



Legislation Details (With Text)

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**Title:** Sponsor(s): Councilpersons Loar, Fowler, O'Neill and Hall

Rezoning an area of approximately 2136 acres generally located between I-29 and N.W. 128th Street on the south, N. Bethel Avenue on the west, 92 Highway on the north for portions west of N. Winan Avenue and N.W. 136th Street on the north for portions west of N.W. Interurban Road, from M1-5 and AG-R to District MPD, and approving a MPD Development Plan that serves as a preliminary plat for the development of public/civic, agricultural, commercial, warehouse and industrial uses. (CD-CPC-2022-00097)

**Sponsors:** Teresa Loar, Dan Fowler, Kevin O'Neill, Heather Hall

**Indexes:**

**Code sections:**

**Attachments:** 1. No Fact Sheet, 2. Authenticated Ordinance 220883

Date	Ver.	Action By	Action	Result
10/6/2022	1	Council		
10/5/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
9/29/2022	1	Council		

ORDINANCE NO. 220883

Sponsor(s): Councilpersons Loar, Fowler, O'Neill and Hall

Rezoning an area of approximately 2136 acres generally located between I-29 and N.W. 128th Street on the south, N. Bethel Avenue on the west, 92 Highway on the north for portions west of N. Winan Avenue and N.W. 136th Street on the north for portions west of N.W. Interurban Road, from M1-5 and AG-R to District MPD, and approving a MPD Development Plan that serves as a preliminary plat for the development of public/civic, agricultural, commercial, warehouse and industrial uses. (CD-CPC-2022-00097)

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-1356, rezoning an area of approximately 2136 acres generally located between I-29 and N.W. 128th Street on the south, N. Bethel Avenue on the west, 92 Highway on the north for portions west of N. Winan Avenue and N.W. 136th Street on the north for portions west of N.W. Interurban Road from M1-5 (Manufacturing 1-5) and AG-R (Agricultural-Residential District) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A-1356. That an area legally described as:

A tract of land in the Northeast, Southeast, Southwest and Northwest Quarter of Section 3; the Northeast and Southeast Quarter of Section 4; the Northeast, Southeast and Northwest Quarter of Section 9; the Northeast, Southeast, Southwest and Northwest Quarter of Section 10; the Northeast, Southeast, Southwest and Northwest Quarter of Section 11 and the Northwest and Southwest Quarter of Section 12, all in Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri, generally situated Northeasterly of Interstate Highway No. 29, Southerly of Missouri State Highway No 92 and Westerly of Interurban Road, being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092 as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 10, said point also being the Northwest corner of the Northwest Quarter of said Section 11; thence North 89°51'57" East, along the North line of the Northwest Quarter of said Section 11, 2,641.94 feet to the Northeast corner of the Northwest Quarter of said Section 11, said point also being the Northwest corner of the Northeast Quarter of said Section 11; thence South 89°41'39" East, along the North line of said Northeast Quarter, 1562.27 feet to a point on the centerline of Interurban Road, as now established; thence Southeasterly, along said centerline, along a curve to the left, having an initial tangent bearing of South 06°25'45" East, a radius of 2864.90 feet, a central angle of 28°35'07", an arc distance of 1429.32 feet; thence South 54°59'08" West, 33.00 feet to a point on the Westerly right of way line of said Interurban Road, as established in Book 1057 at Page 618, thence South 01°25'38" West, along said Westerly right of way line, 31.07 feet; thence South 36°33'09" East, along said Westerly right of way line, 91.87 feet; thence South 43°56'06" East, along said Westerly right of way line, 138.62 feet; thence North 53°31'56" East, 33.00 feet to a point on the centerline of said Interurban Road; thence South 36°28'04" East, along said centerline, 2907.86 feet to a point on the East line of the West Half of the Southwest Quarter of said Section 12; thence South 00°28'38" West, along said East line, 1428.53 feet to the Southeast corner of the West Half of said Southwest Quarter; thence North 89°46'48" West, along the South line of said Southwest Quarter, 1331.68 feet to the Southwest corner of the Southwest Quarter of said Section 12, said point also being the Southeast corner of the Southeast Quarter of said Section 11; thence North 89°50'34" West, along the South line of said Southeast Quarter, 2654.53 feet to the Southwest corner of the Southeast Quarter of said Section 11, said point also being the Southeast corner of the Southwest Quarter of said Section 11; thence South 89°41'11" West, along the South line of said Southwest Quarter, 2641.65 feet to the Southwest corner of the Southwest Quarter of said Section 11, said point also being the Southeast corner of the Southeast Quarter of said Section 10; thence North 89°53'55" West, along the South line of the Southeast Quarter of said Section 10, 2,029.26 feet to a point on the Northeasterly right of way line of Interstate Highway No. 29, as established by Section 15.10 in the Report of Commissioners, Condemnation Case C-74-571 recorded August 14, 1975 in Book 470 at Page 105; thence North 68°15'09" West, along said Northeasterly right of way line, 668.60 feet; thence North 55°59'59" West, along said Northeasterly right of way line, 900.00 feet; thence North 57°11'32" West, along said Northeasterly right of way line, 738.20 feet; thence North 53°50'15" West, along said Northeasterly right of way line, 253.46 feet to a point on the Easterly right of way line of Mexico City Avenue, as established by Section 15.11 in the Report of Commissioners, Condemnation Case C-74-571 recorded August 14, 1975 in Book 470 at Page 105; thence North 08°50'45" East, along said Easterly right of way line, 1,030.51 feet; thence North 05°28'00" East, along said Easterly right of way line, 110.27 feet; thence North 05°57'00" East, along said Easterly right of way line, 200.75 feet to a point on the Northeasterly right of way line of Mexico City Avenue, as established by Section 16.04 in the Report of Commissioners, Condemnation Case C-74-571 recorded August 14, 1975 in Book 470 at Page 105; thence North 16°37'42" East, along said Northeasterly right of way line, 233.95

feet; thence North 76°55'30" West, along said Northeasterly right of way line, 195.00 feet; thence South 13°04'30" West, along said Northeasterly right of way line, 213.80 feet to a point on the Northeasterly right of way line of Interstate Highway No, 29, as established by Section 15.10 in the Report of Commissioners, Condemnation Case C-74-571 recorded August 14, 1975 in Book 470 at Page 105; thence South 50°34'45" West, along said Northeasterly right of way line, 81.30 feet; thence South 89°15'15" West, along said Northeasterly right of way line, 303.07 feet; thence South 12°07'34" East, along said Northeasterly right of way line, 15.03 feet; thence South 74°35'36" West, along said Northeasterly right of way line, 377.78 feet; thence South 85°25'25" West, along said Northeasterly right of way line, 386.86 feet; thence South 01°26'46" East, along said Northeasterly right of way line, 129.95 feet; thence South 86°37'56" West, along said Northeasterly right of way line, 190.57 feet; thence North 71°17'55" West, along said Northeasterly right of way line, 393.99 feet; thence North 42°20'05" West, along said Northeasterly right of way line, 247.26 feet; thence North 68°56'32" West, along said Northeasterly right of way line, 371.27 feet; thence North 54°58'22" West, along said Northeasterly right of way line, 1,781.37 feet; thence North 57°38'50" West, along said Northeasterly right of way line, 750.16 feet; thence North 52°51'17" West, along said Northeasterly right of way line, 250.49 feet; thence North 60°59'37" West, along said Northeasterly right of way line, 200.63 feet; thence North 54°58'03" West, along said Northeasterly right of way line, 409.55 feet to a point on the West line of the Northeast Quarter of the Northwest Quarter of said Section 9; thence North 00°16'43" West, along the West line of the Northeast Quarter of the Northwest Quarter of said Section 9, 508.36 feet to the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 9; thence North 88°56'23" East, along the North line of the Northeast Quarter of the Northwest Quarter of said Section 9, 1,335.60 feet to the Northeast corner of said Northwest Quarter of said Section 9; said point also being the Southwest corner of the Southeast Quarter of said Section 4; thence North 00°05'55" East, along the West line of the Southeast Quarter of said Section 4, 2,637.33 feet to the Northwest corner of the Southeast Quarter of said Section 4, said point also being the Southwest corner of the Northeast Quarter of said Section 4; thence North 89°33'46" East, along the North line of the Southeast Quarter of said Section 4 and the South line of the Northeast Quarter of said Section 4, 1,330.29 feet to the Southwest corner of the East Half of the Northeast Quarter of said Section 4; thence North 00°39'00" East, along the West line of the East Half of the Northeast Quarter of said Section 4, 2,536.26 feet to a point on the Southerly right of way line of said Missouri State Highway No 92 as established in Book 3 at Page 63; thence North 89°35'08" East, along said Southerly right of way line, 97.68 feet; thence North 00°24'52" West, along said Southerly right of way line, 5.00 feet; thence North 89°35'08" East, along said Southerly right of way line, 1,219.38 feet to a point on the East line of the Northeast Quarter of said Section 4, said line also being West line of the Northwest Quarter of said Section 3; thence South 00°20'59" West, along the East line of the Northeast Quarter of said Section 4 and the West line of the Northwest Quarter of said Section 3, 2,540.52 feet to the Southeast corner of the Northeast Quarter of said Section 4, said point also being the Southwest corner of the Northwest Quarter of said Section 3; thence North 89°14'49" East, along the South line of the Northwest Quarter of said Section 3, 1,317.14 feet to the Southwest corner of the East Half of the Northwest Quarter of said Section 3; thence North 00°29'51" East, along the West line of the East Half of the Northwest Quarter of said Section 3, 2,532.83 feet to a point on the Southerly right of way line of said Missouri State Highway No 92 as established in Book 3 at Page 68; thence North 89°35'08" East, along said Southerly right of way line, 1,323.55 feet to a point on the East line of the Northwest Quarter of said Section 3, said line also being the West line of the Northeast Quarter of said Section 3; thence continuing North 89°35'08" East, along said Southerly right of way line, 1,035.70 feet; thence North 89°58'08" East, along said Southerly

right of way line, 1,566.75 feet to a point on the Westerly right of way line of Missouri State Highway O (N Winan Road) as established in Book 195 at Page 394; thence South 00°54'19" West, along said Westerly right of way line, 14.31 feet; thence South 07°27'39" East, along said Westerly right of way line, 34.37 feet; thence South 00°54'19" West, along said Westerly right of way line, 567.70 feet; thence South 00°34'19" West, along said Westerly right of way line, 1,897.34 feet to a point on the South line of the Northeast Quarter of said Section 3, said point also being the North line of the Southeast Quarter of said Section 3; thence continuing South 00°34'19" West along said Westerly right of way line, 19.17 feet; thence South 00°33'08" West, along said Westerly right of way line, 70.80 feet; thence South 89°33'29" West, along said Westerly right of way line, 55.01 feet; thence South 00°33'08" West, along said Westerly right of way line, 50.00 feet; thence North 89°33'29" East, along said Westerly right of way line, 55.01 feet; thence South 00°33'08" West, along said Westerly right of way line, 1,060.40 feet; thence North 78°54'19" West, 250.92 feet; thence South 04°52'36" East, 233.23 feet; thence South 89°23'27" West, 1,060.18 feet to the West line of the East half of the Southeast Quarter of said Section 3, said line also being the East line of the West half of the Southeast Quarter of said Section 3; thence South 00°29'44" West, along the West line of the East half of the Southeast Quarter of said Section 3, and the East line of the West half of the Southeast Quarter of said Section 3, 1,254.83 feet to the Southwest corner of the East half of the Southeast Quarter of said Section 3, said point also being the Southeast corner of the West half of the Southeast Quarter of said Section 3; thence North 89°49'32" East, along the South line of the Southeast Quarter of said Section 3, said line also being the North line of the Northeast Quarter of said Section 10, 1,318.45 feet to the Point of Beginning. Containing 93,067,145 square feet or 2,136.528 acres, more or less.

is hereby rezoned from M1-5 (Manufacturing 1-5) and AG-R (Agricultural-Residential District) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88 -20A-1356,\_, 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 which also serves as a preliminary plat, subject to the following conditions:

1. The City Council hereby grants the following deviations pursuant to Section 88-280-05, finding that the resulting development will provide a greater public benefit than normally expected if developed in accordance with strict compliance of the Zoning and Development Code:
  - a. A deviation of the requirements of Section 88-445-08-F, to allow roof signs as shown on the Master Development Plan.
  - b. A deviation of the requirements of 88-520-04-D, to allow a waiver of the requirement of City Plan Commission approval of final development plans contained in and authorizing the City Planning and Development Director to take final action said final development plans. The final development plan must be reviewed for compliance with the preliminary development plan. If it is determined that the final development plan does not conform to the requirements of the preliminary development plan approved by City Council at the time of rezoning, the City Planning and Development Director must notify the developer in writing of the specific deficiencies that exist. Upon receipt of the notice of noncompliance, the developer has the following options: a) correct the final development plan to conform to the approved preliminary development plan; b) file a preliminary

development plan amendment request pursuant to 88-520; or c) file an appeal of the final development plan review decision in accordance with 88-575.

- c. A deviation of the requirements of 88-520-04-B, for the purposes of determining consistency with the approved preliminary development plan, to allow a deviation to the major change/amendment criteria is hereby granted, as follows: A final development plan will not be considered complete and ready for processing if all approved conditions of approval have not been met or if the final development plan constitutes a major change from the approved preliminary development plan. A final development plan will be considered a major change from (and therefore inconsistent with) the approved preliminary development plan if it: a) proposes a modification to the approved preliminary stream buffer plan; or b) proposes a change in alignment to any street identified on the major street plan in a manner impacting any property owners outside the plan area; or c) proposes an increase in the total building floor area beyond that approved on the preliminary development plan by more than 10%; or d) proposes the addition or deletion of any uses; or e) proposes building heights exceeding that permitted on the preliminary development plan or permitted by the Aviation Department and/or the Federal Aviation Administrative, whichever is more restrictive; f) proposes a material change to the preliminary development plan that creates a substantial adverse impact on property owners outside the plan area.
2. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
  3. The developer shall grant any BMP and/or surface drainage easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
  4. 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.
  5. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
  6. The developer shall dedicate right-of-way for N. Mexico City Avenue as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 100 feet of total right-of-way, 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 Council approval. Since this project will be done with multiple phases, the right-of-way dedications shall happen at the time when the adjacent land is platted and as defined by the approved traffic study.
  7. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
  8. The developer shall receive approval from the Water Services Department for water and sewer connections as part of the final MPD approval.

9. The developer shall provide a minimum 16" water main along N.W. 132nd Street between N.W. Interurban Road and I-29 Highway will be required with future development plans.
10. The developer shall 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 Kansas City Water rules and regulations for water main extensions and relocations. As more specific development plans are developed details such as pipe sizes and alignments will be refined.
11. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
12. The developer shall, prior to approval of the first final development plan, enter into an agreement with the Parks and Recreation Department and the City Planning and Development Department regarding landscaping required by 88-425. This process is set forth in the Note #22 on the face of the plan and the amount assessed shall be paid prior to a certificate of occupancy.
13. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the adjacent plat.
14. 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.
15. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
16. The developer shall dedicate right-of-way for N.W. 136th Street as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 100 feet of total right-of-way, 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 Council approval. Since this project will be done with multiple phases, the right-of-way dedications shall happen at the time when the adjacent land is platted and as defined by the approved traffic study.
17. Fire hydrant distribution shall follow IFC-2018 Table C102.1
18. 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 -2013 § 8.7.2)
19. 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.

20. The developer shall provide the number, type and length of lanes at N. Mexico City Avenue and N.W. 136th Street at the beginning of each phase of development as indicated in the final TIS. This work shall be completed for each phase prior to any certificate of occupancy for the given phase. This work includes signalization of the intersection at the beginning of phase 2.
21. The developer shall secure approval of a final plat prior to a building permit in any phase. Such phase may be further subdivided through the minor subdivision process. Said minor subdivision shall be approved and recorded prior to a certificate of occupancy for any building.
22. The developer shall provide a minimum 16" water main along N.W. 132nd Street between N.W. Interurban Road and I-29 Highway will be required with future development plans.
23. The developer shall relocate the intersection of N. Mexico City Avenue and N.W. Roanridge Road/N.W. 132nd Street to the north to provide approximately 1,320 feet of separation from the intersection of N. Mexico City Avenue and the I-29 Northbound Ramp. This relocation shall occur prior to any certificate of occupancy for Phase 1.
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 signalize the relocated intersection of N. Mexico City Avenue and N.W. Roanridge Road/N.W. 132nd Street prior to any certificate of occupancy for Phase 1 of the development.
26. 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.
27. Both halves of N.W. Roanridge Road shall be improved as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the adjacent plat.
28. The developer shall dedicate additional right-of-way for N. Winan Avenue as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 40 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. Since this project will be done with multiple phases, the right-of-way dedications shall happen at the time when the adjacent land is platted and as defined by the approved traffic study.
29. The developer shall 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 floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
30. 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.

31. The developer shall submit a preliminary stream buffer plan prior to approval of MPD final plan for in accordance with the Section 88-415 requirements.
32. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
33. 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.
34. 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.
35. The developer shall provide the number, type and length of lanes at N. Mexico City Avenue and N.W. Roanridge Road/N.W. 132nd Street at the beginning of each phase of development as indicated in the final TIS. This work shall be completed for each phase prior to any certificate of occupancy for the given phase.
36. The developer shall continue to work with MoDOT for review and acceptance of the TIS. The developer shall also incorporate any approved roadway improvements on MoDOT roadways for each phase of development in accordance with MoDOT policy and permits and as indicated in the final TIS.
37. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division with each phase of overall project.
38. Given the potential height(s) and proximity of this plan to MCI, the proposed development will exceed FAR Part 77, Objects Affecting Navigable Airspace, standards. The proponent/developer shall file an on-line Form 7460-1, Notice of Proposed Construction or Alteration, for any/all permanent vertical improvements or new structures and receive a favorable determination from the FAA. Temporary cranes used for construction activities extending higher than the proposed top elevation of the building(s) will need to be evaluated for compliance with FAR Part 77 standards as well. The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website can be accessed at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. The developer is recommended to comply with Chapters 3, 4, and 5 of FAA Advisory Circular (AC) 70/7460-1, Obstruction Marking and Lighting, as amended.
39. The developer shall submit a street naming plan to the Development Management Division prior to issuance of building permit for any phase/lot. The street naming plan shall be approved prior to Mylar approval of the first final plat.
40. The developer shall dedicate additional right-of-way for N.W. Interurban Road as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 40 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. Since this project will be done with multiple phases, the right-of-way dedications shall happen at the time when the adjacent land is platted and as defined by the approved traffic study.

41. 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.
42. Each lot shall have frontage upon and take access from a street, private or public. All streets necessary to provide said frontage not shown on this preliminary development plan shall be private. Said private streets shall be constructed to specifications required by the Public Works Department and shall be within a tract to be owned and maintained by the property owners association. A public cross-access easement shall be provided across these tracts. Public water and sewer infrastructure shall be permitted in said tracts subject to a utility easement and covenant to maintain as required by the Kansas City Water Services Department.
43. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract except as provided in the above condition.
44. The 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.
45. 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, prior to issuance of any construction permits within said right-of-way, and the developer shall be responsible for all costs associated with subordination activities now and in the future.
46. The developer to provide a minimum 16" water main along N.W. 132nd Street between N.W. Interurban Road and I-29 Highway will be required with future development plans.
47. The developer shall dedicate additional right-of-way for N.W. 128th Street as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 40 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. Since this project will be done with multiple phases, the right-of-way dedications shall happen at the time when the adjacent land is platted and as defined by the approved traffic study.
48. The developer shall reconstruct the intersection of N.W. 132nd Street and N. Winan Road as well as the intersection of N.W. 128th Street and N. Winan Road as indicated in the final TIS. This work shall take place prior to any certificate of occupancy for any building in phase 3.
49. 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 prior to a certificate of occupancy.

50. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
51. 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.
52. Both halves of N.W. 132nd Street shall be improved as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining required permit from the Land Development Division for said improvement prior to recording the adjacent plat.
53. The developer shall provide the number, type and length of lanes at N.W. 132nd Street and N. Windfield Avenue at the beginning of each phase of development as indicated in the final TIS. This work shall be completed for each phase prior to any certificate of occupancy for the given phase. This work includes signalization of the intersection at the beginning of phase 3.
54. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
55. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
56. 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)
57. The developer shall submit a final stream buffer plan to the 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.
58. 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.
59. 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.

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.

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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Senior Associate City Attorney