Legislation Details (With Text)

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Type:	Ordinance			**Status:**	Passed
File created:	5/19/2022			**In control:**	Council
On agenda:	6/9/2022			**Final action:**	6/9/2022
Title:	Rezoning an area on about 52 acres generally located on the west side of N. Brighton Avenue in between N.E. 60th Terrace to the north and N.E. 57th Street to the south from District R-6 (Residential 6) to MPD (Master Planned Development) District and a preliminary development plan, which also acts as a preliminary plat to allow construction of 300 residential units on about 52 acres generally located on the west side of N. Brighton Avenue in between N.E. 60th Terrace to the north and N.E. 57th Street to the south. (CD-CPC-2022-00021)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. 220479 StaffReport_Redwood on North Brighton, 2. 220479 CPC Approved Plans, 3. 220479 Fact Sheet, 4. 220479 Redwood PPT CPC 5-17-22, 5. 220479 CPC Dispo Letter, 6. Authenticated Ordinance 220479				

Date	Ver.	Action By	Action	Result
6/9/2022	1	Council	Passed	Pass
6/8/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
5/26/2022	1	Council	referred	

ORDINANCE NO. 220479

Rezoning an area on about 52 acres generally located on the west side of N. Brighton Avenue in between N.E. 60th Terrace to the north and N.E. 57th Street to the south from District R-6 (Residential 6) to MPD (Master Planned Development) District and a preliminary development plan, which also acts as a preliminary plat to allow construction of 300 residential units on about 52 acres generally located on the west side of N. Brighton Avenue in between N.E. 60th Terrace to the north and N.E. 57th Street to the south. (CD-CPC-2022-00021)

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-1328, rezoning an area of approximately 52 acres generally located on the west side of N. Brighton Avenue in between N.E. 60th Terrace to the north and N.E. 57th Street to the south from District R-6 (Residential 6) to MPD (Master Planned Development) District and a preliminary development plan, which also acts as a preliminary plat to allow construction of 300 residential units on about 52 acres generally located on the west side of N. Brighton Avenue in between N.E. 60th Terrace to the north and N.E. 57th Street to the south, said section to read as follows:

Section 88-20A-1328. That an area legally described as:

A tract of land in the Southwest Quarter of Section 29, Township 51 North, Range 32 West of the 5th Principal Meridian of Kansas City, Clay County, Missouri being bounded and described as follows: Beginning at the northeast corner of Lot 140, Brookhill - Fourth Plat a subdivision of land in said Kansas City recorded as Document No. F-71295 in Book 22 at page 64 in Clay County Recorder of Deeds Office said point also being a point on the south line of Carriage Hills Estates - Fourth Plat, a subdivision of land in said Kansas City recorded as Document No. L-79472 in Cabinet D in Sleeve 20 in said Clay County Recorder of Deeds Office also being the northwest corner of the east half of said Southwest Quarter; thence South 89 degrees 34 minutes 29 seconds East (North 89 degrees 34 minutes 16 seconds West plat) on said south line of said Carriage Hills Estates - Fourth Plat also being the south line of Carriage Hills Estates - Fifth Plat, a subdivision of land in said Kansas City recorded as Document No. M-08888 in Book D at page 41 in said Clay County Recorder of Deeds Office and its easterly extension also being the north line of said Southwest Quarter, 1253.55 feet to the northwest corner of existing right-of-way line of N. Brighton Ave. as established by General Warranty Deed recorded as Document No. 2006053446 in Book 5571 at page 153 in said Clay County Recorder of Deeds Office; thence South 00 degrees 08 minutes 32 seconds West (North 00 degrees 08 minutes 04 seconds East deed), on said existing westerly right-of-way line, 1233.99 feet (1234.00 feet deed); thence South 01 degrees 07 minutes 48 seconds West (North 01 degrees 07 minutes 20 seconds East deed), on said existing westerly right-of-way 571.57 feet (571.67 feet deed) to the southwest corner of said existing westerly right-of-way line also being a point on the north line of Eagle Heights, a subdivision of land in said Kansas City Recorded as Document No. F-59655 in Book 22 at page 39 in said Clay County Recorder of Deeds Office

is hereby rezoned from District R-6 (Residential 6) to MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1328, 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. Receive approval of a street naming plan by the Street Naming Committee prior to applying for a final plat.

2. 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.

3. 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.

4. 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.

5. The developer shall dedicate additional right-of-way for the west side of N. Brighton Avenue as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 50 feet of right-of-way as measured from the centerline, and ensure right-of-way dedication is adequate for any proposed road improvements as required by the Public Works Department adjacent to this project. This right-of-way may already exist based on a Public Works project, but needs to be shown on the plans.

6. 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.

7. The developer shall design and construct N. Jackson Drive/N.E. 59th Terrace to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.

8. 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.

9. 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.

10. 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.

11. 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 the proposed entrance drives as necessary for the type of drive approach.

12. 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.

13. 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.

14. 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.

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 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.

17. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with Section 88-415 requirements.

18. 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.

19. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.

20. The developer shall show the limits of the 100-year floodplain plus the 1 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.

21. The developer must 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.

22. 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.

23. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.

24. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to building permit.

25. 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.

26. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.

27. The applicant shall continue working with staff on improving building articulation facing N. Brighton prior to approval of an MPD final plan.

28. 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 are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3) Required Fire Department access roads are an all-weather surface. (IFC-2012: § 503.2.3)

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

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

31. 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 of (64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat or certificate of occupancy, whichever comes first.

32. 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

33. The developer shall construct a northbound left turn lane on Brighton Avenue at N.E. 59th Terrace with at least 150 feet of storage plus taper. This additional turn lane shall be constructed prior to a certificate of occupancy for any of the proposed homes.

34. The developer shall provide a geotechnical analysis of erosion hazard potential for areas where any improvements or public right-of-way dedications are proposed within stream buffer zones or adjacent to the outside of stream meanders, including areas outside of the stream buffer outer zone, as appropriate and required by good engineering practices, to assess potential threats of future stream meander, cut, or erosion endangering or damaging facilities, structures, or property.

35. 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.

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

37. The developer shall submit water main extension drawings for public water mains, fire hydrants and related appurtenances prepared by a registered professional engineer in Missouri 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.

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