



Legislation Details (With Text)

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Title: Sponsor: Councilmember Wes Rogers

Approving a major amendment to a development plan that will also serve as a preliminary plat in District MPD on approximately 80 acres in an area generally bordered by the Missouri river on the north and west, I-29 on the east, and railroad tracks on the south, for the purpose of allowing a number of various uses within the mixed-use development in multiple phases. (CD-CPC-2024-00074)

Sponsors: Crispin Rea, Wes Rogers, Nathan Willett, Eric Bunch, Lindsay French

Indexes:

Code sections:

Attachments: 1. Ord No 240833 Docket Memo, 2. 03_CD-CPC-2024-00074_BerkleyMPD, 3. CPC APPROVED PLAN (07-17-2024) (2), 4. CPC DISPOSITION LETTER (07-17-2024) (1), 5. 7-17-2024-CPC PPT, 6. 9-17 NPD 240833, 7. Authenticated Ordinance 240833

Date	Ver.	Action By	Action	Result
9/26/2024	1	Council	Passed	Pass
9/24/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
9/17/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
9/12/2024	1	Council	referred	

ORDINANCE NO. 240833

Sponsor: Councilmember Wes Rogers

Approving a major amendment to a development plan that will also serve as a preliminary plat in District MPD on approximately 80 acres in an area generally bordered by the Missouri river on the north and west, I-29 on the east, and railroad tracks on the south, for the purpose of allowing a number of various uses within the mixed-use development in multiple phases. (CD-CPC-2024-00074)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a major amendment to a Master Planned Development preliminary development plan, which is also serving as a preliminary plat, including any deviations specifically called out therein, on approximately 80 acres in an area generally bordered by the Missouri river on the north and west, I-29 on the east, and railroad tracks on the south, more specifically described as follows:

All that part of the NE 1/4 of Section 32 and the NW 1/4 of Section 33, in Township 50 North, Range 33 West, Kansas City, Jackson County, Missouri, being generally located northerly and easterly of the northerly right-of-way line of the Burlington Northern and San Francisco Railroad (BNSF RR), southerly of the Missouri River levee property and westerly of the

westerly right-of-way line of Interstate Highway I-29/35/US 71, being described as follows: Commencing at the SE corner of said NE 1/4 of Section 32; thence North 02 degrees 17 minutes 26 seconds East, along the common line between said Sections 32 and 33, 626.40 feet to the northerly right-of-way line of said BNSF RR and the point of beginning of the tract of land herein described; thence South 86 degrees 00 minutes 08 seconds West, along said northerly right-of-way line, 35.30 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the left, tangent to the last described course, with a radius of 2914.94 feet, a central angle of 3 degrees 31 minutes 34 seconds, an arc distance of 179.39 feet; thence South 62 degrees 28 minutes 34 seconds West, continuing along said northerly right-of-way line, 716.01 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the right, tangent to the last described course, with a radius of 409.28 feet, a central angle of 22 degrees 05 minutes 01 seconds, an arc distance of 157.75 feet; thence South 78 degrees 35 minutes 42 seconds West, continuing along said northerly right-of-way line, 1092.04 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the right, tangent to the last described course, with a radius of 578.80 feet, a central angle of 66 degrees 02 minutes 17 seconds, an arc distance of 667.11 feet; thence North 78 degrees 28 minutes 12 seconds East, continuing along said northerly right-of-way line, 3.04 feet; thence northwesterly, continuing along said northerly right-of-way line, on a curve to the right, with an initial tangent bearing of North 44 degrees 02 minutes 56 seconds West, a radius of 444.28 feet, a central angle of 12 degrees 06 minutes 47 seconds, an arc distance of 93.93 feet, to said southerly line of the Missouri River levee property; thence North 61 degrees 08 minutes 23 seconds East, along said southerly line, 1208.01 feet; thence North 79 degrees 31 minutes 07 seconds East, continuing along said southerly line, 210.92 feet; thence North 45 degrees 59 minutes 42 seconds East, continuing along said southerly line, 258.82 feet; thence South 88 degrees 36 minutes 12 seconds East, continuing along said southerly line, 173.91 feet; thence North 60 degrees 59 minutes 52 seconds East, continuing along said southerly line, 133.00 feet; thence North 7 degrees 03 minutes 44 seconds East, continuing along said southerly line, 113.81 feet; thence North 61 degrees 11 minutes 54 seconds East, continuing along said southerly line, 1142.11 feet; thence North 82 degrees 47 minutes 57 seconds East, continuing along said southerly line, 102.11 feet; thence South 15 degrees 00 minutes 26 seconds East, continuing along said southerly line, 40.27 feet; thence North 75 degrees 31 minutes 52 seconds East, continuing along said southerly line, 111.57 feet; thence North 12 degrees 42 minutes 22 seconds West, continuing along said southerly line, 110.22 feet; thence North 61 degrees 29 minutes 57 seconds East, continuing along said southerly line, 688.25 feet, to said westerly right-of-way line; thence South 19 degrees 45 minutes 19 seconds East, along said westerly right-of-way line, 64.97 feet; thence South 5 degrees 25 minutes 58 seconds East, continuing along said westerly right-of-way line, 293.02 feet; thence South 00 degrees 11 minutes 29 seconds West, continuing along said westerly right-of-way line, 201.18 feet; thence South 74 degrees 41 minutes 16 seconds West, continuing along said westerly right-of-way line, 192.31 feet; thence South 66 degrees 16 minutes 07 seconds West, continuing along said westerly right-of-way line, 194.04 feet; thence South 38 degrees 33 minutes 17 seconds West, continuing along said westerly right-of-way line, 297.35 feet; thence South 51 degrees 26 minutes 43 seconds East, continuing along said westerly right-of-way line, 148.11 feet; thence North 39 degrees 40 minutes 48 seconds East, continuing along said westerly right-of-way line, 248.48 feet; thence North 87 degrees 34 minutes 34 seconds East, continuing along said westerly right-of-way line, 190.52 feet; thence South 31 degrees 18 minutes 54 seconds East, continuing along said westerly right-of-way line, 178.01 feet; thence South 22 degrees 11 minutes 24 seconds East, continuing along said westerly right-of-way line, 266.30 feet, to said northerly right-of-way line of the Burlington Northern and San Francisco Railroad (BNSF RR); thence South 74 degrees 52

minutes 29 seconds West, along said northerly right-of-way line, 198.28 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the left, tangent to the last described course, with a radius of 1492.69 feet, a central angle of 8 degrees 52 minutes 21 seconds, an arc distance of 231.15 feet; thence South 66 degrees 00 minutes 08 seconds West, continuing along said northerly right-of-way line, 920.82 feet, to the point of beginning, containing 78.67 acres more or less.

is hereby approved subject to the following conditions:

1. For each final development plan, 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 for the last building of such final development plan.
2. Signage has not been reviewed with this application. The applicant shall update the Berkley Riverfront MPD signage plan prior to the issuance of any sign permit.
3. The conditions included in Ordinance No. 200550 shall remain in full force and effect to the extent those conditions are not inconsistent with this preliminary development plan as amended by this Ordinance, the conditions of this Ordinance, or the existing requirements under the Zoning and Development Code.
4. The developer shall secure approval of an MPD final development plan from the City Plan Commission prior to obtaining a building permit.
5. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
6. For each final development plan, 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 for the last building of such final development plan.
7. For each final development plan, 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 for the last building of such final development plan.
8. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
9. 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)
10. 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)
11. Fire hydrant distribution shall follow IFC-2018 Table C102.1.

- A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3)
12. 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)
 13. Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
 14. The developer shall provide fire lane signage on fire access drives.
 15. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
 16. 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)
 17. Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
 18. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access (IFC-2018: § D104.2)
 19. 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. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
 21. Buildings which have an occupiable floor greater than 75 feet above grade shall meet high-rise requirements. (IFC 2018 Sec 914.3)
 22. For each final development plan for Phase 3, in the event it has been more than two years since the approval of the most recent traffic study, the developer shall provide a traffic study supplement or update to the Public Works Department for review and approval using specific detailed land uses and the developer shall construct any improvements reasonably required by Public Works Department based on the approved supplemented or updated traffic study. For each final development plan the developer shall provide a traffic study supplement or update to the Public Works Department for review and approval using specific detailed land uses and that the developer construct any improvements reasonably required by Public Works Department based on the approved supplemented or updated traffic study for each final development plan. The developer shall coordinate with the Public Works Department for an agreed-upon scope of work for any traffic study supplement or update prior to that work being performed.
 23. 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. Prior to issuance of the certificate of occupancy, including temporary certificate of occupancy, for each building final development plan, the developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages applicable to such building as required by the Land Development Division.

24. For each final development plan, 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 for each final development plan, prior to issuance of any certificate of occupancy on the last building for each final development plan.
25. Proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by Public Works staff during the final development plan review process.
26. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, provide a copy of the Storm Water Pollution Prevention (SWPP) plan submitted to the Missouri Department of Natural Resources (MDNR) and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
27. 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.
28. 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.
29. For each final development plan, the developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations as of the date of this preliminary development plan, prior to a certificate of occupancy on the last building of each final development plan.
30. The existing and proposed public water distribution system shall be analyzed to provide adequate fire and domestic flow to both the existing connections and proposed development connections. If the water mains are undersized, then a water main extension/upsizing may be necessary to increase the flow and pressure to the area, and this water main extension shall be under contract (permitted) prior to a building permit issuance. Public water mains must be located in public water main easements or public rights-of-way per the Kansas City Water Services Department rules and regulations, per the approved preliminary plat.

31. The proposed public water distribution system, public storm system, and public sewer system shall be reviewed by the Kansas City Water Services Department and incorporated into the approved preliminary plat.
32. The developer shall install public fire hydrants at 300' maximum spacing along perimeter streets.
33. 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.
34. A portion of the site is located in flood zone X protected by the levee. Work with the levee district to determine if they have any site-specific requirements for the areas protected by the levee.
35. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department 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 disturbed area 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 Kansas City Water Services Department prior to issuance of a building permit.
36. 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.
37. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department 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.
38. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department 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.
39. The developer shall secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within a final development plan and determine adequacy of receiving systems as required by the Kansas City Water Services Department, prior to recording the plat or the issuance of a building permit, whichever occurs first.
40. The developer shall provide acceptable easement 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 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 the issuance of a building permit, whichever occurs first.

41. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or the issuance of a building permit, whichever occurs first.
42. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts as required by the Kansas City Water Services Department, prior to recording the plat.
43. The developer shall coordinate with the Kansas City Water Services Department regarding any final development plan that may propose a structure above the existing pump station.

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 law have been given and had.

I hereby verify 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:

Sarah Baxter,
Senior Associate City Attorney