556 acres more or less.

is hereby rezoned from Districts R-7.5 (Residential 7.5) and AG-R (Agricultural-Residential) to District R-1.5 (Residential 1.5), all as shown outlined on a map marked Section 88-20A-1325, 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 that will also serve as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. 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.

2. All signage shall conform to 88-445 and shall require a sign permit prior to installation.

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 containers and mechanical and utility equipment are screened pursuant to 88-425-08.

5. The northern vehicular crossing at the stream shall be approved by the Kansas City Water Services Department prior to any site disturbance permit being issued.

6. The applicant shall petition for and record a right-of-way vacation (for former N.W. 87th Terrace) prior to a building permit.

7. the developer shall provide an updated development plan reflecting the improvements required of the accepted traffic impact study to the Development Management Division staff prior to issuance of any temporary certificate of occupancy.

8. The developer shall construct all improvements required of the traffic impact study accepted by MoDOT and the Public Works Department prior to issuance of any temporary certificate of occupancy.

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 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.

11. 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.

12. 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.

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 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.

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 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 grant a City approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.

18. The developer shall submit plans for grading, siltation, and erosion control to 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.

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. 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.

21. 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 may be required.

22. The developer shall grant a BMP and/or surface drainage easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

23. The developer shall grant on City approved forms, a stream buffer easement to the City as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.

24. 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.

25 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 the Section 88-415 requirements.

26. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 §507.1)

27. Fire hydrant distribution shall follow IFC-2018 Table C102.1.

28. 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)

29. Require Fire Department access roads are 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)

30. 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)

31. The turning radius for Fire Department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)

32. 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).

33. Security gates which span across a fire access road shall provide a means for emergency operation. Electric gates will require a siren sensor device typically referred to as a "yelp gate" (IFC-2018 § 503.6).

34. 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

35. 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 (2022) acquisition rate. This requirement shall be satisfied prior to certificate of occupancy.

36. The developer shall submit final plat to place private open space into tracts reserved for recreational uses.

37. The developer shall provide documentation to the Kansas City Water Services Department, sealed by a registered engineer in the State of Missouri, showing that any stormwater detention facilities proposed within streamside or middle zone of stream buffer meet the requirements outlined in Ordinance No. 220322, Section 88-415-05-A.2., and will not induce flooding on properties not owned by developer or must obtain an exception from council per 88-415-08-B, prior to final council approval of the Development Plan.

38. 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.

39. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

40. The developer shall submit water main extension plans prepared by a registered professional engineer in Missouri to Compass KC for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. The proposed water mains must be designed as a 12" main along N.W. 87th Terrace at a minimum to the connection with the existing 8" main. The new eastern private service connection shall connect to this 12" main.

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.

_____
Secretary, City Plan Commission

Approved as to form and legality:

_____
Sarah Baxter
Assistant City Attorney

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