



Legislation Details (With Text)

File #: 230415 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 5/4/2023 **In control:** Council
On agenda: 5/18/2023 **Final action:** 5/18/2023
Title: Sponsor: Director of City Planning and Development Department

Rezoning an area of about 15 acres generally located at the northwest corner of N.E. 88th Street and N. Highland Avenue from Districts R-80 and R-5 to District R-7.5 and approving a preliminary plat creating three detached residential lots. (CD-CPC-2022-00198 and CD-CPC-2022-00197).

Sponsors: City Plan Commission, Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo_CD-CPC-2022-00197_198, 2. 02_CD-CPC-2022-00197&00198_CPCStaffRpt_02_21_23, 3. CPC Dispo 022123, 4. Exhibit A_ Section Map, 5. CD-CPC-2022-00197 Approved Plan, 6. Authenticated Ordinance 230415

Date	Ver.	Action By	Action	Result
5/18/2023	1	Council	Passed	Pass
5/17/2023	1	Neighborhood Planning and Development Committee		
5/11/2023	1	Council	referred	

ORDINANCE NO. 230415

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 15 acres generally located at the northwest corner of N.E. 88th Street and N. Highland Avenue from Districts R-80 and R-5 to District R-7.5 and approving a preliminary plat creating three detached residential lots. (CD-CPC-2022-00198 and CD-CPC-2022-00197).

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-1384, rezoning an area of about 15 acres generally located at the northwest corner of N.E. 88th Street and N. Highland Avenue from Districts R-80 (Residential 80) and R-5 (Residential 5) to District R-7.5 (Residential 7.5), said section to read as follows:

Section 88-20A-1384. That an area legally described as:

All that part of the Southwest Quarter of Section 1, Township 53, Range 33, Kansas City, Clay County, Missouri, described as follows: commencing at the Southeast corner of the Southwest Quarter of said Section 1; thence North 87 degrees 23 minutes 02 seconds West, along the South line of the Southwest Quarter of Section 1, a distance of 330.73 feet, to the Point of Beginning

of the tract of land herein to be described; thence continuing North 87 degrees 23 minutes 02 seconds West, along said line, of distance of 324.35 feet; thence North 00 degrees 46 minutes 56 seconds East, a distance of 30.00 feet to the Northerly Right-of-way line of NE 88th Street, said point being the Southeast corner of Lot 2, Frederick Acres 1st Plat, a subdivision of land in Kansas City, Clay County, Missouri; thence North 87 degrees 23 minutes 02 seconds West, along said Right-of-way line, also being the South line of said Lot 2, a distance of 222.50 feet to the Southwest corner of said Lot 2; thence North 00 degrees 46 minutes 56 seconds East along the Westerly line of said Lot 2, a distance of 841.38 feet; thence continuing along said line North 15 degrees 30 minutes 14 seconds East, a distance of 455.98 feet to the Northwest corner of said Lot 2; thence South 87 degrees 32 minutes 01 seconds East along the North line of said Lot 2; a distance of 106.67 feet to the Northeast corner of said Lot 2; thence South 00 degrees 46 minutes 56 seconds West, along the Easterly line of said Lot 2, a distance of 22.39 feet; thence South 70 degrees 04 minutes 30 seconds East, a distance of 44.82 feet; thence South 25 degrees 52 minutes 30 seconds East, a distance of 164.34 feet; thence South 64 degrees 52 minutes 30 seconds East, a distance of 88.52 feet; thence North 87 degrees 16 minutes 17 seconds East, a distance of 127.49 feet; thence South 00 degrees 46 minutes 17 seconds West, a distance of 1114.13 feet, to the Point of Beginning. This overall tract contains 635,408.29 square feet or 14.59 acres, more or less.

is hereby rezoned from Districts R-80 (Residential 80) and R-5 (Residential 5) to District R-7.5 (Residential 7.5), all as shown outlined on a map marked Section 88-20A 88-20A-1384, 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 above is hereby approved, subject to the following conditions:

1. The developer shall ensure that water and fire service lines meet Water Services Department rules and regulations prior to a certificate of occupancy.
2. The developer shall ensure that water and sanitary sewer service lines serve only one lot or tract and that said lines do not cross a separate lot or tract as required by the Water Services Department.
3. The developer shall be 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 (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat.
4. The developer shall convert the existing private sanitary service line for Lot 3 into a private sewer main to serve multiple lots. The private sewer main must be contained within a private sewer easement with a covenant to maintain a private sanitary sewer main acceptable to the Water Services Department. The covenant shall be approved and recorded prior to issuance of the certificate of occupancy for any building permits.
5. The developer shall grant, on City-approved forms, a stream buffer easement to the City as required by Chapter 88 of the Water Services Department, prior to the issuance of the certificate of occupancy for any building permits.

6. 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.
7. 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, by securing approval of and recording a minor subdivision or final plat in accordance therewith.

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 preliminary plat described above is hereby approved with the following waivers and modifications from the specified sections of Chapter 88, Code of Ordinances as authorized by Section 88-405-25:

1. That the requirements of 88-405-03-A-1 for half-street improvements is hereby waived.
2. That the standard requirement of 88-405-03-A-12 for a street tree planting plan and subsequent installation of street trees is hereby waived.

Section D. That the Council finds and declares that before taking any action on the proposed amendment and development plan 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.

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney