



Legislation Text

File #: 250276, Version: 2

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 250276

Sponsor: Councilmember Nathan Willett

COMMITTEE SUBSTITUTE

Rezoning an area of about 16.3 acres generally located on the south side of Old N.E. Barry Road and on both sides of N. Cleveland Avenue from Districts R-80 and R-7.5 to District R-1.5 and approving a development plan that also serves as a preliminary plat to allow for a residential development. (CD-CPC-2024-00186 and CD-CPC-2024-00187)

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-1463, rezoning an area of about 16.3 acres generally located on the south side of Old N.E. Barry Road and on both sides of N. Cleveland Avenue from District R-80 (Residential 80) and R-7.5 (Residential 7.5) to District R-1.5 (Residential 1.5), said section to read as follows:

Section 88-20A-1463. That an area legally described as:

TRACT 1

Lots 2, 3, and 4, Leejan Heights, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof, except that part deeded to the State of Missouri.

and

All of Lot 1, Leejan Heights, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof, except that part deeded to the State of Missouri.

TRACT 2

All that part of the East 1/2 of the Southeast 1/4 of Section 7, Township 51 North, Range 32 West, in Kansas City, Clay County, Missouri, more particularly described as follows: Commencing at the northeast corner of said 1/2-1/4 section; thence South 2° 51' 06" East, along the east line of said 1/2-1/4 section, 5.86 feet to a point on the south right-of-way line of Missouri State Route No. 152, as now established, and the point of beginning of the tract of land to be herein described: Thence South 88° 24' 28" West, along said south right-of-way line, 514.91 feet to a point on the north line of said 1/2-1/4 section which is 514.81 feet west of the northeast corner thereof, measured along said north line; thence South 87° 45' 19" West, along said north line, 39.17 feet; thence South 1° 35' 32" East, 14.60 feet; thence South 88° 24' 28"

West, 35.00 feet; thence North 1° 35' 32" West, 14.20 feet; thence South 87° 45' 19" West, along the north line of said 1/2-1/4 section, 691.05 feet; thence South 1° 35' 32" East, 1.33 feet; thence South 88° 24' 28" West, 4.99 feet to a point on the east line of Antioch Road (Missouri State Route J-1), as now established, 30.00 feet east of, and parallel with the west line of said 1/2-1/4 section; thence South 2° 29' 00" East, along said east line, 278.51 feet; thence North 87° 21' 00" East, 507.79 feet; thence South 2° 39' 00" East, 218.37 feet to a point on the northeasterly line of a tract of land conveyed to the State of Missouri for highway purposes by Document No. D-6867, recorded in Book 1171, at page 249; thence South 69° 17' 49" East, along said northeasterly line, 460.39 feet; thence South 70° 37' 58" East, along said northeasterly line, 385.54 feet to a point on the east line of said 1/2-1/4 section; thence North 2° 51' 05" West, along said east line, 810.24 feet to the point of beginning.

TRACT 3

A part of the Northeast 1/4 of the Southeast 1/4 Section 7, Township 51, Range 32, in Kansas City, Clay County, Missouri, more particularly described as follows: Beginning at a point on the west line of the Northeast 1/4 of the Southeast 1/4 of Section 7, Township 51, Range 32, Clay County, Missouri, which is 280 feet south of the northwest corner of said quarter quarter section; thence east at right angles to the said west line of said quarter quarter section, a distance of 537.78 feet; thence south and parallel to the said west line of said quarter quarter section, a distance of 405 feet; thence west a distance of 537.78 feet to a point on the said west line of the said quarter quarter section which is 405 feet south of the point of beginning; thence north along the said west line of the said quarter quarter section, a distance of 405 feet to the point of beginning, except that part conveyed to the State of Missouri by Deed filed as Document No. 52096 in Book 273 at page 244 and General Warranty Deed filed as Document No. C98034 in Book 1152 at page 371 and General Warranty Deed filed as Document No. C98035 in Book 1152 at page 373, and except any other part thereof in public roads.

is hereby rezoned from Districts R-80 (Residential 80) and R-7.5 (Residential 7.5) to District R-1.5 (Residential 1.5), all as shown outlined on a map marked Section 88-20A-1463, 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 that also serves as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. 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.
2. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
3. That prior to issuance of the certificate of occupancy for each lot within the plat 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.
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. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
 6. 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.
 7. The front facade of any attached house may not include more than 40% garage wall area pursuant to 88-110-06-B-3(G).
 8. Prior to the sale of any individual townhomes, the developer shall submit to the City and record a minor subdivision plat for the same.
 9. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
 10. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed)
 11. 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.
 12. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
 13. 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)
 14. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
 15. Address must be determined, and location should be identified and described or shown on site plan prior to approval of building permit. Address should be placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background and be Arabic or alphabetical letters. Each character should not be less than 4 inches in height with a stroke width of not less than 0.5 inches.
 16. The developer shall submit a lighting plan with proper foot-candle readings at the overall exterior property line prior to obtaining a building permit.
 17. 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 2025 acquisition rate of \$20,065.67 per acre and a multiplier of 2 persons per townhome unit. This requirement shall be satisfied prior to recording of the final plat.

18. Trails used to satisfy the parkland dedication requirements shall be a minimum width of 7', be constructed of concrete, and meet Parks and Recreation construction standards.
19. The developer shall submit a project plan detailing recreational amenities proposed within each private open space tract serving to satisfy the parkland dedication requirements. Each area shall provide recreational amenities. The project plan shall be submitted prior to release of the final plat for recording.
20. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with Section 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in Section 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.
21. The developer shall submit a streetscape plan with street tree planting plan Section 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.
22. 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.
23. 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.
24. 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.
25. The developer shall construct street improvements on the south side of Old N.E. Barry Road by widening Old N.E. Barry Road to create two (2) 12 foot wide paved lanes, sidewalks, curbs, gutters, storm sewer, and site lighting. The installation of the roadway improvements will include a horizontal curve alignment, commencing approximately at the east property line going east to an appropriate distance so as to be designed to meet applicable City design codes as required by the Department of Public Works. Roadway improvements shall require a major infrastructure permit and associated permitting fees, including plan review by the Department of Public Works. The roadway improvements will transition the improvements along Old N.E.

Barry Road from the existing three 12 foot wide paved lanes east of the property to two 12 foot wide paved lanes along the entire property frontage. Said roadway improvements shall be completed prior to issuance of a final certificate of occupancy for the first townhome building.

26. The developer shall petition for the vacation of N.W. Cleveland Avenue as shown on the development plan and relocate sewers as required by the Departments/Divisions of Water Services, Land Development and Development Services prior to recording of the final plat.
27. 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.
28. 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.
29. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
30. No water service tap permits will be issued until the public water main is released for taps.
31. The developer shall hire a Missouri professional engineer to prepare public water main extension plans for review, approval, and contracting (permitting) prior to building permit issuance. The plans shall follow all Kansas City Water rules and regulations for water main extensions. Based on the current development plan layout water main relocations may be necessary for the existing water mains if the Kansas City Water Services Department requirements are not met including but not limited to 25' of separation to buildings, 42" min. ground cover, or 10' of separation to parallel storm and sewer lines.
32. The developer shall obtain a floodplain development permit from Development Services prior to beginning any construction activities within the floodplain.
33. The developer shall grant on City approved forms a stream buffer easement to the City, as required by Chapter 88 and the Kansas City Water Services Department, prior to issuance of any stream buffer permits.
34. The developer shall submit a final stream buffer plan to the Kansas City Water Services Department 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.
35. The Kansas City Water Services Department public utilities shall be located within exclusive easements.
36. 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 issuance of any building permits.
37. 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 Kansas City Water Services Department prior to recording the plat or

issuance of a building permit, whichever occurs first.

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 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.
40. 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.
41. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Kansas City Water Services Department showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Kansas City Water Services Department for review and acceptance for the disturbed 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 Kansas City Water Services Department.
42. 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.
43. 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 Kansas City Water Services Department.
44. The developer shall submit covenants, conditions and restrictions to the Kansas City Water Services Department 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 storm water detention area tracts, prior to recording the plat.
45. Label the existing and proposed public fire hydrants along Old N.E. Barry Road at a maximum spacing of 300'. One fire hydrant will need to be shown and labeled as relocated at the proposed drive entrance. Label the proposed public water mains on the utility plan sheet as 12" CL 52 DIP, not C900 PVC. Add a note to the utility plan sheet that "The existing 8" public water main along Old N.E. Barry Road may need to be lowered or relocated if in conflict with any required public works streets, stormwater or grading improvements. The 42" minimum cover shall be

maintained.”

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.

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney