



Legislation Details (With Text)

**File #:** 220583      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 6/28/2022      **In control:** Council

**On agenda:** 8/18/2022      **Final action:** 8/18/2022

**Title:** Rezoning an area of about 2,100 square feet generally located at the terminus of E. 89th Terrace east of Westridge Road from District R-80 to District R-7.5 and approving a revised preliminary plat in District R-7.5 on about 13 acres to allow for 25 detached lots. (CD-CPC-2022-00046 & CD-CPC-2021-00247)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CD-CPC-2021-00247 Factsheet.pdf, 2. 3.1\_3.2\_CD-CPC-2021-00247\_CD-CPC-2022-00046\_Staff Report\_6-07-22, 3. Exhibit A\_Section Map, 4. CPC Reccomend Approval\_Preliminary Plat 6-10-22, 5. CPC Dispo 6-7-22.pdf, 6. CS 220583, 7. Authenticated Ordinance 220583 sub

| Date      | Ver. | Action By                                       | Action                      | Result |
|-----------|------|---|-----------------------------|--------|
| 8/18/2022 | 2    | Council   | Passed as Substituted       | Pass   |
| 8/17/2022 | 1    | Neighborhood Planning and Development Committee | Adv and Do Pass as Cmte Sub |        |
| 8/10/2022 | 1    | Neighborhood Planning and Development Committee | Hold on Agenda              |        |
| 8/3/2022  | 1    | Neighborhood Planning and Development Committee | Hold on Agenda              |        |

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220583

Rezoning an area of about 2,100 square feet generally located at the terminus of E. 89th Terrace east of Westridge Road from District R-80 to District R-7.5 and approving a revised preliminary plat in District R-7.5 on about 13 acres to allow for 25 detached lots. (CD-CPC-2022-00046 & CD-CPC-2021-00247)

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-1336 rezoning an area of about 2,100 square feet generally located at the terminus of E. 89th Terrace east of Westridge Road from District R-80 (Residential 80) to District R-7.5 (Residential 7.5) and approving a revised preliminary plat in District R-7.5 (Residential R-7.5) on about 13 acres to allow for 25 detached lots, said section to read as follows:

Section 88-20A-1336. That an area legally described as:

A tract of land in the Southwest Quarter of Section 22, Township 48, Range 32, in Kansas City, Jackson County, Missouri described as follows: commencing at the Southeast corner of the Southwest Quarter of said Section 22; thence North 2°32'12" East, along the East line of said

Southwest Quarter-Section, a distance of 597.21 feet; to the true point of beginning of the Tract herein described; thence North 2°32'12" East, along the East line of said Southwest Quarter-Section, a distance of 39.22 feet; thence South 82°27'14" West, a distance of 5.60 feet; Thence North 72°31'41" West, a distance of 130.86 feet; thence South 63°08'17" East, a distance of 58.48 feet; thence South 56°08'23" East, a distance of 92.09 feet to the point of beginning. Containing 2104 square feet more or less.

is hereby rezoned from District R-80 (Residential 80) to District R-7.5 (Residential 7.5), all as shown outlined on a map marked Section 88-20A-1336, 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 preliminary plat for the area legally described as:

A tract of land in the Southwest Quarter and the Southeast Quarter of Section 22, Township 48, Range 32, in Kansas City, Jackson County, Missouri described as follows: Beginning at the Southwest corner of the Southeast Quarter of said Section 22; thence North 2°32'12" East, along the West line of said Southeast Quarter-Section, a distance of 257.73 feet (this and the following six (6) courses being along the Easterly boundary of Villa Meadows 1st Plat, a subdivision in said City and State); thence North 56°08'23" West, a distance of 211.69 feet; thence North 59°43'35" West, a distance of 80.16 feet; thence North 63°08'17" West, a distance of 160.00 feet; thence North 26°51'43" East, a distance of 120.00 feet; thence South 63°08'17" East, a distance of 7.41 feet; thence North 26°51'43" East, a distance of 170.00 feet; thence South 63°08'17" East, a distance of 153.00 feet; thence South 72°31'41" East, a distance of 130.86 feet; thence North 82°27'14" East, a distance of 58.38 feet; thence North 64°01'27" East, a distance of 151.50 feet; thence North 55°06'39" East, a distance of 65.81 feet; thence North 34°12'36" East, a distance of 164.76 feet; thence North 70°41'48" East, a distance of 81.88 feet; thence North 81°04'44" East, a distance of 70.65 feet; thence North 69°40'04" East, a distance of 71.79 feet; thence North 55°57'54" East, a distance of 52.82 feet; thence North 88°22'02" East, a distance of 111.32 feet; thence South 70°48'53" East, a distance of 111.75 feet; thence South 18°17'36" East, a distance of 94.09 feet; thence South 5°13'21" East, a distance of 86.24 feet; thence South 35°23'29" West, a distance of 97.28 feet; thence South 55°38'54" West, a distance of 161.94 feet; thence South 46°43'02" West, a distance of 314.62 feet; thence South 35°34'34" West, a distance of 70.73 feet; thence South 33°51'37" West, a distance of 160.00 feet; thence South 23°42'03" West, a distance of 54.68 feet; thence South 1°32'57" East, a distance of 72.32 feet; thence South 3°31'12" West, a distance of 86.15 feet to a point on the South line of said Southeast Quarter-Section; thence North 86°30'24" West, along said South line, a distance of 301.54 feet to the point of beginning. Containing 12.97 acres, more or less.

is hereby approved, subject to the following conditions:

1. 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.
2. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.

3. The developer shall submit a street naming plan to the Development Management Division prior to issuance of a building permit. The street naming plan shall be approved prior to Mylar approval of the final plat.
4. The developer shall submit a project plan to the City Plan Commission for all private open space tracts indicating plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero footcandles at the property lines prior to Mylar approval or issuance of a building permit.
5. The developer shall place signs at the entrance to East 89th Terrance off of Westridge Road stating “No Construction Traffic”.
6. The developer shall ensure all construction traffic utilizes the 20-foot emergency access road from Brickyard Road to access the site until the end of construction as defined by when the last lot is sodded.
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. 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.
9. 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.
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.
11. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

12. The developer shall 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.
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 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.
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 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.
18. 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.
19. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
20. 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.
21. The developer shall 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 the Water Services Department.
22. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC 2018 § 507.1)
23. Fire hydrant distribution shall follow IFC 2018 Table C102.1.
24. 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)

25. Dead end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). Dead end streets in excess of 150 feet in length resulting from a “phased” project shall provide an approved temporary turnaround feature (i.e., cul-de-sac, hammerhead). (IFC 2018: § 503.2.5)
26. 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)
27. One and two family residential developments exceeding 30 dwelling units shall have at least two separate and approved fire apparatus access roads (IFC 2018: § D107.1) Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC 2018: § D104.3)
28. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department’s Forestry Division prior to beginning work in the public right-of-way.
29. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash in lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash in lieu of dedicating all or a portion of the required area, the amount due shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat.
30. 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.
31. 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. The proposed water mains shall be designed and constructed with a minimum of 10’ of horizontal separation to existing and proposed parallel water and sewer mains. (Lots 30, 31, 37, and 38)
32. Water main easements shown on the final approved water main extension plans shall be shown on the final plat prior to the Kansas City Water Services Department approval.
33. The developer shall submit a CLOMAR-F prior to the issuance of building certificates for the first house built and that a LOMAR-F is submitted prior to issuance of the certificate of occupancy for impacted Lots 47-54.

A copy of said preliminary plat 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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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Senior Associate City Attorney