



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	2/9/2024	<b>In control:</b>		Council	
<b>On agenda:</b>	3/7/2024	<b>Final action:</b>		3/7/2024	
<b>Title:</b>	Sponsor: Director of City Planning and Development Department  Rezoning an area of about 160 acres generally located at the southeast corner of Northeast 96th Street and North Tullis Drive from District R-80 to Districts R-7.5 & R-2.5 and approving a development plan which serves as a preliminary plat to allow for a residential development comprised of 396 lots in 9 phases. (CD-CPC-2023-00169 & CD-CPC-2023-00170)				
<b>Sponsors:</b>	Director of City Planning & Development				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Docket Memo_Botham Rezoning and Development Plan, 2. Rezoning & Development Plan_Botham Residential_CD-CPC-2023-000169_70_1-19-24, 3. Staff Report_Botham Residential_CD-CPC-2023-00169.70_2-6-24, 4. CPC Presentation_Botham Residential_CD-CPC-2023-00169_70_2-6-24, 5. Disposition Letter- Rezoning Botham_CD-CPC-2023-00169_2-6-24, 6. Disposition Letter- Development Plan Botham_CD-CPC-2023-00170_2-6-24, 7. Exhibit A_Section Map_Botham Rezoning_CD-CPC-2023-00169, 8. Authenticated Ordinance 240218, 9. CPC PPT 240218 3.6.24				

Date	Ver.	Action By	Action	Result
3/7/2024	1	Council	Passed	Pass
3/6/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass, Debate	Pass
2/28/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
2/22/2024	1	Council	referred	

### ORDINANCE NO. 240218

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 160 acres generally located at the southeast corner of Northeast 96th Street and North Tullis Drive from District R-80 to Districts R-7.5 & R-2.5 and approving a development plan which serves as a preliminary plat to allow for a residential development comprised of 396 lots in 9 phases. (CD-CPC-2023-00169 & CD-CPC-2023-00170)

### 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-1427, rezoning an area of about 160 acres generally located at the southeast corner of Northeast 96th Street and North Tullis Drive from District R-80 (Residential 80) to Districts R-7.5 (Residential 7.5) and R-2.5 (Residential 2.5) and approving a development plan which serves as a preliminary plat to allow

for a residential development comprised of 396 lots in 9 phases, said section to read as follows:

Section 88-20A-1427. That an area legally described as:

All that part of the Northeast Quarter of Section 3, Township 51 North, Range 32 West, and the Northwest and Southeast Quarters of Section 34, Township 52 North, Range 32 West in Kansas City, Clay County, Missouri being more particularly described as follows: Beginning at the southwest corner of said Northeast Quarter of Section 3; thence North 0°26'15" East along the west line of said Northeast Quarter of Section 3, a distance of 2634.25 feet to the northwest corner of said Northeast Quarter; thence North 0°38'32" East a distance of 79.41 feet, to the south right of way line of Northeast 96th Street, as now established; thence South 88°55'31" East along said right of way line a distance of 327.02 feet; thence continuing easterly along said right of way line and along a curve to the left, being tangent to the last described course, having a radius of 10050.00 feet, a delta angle of 1°08'00" and an arc distance of 198.81 feet; thence North 89°56'29" East continuing along said right of way line, a distance of 1188.94 feet; thence continuing easterly along said right of way line and along a curve to the left, being tangent to the last described course, having a radius of 1332.00 feet, a delta angle of 25°50'18" and an arc distance of 600.68 feet; thence continuing easterly along said right of way line and along a curve to the right, being tangent to the last described course, having a radius of 1232.00 feet, a delta angle of 20°50'10" and an arc distance of 448.03 feet; thence South 0°31'28" West departing said right of way line, a distance of 358.03 feet to the southeast corner of said Section 34, Township 52 North, Range 32 West; thence North 89°31'15" West along the south line of said Section 34, a distance of 111.33 feet to the northeast corner of said Section 3, Township 51 North, Range 32 West; thence South 0°25'10" West along the east line of said Northeast Quarter, a distance of 2675.23 feet to the east quarter corner of said Section 3; thence North 88°24'26" West along the south line of said Northeast Quarter, a distance of 2612.30 feet to the point of beginning. Containing 7,289,748 square feet or 167.350 acres, more or less.

is hereby rezoned from R-80 (Residential 80) to Districts R-7.5 (Residential 7.5) and R-2.5 (Residential 2.5), all as shown outlined on a map marked Section 88-20A-1427, 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. Any trails to be credited towards satisfying the parkland dedication requirements per 88-408-H shall be a minimum of 7 feet in width and be constructed of asphalt.
2. 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 2023 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to recording final plat.
3. The developer shall submit a final plan providing details on recreational amenities proposed within any tracts serving to satisfy the parkland dedication requirements of 88-408. To receive credit, tracts shall be improved to provide for recreational amenities. Said plan shall be approved prior to recording final plat.

4. 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.
5. 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.
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. 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.
8. 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.
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 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.
11. 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.

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 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.
14. 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.
15. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
16. 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.
17. 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.
18. 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.
19. 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)
20. A required Fire Department access road 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 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)
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. 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.
23. Before the certificate of occupancy of the first house built is issued in each phase the developer must post a sign at the terminus of all stub streets indicating that the stub street is intended to be opened to through traffic when the adjacent property is developed. The sign must state "FUTURE THROUGH STREET. TO BE CONNECTED WHEN ABUTTING PROPERTY DEVELOPS."
24. The developer shall secure approval of a project plan from the City Plan Commission showing landscaping in accordance with Section 88-425 of the Zoning and Development Code for each private open space tract prior to recording of the Final Plat of each phase.
25. The developer shall submit public water main extension plans including new fire hydrants and other appurtenances prepared by a Missouri professional engineer for review, approval and contracts following Kansas City Water rules and regulations for water main extensions to Kansas City Water. The rules and regulations are available at the following link:  
<https://www.kcwater.us/wp-content/uploads/2022/05/2022-Rules-and-Regulations-for-Water->  
. Please include the following note on the cover of the water main extension plans when submitted: "A variance was requested from the Kansas City Fire Department for the Kansas City Water rules and regulations for water main extensions and relocations relating to the maximum fire hydrant spacing along N.E. 96th Street to be increased from a maximum of 600' to a maximum of 1200'. KCFD granted the variance in this specific case based on the specific conditions presented by this project."
26. 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.
27. The developer shall provide acceptable easements and secure permits to relocate sanitary sewers out from under proposed buildings and structures. Any existing public lines located under proposed structures must be abandoned in place or removed and the easement vacated, or relocated and new easements shall be provided; as required by the Kansas City Water Services Department prior to recording the plat or issuance of a building permit, whichever occurs first.
28. Public sewers not located within the right-of-way must be located within exclusive sewer easements.
29. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
30. 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, as required by the Land Development Division.
31. 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.

32. No water service tap permits will be issued until the public water main is released for taps.
33. 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.

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 and development plan 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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Diane Binckley, AICP  
Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney