

ORDINANCE NO. 180498

Approving a major amendment to a development plan on about 29.53 acres generally located at the southwest corner of N.W. Englewood Road and Highway 169 in District B3-2 to revise overall site layout and allowed uses. (12970-P-28)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District B3-2 (Community Business dash 2) generally located on 29.53 acres at the southwest corner of N.W. Englewood Road and 169 Highway, and more specifically described as follows:

A tract of land in the Northeast Quarter and in the Northwest Quarter of Section 34, Township 51 North, Range 33 West of the Fifth Principal Meridian, Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence North 89 degrees 13 minutes 31 seconds West along the North line of said Northwest Quarter, 650.00 feet; thence South 0 degrees 21 minutes 49 seconds West, 35.00 feet to a point on the Southerly right-of-way line of N.W. Englewood Road, as now established, said point being also the true point of beginning of the tract to be herein described; thence South 89 degrees 13 minutes 01 seconds East along said Northerly line, 1619.05 feet; thence South 77 degrees 06 minutes 33 seconds East along said Northerly line, 199.14 feet to a point on the Westerly right-of-way line of U.S. Highway 169, as now established; thence South 04 degrees 47 minutes 43 seconds East along said Westerly line, 1246.54 feet; thence North 89 degrees 12 minutes 57 seconds West along said Westerly line, 166.50 feet; thence South 72 degrees 24 minutes 42 seconds West, 126.55 feet; thence Northerly, on a curve to the left, having an initial tangent bearing of North 17 degrees 35 minutes 18 seconds West, a radius of 1450.00 feet, a central angle of 33 degrees 49 minutes 18 seconds, an arc distance of 855.94 feet; thence South 38 degrees 35 minutes 24 seconds West, 49.80 feet to a point on the Northerly line of Kinsley Forest Estates Second Plat, a subdivision in Kansas City, Clay County, Missouri; thence North 89 degrees 59 minutes 27 seconds West along said Northerly line, 508.11 feet; thence North 00 degrees 00 minutes 33 seconds East along said Northerly line, 50.00 feet; thence North 89 degrees 59 minutes 27 seconds West along said Northerly line, 577.94 feet; thence Westerly, along said Northerly line, on a curve to the left, tangent to the last described course, having a radius of 925.00 feet, a central angle of 02 degrees 25 minutes 59 seconds, an arc distance of 39.28 feet to a point on the Easterly line of Kinsley Forest Estates First Plat, a subdivision in Kansas City, Clay County, Missouri; thence North 00 degrees 21 minutes 49 seconds East, along said Easterly line, 639.08 feet to the true point of beginning.

is hereby approved, subject to the following conditions:

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1. No building permits shall be issued until a project plan or special use permit is approved.
2. The developer shall refer to the Line Creek Area Plan guidelines when considering design of the site as the guidelines cover building placement, building materials, connectivity, landscaping, transitions, pedestrian/ bicycle circulation.
3. 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.
4. 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.
5. The developer shall dedicate additional right of way for N.W. Englewood Road as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
6. 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, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
7. 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.

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8. 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.
9. 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.
10. 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.
11. 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, identifying 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. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
12. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage of all tracts.
13. 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.
14. The owner/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.

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15. The developer shall submit an analysis to verify adequate capacity of the existing 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 as may be required.
16. 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.
17. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
18. The developer shall submit a preliminary stream buffer plan prior to approval of the development plan in accordance with the Section 88-415 requirements.
19. 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 building activities on the site, in accordance with the Section 88-415 requirements.
20. The developer shall grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
21. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
22. 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 on any plat and plan, as required by the Land Development Division.
23. 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.
24. The developer shall meet water service lines current standards.

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- 25. The developer shall submit a streetscape plan with street tree planting plan for approval and permitting by the Parks and Recreation Department prior to beginning work in the public right-of-way.
- 26. The developer shall follow the Boulevard and Parkway Standards established by Ordinance No. 150544 and described in Sections 88-323, 88-405-D, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165 for work along Englewood Boulevard in regard to setbacks, allowed land uses, parking, transparency, drive entrances, and orientation.
- 27. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters. The letter must identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Parks and Recreation Department, prior to recording the plat. This is for along Englewood Boulevard.

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 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.



Authenticated as Passed  


Sly James, Mayor

  
Marilyn Sanders, City Clerk

JUL 19 2018

Date Passed

  
Secretary, City Plan Commission

Approved as to form and legality:

  
Sarah Baxter  
Assistant City Attorney