

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150543

Rezoning approximately 2.24 acres generally located north of E. 52nd Street between Mersington Avenue and Myrtle Avenue from District R-2.5 and District UR to District MPD and approving a Development Plan for residential uses, which also acts as a preliminary plat. (14554-MPD)

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 88-20A1018, rezoning approximately 2.24 acres generally located north of E. 52nd Street between Mersington Avenue and Myrtle Avenue from District R-2.5 (Residential 2.5) and District UR (Urban Redevelopment District) to District MPD (Master Planned Development) said section to read as follows:

Section 88-20A1018. That an area legally described as:

That part of lot of Lot 7, Mount Cleveland, a subdivision in Kansas City, Jackson County, Missouri, lying south of the south line of 51st Street Terrace, north of the north line of 52nd Street, easterly of the east line of Mersington Avenue, and west of the west line of Myrtle Avenue, as said streets and avenues are now established.

is hereby rezoned from District R-2.5 (Residential 2.5) and District UR (Urban Redevelopment District) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A1018, 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. That the developer cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended.
2. That the developer submit a Storm Drainage analysis from a Missouri licensed civil engineer to the Land Development Division 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 entire site 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 secure permits to construct any

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improvements required by the Land Development Division prior to recording the plat.

3. That the developer 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, and that the owner/developer be responsible for all costs associated with subordination activities now and in the future.
4. 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.
5. That the developer petition for the vacation of E. 51st Terrace as shown on the development plan and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
6. That E. 52nd Street shall be improved to local residential standards along the plat frontage 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, etc., and obtaining required permits from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a Temporary or Final Certificate of Occupancy, whichever occurs first.
7. That the developer dedicate additional right of way for Myrtle Avenue as required by Chapter 88 so as to provide a minimum of 25 feet of right of way as measured from the centerline, along those areas being platted, and Myrtle Avenue shall be improved to local residential standards along the plat frontage except that portion that is north of the north right of way line of E. 52nd Street, 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, etc., and obtaining required permit from the Land Development Division for said improvement or enter into an Unsecured Deferral Agreement for the right-of-way dedication and improvements prior to recording the plat or prior to issuance of a Temporary or Final Certificate of Occupancy, whichever occurs first.
8. That the developer construct temporary turn-around and grant a City approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.

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9. That the developer verify vertical and horizontal sight distance for the drive connection to E. 52nd Street and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
10. That the developer submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, for Mersington Avenue, and construct associated ADA ramps as necessary.
11. That the developer 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.
12. That the owner/developer 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. That the developer submit an analysis to verify adequate capacity of the existing sanitary 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 that may be required.
14. That the developer secure permits to extend 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.
15. That the developer enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
16. That the developer provide for fire protection as required by the Fire Department.
17. That the developer extend water mains as required by the Water Services Department.

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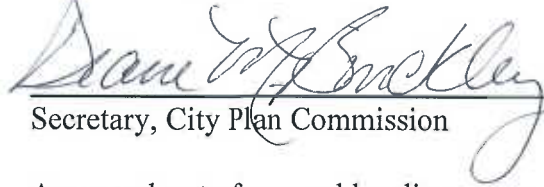
18. That within 30 days of approval of a preliminary development plan by the City Council, the landowner must file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the City Plan Commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the City Planning and Development Department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and further include all information as required by Section 88-520-03-H.
19. That the developer contribute \$7,574.75 or a rate of \$140.27 per unit, in lieu of parkland dedication for 54 multifamily units in satisfaction of Section 88-405-17 of the Zoning and Development Code, calculated as follows:
 - 54 MF units x 2 persons/unit x 0.006 acres/person = 0.648 acres
 - 0.648 acres – 0.20 acres (of garden area) = 0.448 acres x \$16,907.93 = \$7,574.75 or \$140.27 per unit.
20. That the developer submit a final development plan with the City Planning and Development Department after approval of and before the lapse of a preliminary development plan. The site plan shall include information regarding property uses, setback distances, lighting (photometrics plan showing zero footcandles at the property line), landscaping and architectural characteristics, berms, trees and plantings around and within the parking lots, show proposed pedestrian circulation, and include elevation drawings of buildings and signage.
21. That the developer submit a street tree planting plan to the Parks and Recreation Department for approval prior to the approval of a final plat.

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.

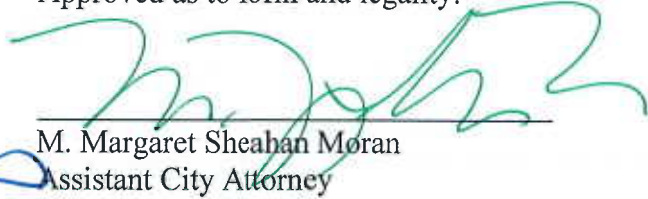
Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

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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.

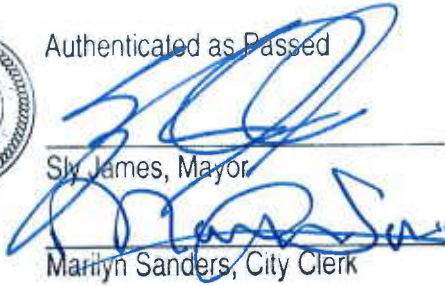

Secretary, City Plan Commission

Approved as to form and legality:


M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor

Marilyn Sanders, City Clerk

JUL 16 2015

Date Passed