



Legislation Text

File #: 211112, Version: 1

ORDINANCE NO. 211112

Approving a preliminary plat of Harmon Acres subdivision in District R-80 on about 18 acres generally located at the northeast corner of N.E. 92nd Street and N. Brooklyn Avenue, creating two residential lots, and granting waivers pursuant to 88-405-25. (CD-CPC-2021-00090)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That the preliminary plat for Harmon Acres subdivision in District R-80 (Residential 80) on about 18 acres generally located at the located at the northeast corner of N.E. 92nd Street and N. Brooklyn Avenue, and more specifically described as follows:

Tract 2, as shown on the Certificate of Survey filed 05/27/1999 as Document No. P51308 in Book D at page 114, in Kansas City, Clay County, Missouri, more particularly described as follows: A tract of land located in the East one half of the Northeast Quarter of Section 1, Township 51, Range 33, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of the Northeast Quarter of said Northeast Quarter; thence South 89 degrees 19 minutes 42 seconds East, along the South line of the Northeast Quarter of said Northeast Quarter, a distance of 30.00 feet to a point on the East right of way line of North Brooklyn Avenue and the Point of Beginning of the tract of land to be described; thence North 00 degrees 00 minutes 05 seconds West along said East right of way line, a distance of 375.43 feet; thence South 77 degrees 05 minutes 11 seconds East, a distance of 759.15 feet; thence South 00 degrees 00 minutes 05 seconds East, a distance of 889.45 feet; thence North 89 degrees 19 minutes 42 seconds West, a distance of 740.00 feet; thence North 00 degrees 00 minutes 05 seconds West, a distance of 675.00 feet to the Point of Beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way. Contains 717,704 square feet or 16.48 acres, more or less.

is hereby approved, subject to the following conditions:

1. The developer shall call out all requests for waiver, deviation and modification to the subdivision regulations on the face of the plat.
2. The developer shall call out any request for deferment or desire to post bonds in lieu of constructions of public improvements on the face of the plat.
3. The developer shall provide the necessary zoning information on a table indicating the zoning, type and number of lots, gross acres and average lot area per dwelling based on total acreage minus area dedicated or reserved for streets and open area. This should be for both lots (entire plat).

4. The developer shall list the specific conditions as outlined by the Land Development Division that is being requested to be waived on the face of the plat.
5. The developer shall update the preliminary plat to show all areas proposed to be disturbed within the outer zone.
6. Preliminary stream buffer plan was not submitted in accordance with the requirements of Section 88-415. Plan does accurately show the impacts on the outer zone by the proposed construction on Lot 2. (5/24/2021)
7. Preliminary plat does not clearly identify how the land on the north side of the property is designated around the stream buffer (north of the possible boundary for Lots 1 and 2). Please clarify if it is intended to be included in one of the lots or a tract and label as appropriate.
8. The public sanitary sewer system need not be extended, provided that the developer demonstrates that the proposed private sewage disposal system complies with Chapter 18, Kansas City Building Code, in the City's Code of Ordinances, and MDNR requirements, prior to recording the Final Plat.
9. 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.
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 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.
12. 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.
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 cause the area to be platted and processed in accordance with Chapter 88,

Code of Ordinances of the City of Kansas City, Missouri.

15. The developer shall improve the east half of North Brooklyn Avenue 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 a required permit from Land Development Division for said improvement prior to recording the plat or prior to 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 special use/development/rezoning plan in accordance with the Section 88-415 requirements.
18. 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.
19. 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 (2021) acquisition rate of (\$48,801.37) per acre for one additional single family unit. This requirement shall be satisfied prior to recording the final plat.
20. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.

A copy of the preliminary plat is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section B. The Council authorizes waivers of the following conditions pursuant to the criteria set forth in Section 88-405-25:

1. That the east half of North Brooklyn Avenue shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
2. 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.

Section C. That the Council finds and declares that before taking any action on the proposed preliminary plat hereinabove, all public notices and hearings required by the Subdivision Regulations 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