



Legislation Details (With Text)

File #: 220996 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 11/2/2022 **In control:** Council
On agenda: 12/1/2022 **Final action:** 12/1/2022
Title: Sponsor: City Planning and Development Department

Rezoning an area of about 12.35 acres generally located at 3500 N.E. Prather Road from District R-6 to District MPD and approving an MPD preliminary development plan and preliminary plat for a mixed-use development that will include 44 residential units, office space and counseling services. (CD-CPC-2022-00166)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Fact Sheet, 2. Fiscal Note TMP-2466, 3. 02_CD-CPC-2022-00166_RiverForestVillage_11_1, 4. CPC Disposition Letter (11-01-2022), 5. CPC Approved Plan (11-01-2022), 6. RiverForestVillagePPT, 7. Authenticated Ordinance 220996

Date	Ver.	Action By	Action	Result
12/1/2022	1	Council	Passed	Pass
11/30/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
11/10/2022	1	Council	referred	

ORDINANCE NO. 220996

Sponsor: City Planning and Development Department

Rezoning an area of about 12.35 acres generally located at 3500 N.E. Prather Road from District R-6 to District MPD and approving an MPD preliminary development plan and preliminary plat for a mixed-use development that will include 44 residential units, office space and counseling services. (CD-CPC-2022-00166)

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 80-20A-1364 rezoning an area of about 12.35 acres generally located at 3500 N.E. Prather Road from District R-6 (Residential 6) to District MPD (Master Planned Development) said section to read as follows:

Section 80-20A-1364. That an area legally described as:

Beginning at the center of Section 12, Township 50 North, Range 33 West, in Kansas City, Clay County, Missouri; thence South 89° 43' 15" East along the north line of the Southeast Quarter of Section 12, 830.01 feet to the west right-of-way of Highway #1 (Prather Road); thence South 9° 43' 07" West along the west right-of-way line of Highway # 1, a distance of 470.85 feet; thence

westerly along a curve to the left from the last described course as a normal, said curve having a radius of 720.00 feet, a distance of 615.93 feet; thence South 50° 42' 15" West, 389.70 feet to the east right-of-way line of Paseo (U.S. Route #69); thence North 0° 24' 07" East along said east right-of-way line 28.16 feet; thence North 9° 51' 51" East along said right-of-way line 304.14 feet; thence North 21° 23' 58" West along said east right-of-way line 323.11 feet; thence North 0° 24' 07" East along said east right-of-way line, 240.10 feet to the center section line; thence South 89° 42' 03" East along the north line of the Southwest Quarter of Section 12, 192.13 feet to the point of beginning, excepting a tract in the northeast corner dedicated as Euclid Avenue on Plat of Farview.

Reserved for cemetery in Deed recorded June 28, 1871 in Book 36, page 100, including: (a) rights, interests, and easements or any persons who have burial lots, their relatives, and the public in the land, and (b) easements for visitation, use, driveways, and access. (As shown, approximate location shown the description is ambiguous in nature, we are unable to determine the location)

Lack of Abutter's Rights of Direct Access to U.S. Highway 69 as conveyed by Instrument recorded as July 1, 1954 as Document No. A52310, in Book 527, page 91. (Affects subject property as shown) An easement to Kansas City Power & Light Company, a Missouri Corporation in the document recorded January 19, 1961 as document no. B40726 in Book 705, Page 381 of Official Records. (Affects subject property as shown).

is hereby rezoned from District R-6 (Residential 6) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1364, which is attached hereto and made a part hereof, and which is hereby adopted as 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 is hereby approved, subject to the following conditions:

1. 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.
2. 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.
3. All dumpsters, utility and mechanical equipment shall be screened pursuant to 88-425-08.
4. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to a building permit, including phase I and phase II.
5. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
6. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
7. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to

the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.

8. 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.
9. 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.
10. 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.
11. 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
12. (1) Consider realign driveway approach angle to N. Prather Road to be closer to 90 degrees. (2) Verify sanitary sewer easement limit and extents in the area of planned service connection to existing main to ensure existing easement limit is sufficient. (3) Perform a subsurface utility crossing conflict evaluation for planned sanitary sewer service connection and existing 36-inch PCCP water main to ensure vertical separation requirements are met. (4) Will also need to confirm that minimum pipe cover can be provided due to anticipated topography challenges in the area of crossing.
13. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 §507.1)
14. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
15. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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)
16. A required Fire Department access road shall be an all-weather surface (IFC-2012: § 503.2.3) and 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) All required Fire Department access roads shall designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)

17. 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)
18. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
19. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
20. Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
21. 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)
22. The developer shall dedicate .550 acres of private open space to serve as parkland within Tracts A, B and C as indicated on plans. Proposed tracts shall be platted into private open space tracts via the final plat. This requirement shall be satisfied prior to a certificate of occupancy or recording the final plat, whichever occurs first.
23. Be sure to provide adequate sight distance for the two proposed driveways shown on N.E. Rock Creek Drive.
24. 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.
25. When an existing building is being renovated, is being changed in use or occupancy, or is undergoing a building addition, and the existing water service line(s) will be reused, the water service line(s) and related appurtenances shall meet the most current version of Kansas City Water rules and regulations.
26. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

A copy of said MPD development plan and preliminary plat is on file in the office of the City Clerk with this ordinance and 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 Ordinance 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.

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney