

ORDINANCE NO. 150519

Rezoning approximately 23 acres generally located at the southwest corner of N. Brighton and N.E. Pleasant Valley Road from Districts B2-2 and R-80 to District MPD, and approving a MPD preliminary development plan for commercial uses and multi-family residential uses which also acts as a preliminary plat. (10053-MPD-8)

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 88-20A1016, rezoning an approximately 23 acre tract of land generally located at the southwest corner of N. Brighton and N.E. Pleasant Valley Road from Districts B2-2 (Neighborhood Business 2) and R-80 (Residential 80) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A1016. That an area legally described as:

Lots 4 to 24 inclusive, Tract No. 1; Lots 1 to 12 inclusive, Tract No. 2 and Lots 1-4 inclusive, Tract No. 3, Valley View Acres, an addition to Kansas City, Clay County, Missouri; and

All of Lots 1, 2, and 3, Tract 1, in Valley View Acres, as shown on the recorded plat thereof.

The above described tracts of land combined contain 23.41 acres, more or less, inclusive of Valley View Acres platted roadways and exclusive of N.E. Pleasant Valley Road and N. Brighton Avenue right-of-ways and are subject to recorded and unrecorded easements, restrictions and right-of-ways.

is hereby rezoned from Districts B2-2 (Neighborhood Business 2) and R-80 (Residential 80) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A1016, 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 an MPD development plan for the area legally described above is hereby approved, subject to the following conditions:

1. That prior to building permit for any building within the development, the developer obtain approval of a final MPD development plan from the City Plan Commission and that said final plan be in substantial conformance to the approved preliminary development plan and include a detailed site plan, landscape plan, lighting plan, grading plan, and

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building elevations showing four-sided architecture with the same level of design and material provided on all sides of each building.

2. 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.
3. That the developer submit a macro "overall" storm drainage analysis from a Missouri-licensed civil engineer for the entire development in accordance with adopted standards to the Land Development Division for review and acceptance at the time the first plat is submitted, with a micro "detailed" storm drainage study, including a BMP level of service analysis, in accordance with current adopted standards to be submitted for each phase at the time of final platting, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
4. That the developer dedicate additional right of way for N. Brighton Avenue as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, and ensure that right of way dedication is adequate for any proposed road improvements as required by the Public Works Department adjacent to this project.
5. That the developer dedicate additional right of way for N.E. Pleasant Valley Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 40 feet of right of way as measured from the centerline, and ensure that right of way dedication is adequate for any proposed road improvements as required by the Public Works Department adjacent to this project.
6. 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.
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.
8. That the developer petition for the vacation of N. 66th Street as shown on the development plan as required by City Planning and Development prior to recording of the final plat.

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9. That the developer either: (i) improve N. Cypress to residential local standards to connect to N.E. Pleasant Valley Road as required by Chapter 88, including curbs and gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road and obtain the required permits from the Land Development Division for said improvement prior to recording the plat; or (ii) construct a permanent cul-de-sac at the termination of existing N.E. 65th Terrace and dedicate right of way as needed for said cul-de-sac as required by the Land Development Division.
10. That the developer submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
11. That the developer 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.
12. That the developer verify vertical and horizontal sight distance for the drive connection to N. Brighton Avenue and N.E. Pleasant Valley Road and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
13. That the developer pay impact fees as required by Chapter 39 of the City's Code of Ordinances as required by the Land Development Division.
14. 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.
15. 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.

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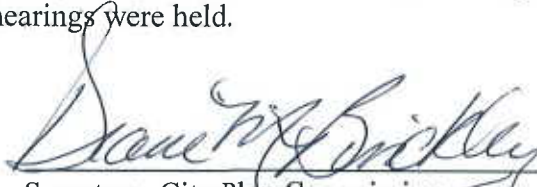
16. That the developer secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
17. 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.
18. That the project meet the fire flow requirements as set forth in Appendix B of the *International Fire Code 2012*. (*IFC-2012: § 507.1*)
19. That fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (*IFC-2012: § 507.5.1*)
20. That fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (*IFC-2012: § 3312.1; NFPA 241-2009: § 8.7.2*)
21. That the developer meet the minimum fire hydrant requirements of the Kansas City, Missouri Water Services Department applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.
22. That buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (*IFC-2012: § 507.5.1.1*)
23. That the Fire Department access roads shall be provided prior to construction/demolition projects begin. (*IFC-2012: § 3310.1; NFPA 241-2009: § 5-4.3*)

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.

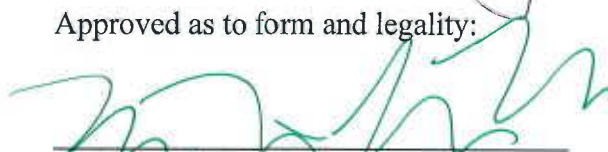
Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

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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.

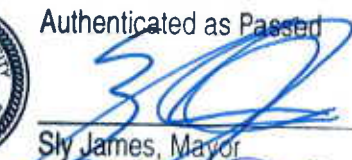

Secretary, City Plan Commission

Approved as to form and legality:


M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor


Marilyn Sanders, City Clerk

JUL 9 2015

Date Passed