

COMMUNITY PROJECT/REZONING

220247

Ordinance Fact Sheet

Case No. CD-CPC-2021-00210; CD-CPC-2021-00223

Brief Title

Approve a rezoning and a development plan, which also serves as a preliminary plat for an area of about 60.8 acres generally located at the southwest corner of I-435 and N. Congress Avenue from AG-R (Agriculture dash Residential) to M2-3 (Manufacturing 2 dash 3) to create four (4) lots and two (2) tracts for industrial uses.

Ordinance Number

Details

Location: generally located at the southwest corner of I-435 and N. Congress Avenue

Reason for Legislation: Rezoning and Development Plan require City Council approval

See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.

SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:

- The applicant has revised the site plan and preliminary plat to provide required ROW for N. Congress Avenue. The revised plan set has been attached to this ordinance package.
- The applicant has provided the required Traffic Impact Study for staff review.

CITY PLAN COMMISSION RECOMMENDATION ON THE PROJECT:

Approval subject to the following conditions:

1. The applicant shall work with staff on exploring green infrastructure and renewable energy during the project plan process. CPC recommends adding this condition.
2. The developer must construct temporary off-site cul-de-sacs 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.
3. The developer must 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.
4. The developer must 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

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP Director Department of City Planning & Development
Programs, Departments or Groups Affected	2 nd District (Loar, Fowler)
Applicants / Proponents	Applicant Dustin Burton Renaissance Infrastructure Consulting City Department City Planning & Development Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission ("5-0") (02-15-2022) By (Enders, Rojas, Crowl, Baker, Sadowski) <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

developer and include said document(s) within the public improvement applications submitted for permitting.

5. 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.

6. The owner/developer must submit plans for grading, siltation, and erosion control to 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.

7. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.

8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

9. The developer must provide an erosion hazard analysis for areas where any improvements or public right-of-way dedications are proposed within stream buffer zones or adjacent to the outside of stream meanders as required by Water Services.

10. 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, as amended, commonly known as the Development Regulations.

11. 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.

12. 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, that identifies 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 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, 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

Do not pass

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 occupancy permits.

13. 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.

14. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval 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.

15. The developer must [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 Land Development Division, prior to issuance of any stream buffer permits.

16. The developer must 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 that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.

17. The developer must 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.

18. The developer must 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.

19. The developer must show the limits of the 100-year floodplain plus the 1 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 flood prone area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.

20. The developer must 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

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Development Division for review and acceptance for the entire development area, and submit 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.

21. The developer shall secure approval of a project plan from the City Plan Commission prior to building permit.

22. The applicant shall submit a street name plan application prior to recording the final plat.

23. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

24. The developer shall work with Public Works on the completion and acceptance of the project traffic impact study, prior to issuance of the certificate of occupancy.

25. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.

26. The developer must 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 KC Water Rules and Regulations for Water main extensions and Relocations.

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Lead Planner

Reviewed By:
Joseph Rexwinkle
Division Manager

Date: 3/7/2022

City Plan Commission Action: 2/15/2022

Revised Plans Filed: 3/2/2022

Total Days in City Review: 70 more or less

Total Days in Applicant's Hands: 35 more or less

Reference Numbers:

Case No. CD-CPC-2021-00210; CD-CPC-2021-00223