# Legislation Text

**File #:** 220420, **Version:** 1

ORDINANCE NO. 220420

Approving a development plan and a preliminary plat in District B3-2 on about 19.5 acres generally located at N.W. Englewood Road and N. Mercier Drive for multi-family residential uses containing 304 units. (CD-CPC-2022-00044)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan and a preliminary plat in District B3-2 (Community Business (dash 2)) on about 19.5 acres generally located at N.W. Englewood Road and N. Mercier Drive, and more specifically described as follows:

Lot 1: Bounded n by N.W. Englewood Rd, e by N. Mercier Dr. s by Kinsley Forest Estates 2nd Plat, w by Kinsley Forest Estates 1st Plat, Lot 2: bounded n by sl N.W. Englewood Rd, e by N. Summit St, s & w by N Mercier Dr.

is hereby approved, subject to the following conditions:

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

2. 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.

3. 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.

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 comply with 88-425-08 and screen all dumpsters and utility equipment.

6. The developer shall provide one additional parking space to Lot 2 prior to obtaining a building permit.

7. A deviation to the height maximum in a B3-2 zoning district is approved pursuant to 88-517-09-C in the amount of nine (9) feet for the proposed "South" building.

8. That a deviation to the height maximum in a B3-2 zoning district is approved pursuant to 88-517-09-C in the amount of nine (9) feet for the proposed "North" building.

9. A deviation to the height maximum in a B3-2 zoning district is approved pursuant to 88-517-09-C in the amount of thirteen (13) feet for the proposed "East" building.

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 cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.

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 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.

14. The developer shall design and construct N.W. 55th Street to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.

15. 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.

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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.

18. 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


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private drives are being added, or where existing sidewalks are modified or repaired.

19. 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

20. 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.

21. The developer shall grant any 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.

22. 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.

23. 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.

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

25. 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.

26. 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.

27. The developer shall show the limits of the 100-year floodplain plus the one 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.

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

29. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads shall be 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).

30. 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)

31. 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)

32. Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)

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

34. 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 a certificate of occupancy.

35. 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. All street trees proposed to be removed shall be replaced.

36. N.W. Englewood is identified on the major street plan as a parkway street typology. The developer shall fully comply with the parkway and boulevard standards of 88-323.

37. Any fencing for proposed dog park shall be wrought iron and screened with landscaping.

38. Tract B shall be platted as a private open space tract as part of the final plat.

39. 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.

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

41. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations. (300' spacing required for the fire hydrants)

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 B. 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 Ordinance have been given and



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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.

_____
Secretary, City Plan Commission

Approved as to form and legality:

_____
Sarah Baxter
Assistant City Attorney



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