



Legislation Details (With Text)

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**On agenda:** 6/29/2022      **Final action:** 6/23/2022

**Title:** Rezoning an area of about 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 to District R-5 and approving a development plan in Districts R-7.5 and R-5 on about 142 acres to allow for a residential development. (CD-CPC-2022-00040 & CD-CPC-2022-00041)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 220537 Fact Sheet, 2. 220537 Fiscal Note, 3. 10\_CD-CPC-2022-00040&00041\_CPCStaffRpt\_06\_07\_22, 4. CD-CPC-2022-00040&41\_FACTSHT, 5. Exhibit A\_Section Map, 6. CD-CPC-2022-00041\_Approved Dev Plan, 7. CD-CPC-2022-00041\_Dispo\_06\_07\_22, 8. CD-CPC-2022-00041\_06\_07\_22\_CPC, 9. Ord. No. 220537\_NPD\_PQPT\_6-22-2022, 10. Ord. No. 220537\_CD-CPC-2022-00040&00041\_CPCStaffRpt\_06\_07\_22, 11. Authenticated Ordinance 220537

Date	Ver.	Action By	Action	Result
6/23/2022	1	Council		
6/16/2022	1	Council	referred	

ORDINANCE NO. 220537

Rezoning an area of about 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 to District R-5 and approving a development plan in Districts R-7.5 and R-5 on about 142 acres to allow for a residential development. (CD-CPC-2022-00040 & CD-CPC-2022-00041)

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-1332 rezoning an area of approximately 35 acres generally located at the southeast corner of N.E. 104th Street and N.E. Cookingham Drive from District R-7.5 (Residential 7.5) to District R-5 (Residential 5) and approving a development plan in Districts R-7.5 and R-5 on about 142 acres, which also serves as a preliminary plat to allow a residential development, said section to read as follows:

Section 88-20A-1332. That an area legally described as:

All that part of the Northeast Quarter of Section 35, Township 52 North, Range 32 West, in the City of Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 35, said point also being the Northwest plat corner of Amber Lakes - Fourth Plat, a platted subdivision of land in

the City of Kansas City, Clay County, Missouri; thence South 0°02'07" West, along the East line of the Northeast Quarter of said Section 35 and along the West plat line of said Amber Lakes - Fourth Plat and also along the West plat line of Amber Lakes - Fifth Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 2150.45 feet to the Point of Beginning; thence continuing South 0°02'07" West, along the East line of the Northeast Quarter of said Section 35 and along the West plat line of said Amber Lakes - Fifth Plat and the West plat line of Amber Lakes - First Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 485.00 feet to the Southeast corner of the Northeast Quarter of said Section 35, said point also being the Northeast plat corner of Barrington Ridge - First Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence North 89° 46'47" West, along the South line of the Northeast Quarter of said Section 35 and along the North plat line of said Barrington Ridge - First Plat and the North plat line of Barrington Ridge - Second Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 1899.74 feet; thence North 39°16'22" West, a distance of 293.00 feet; thence South 59°14'49" West, a distance of 56.00 feet; thence North 63°44'26" West, a distance of 359.42 feet to a point on the Easterly right-of-way line of Missouri Route 291, as now established; thence along the Easterly right-of-way line of said Missouri Route 291, for the following three (3) courses; thence North 23°16'16" West, a distance of 440.70 feet; thence South 66°45'48" West, a distance of 5.00 feet; thence North 23°16'16" West, a distance of 308.13 feet to a point on the base line of Missouri Public Service Company Electric Line Easement as described in Book 1003 at Page 837; thence along said base line of said Missouri Public Service Company Electric Line Easement, for the following two (2) courses; thence South 57°37'04" East, a distance of 469.17 feet; thence South 82°25'04" East, a distance of 2381.00 feet to the point of beginning, containing 35.2877 acres, more or less, of unplatted land.

is hereby rezoned from District R-7.5 (Residential 7.5) to District R-5 (Residential 5), all as shown outlined on a map marked Section 88-20A-1332, 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 (preliminary plat) for the area legally described as:

All that part of the North One-half of Section 35, Township 52 North, Range 32 West, in the City of Kansas City, Clay County, Missouri, being more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter of said Section 35, said point also being the Northwest plat corner of Amber Lakes - Fourth Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence South 0°02'07" West, along the East line of the Northeast Quarter of said Section 35 and along the West plat line of said Amber Lakes - Fourth Plat and also along the West plat line of Amber Lakes - Fifth Plat and Amber Lakes - First Plat, both being platted subdivisions of land in the City of Kansas City, Clay County, Missouri, a distance of 2635.45 feet to the Southeast corner of the Northeast Quarter of said Section 35, said point also being the Northeast plat corner of Barrington Ridge - First Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri; thence North 89° 46'47" West, along the South line of the Northeast Quarter of said Section 35 and along the North plat line of said Barrington Ridge - First Plat and the North plat line of Barrington Ridge - Second Plat, a platted subdivision of land in the City of Kansas City, Clay County, Missouri, a distance of 1899.74 feet; thence North 39°16'22" West, a distance of 293.00 feet; thence South 59°14'49" West, a distance of 56.00 feet; thence North 63°44'26" West, a distance of 359.42 feet to a point on the Easterly right-of-way line of Missouri Route 291, as now established; thence

along the Easterly right-of-way line of said Missouri Route 291, for the following three (3) courses; thence North 23°16'16" West, a distance of 440.70 feet; thence South 66°45'48" West, a distance of 5.00 feet; thence North 23°16'16" West, a distance of 423.07 feet; thence North 66°43'44" East, a distance of 137.72 feet; thence North 48°01'20" East, a distance of 631.95 feet; thence Northerly on a curve to the left, said curve being tangent to the last described course and having a radius of 15.00 feet, an arc distance of 20.05 feet; thence Northwesterly on a curve to the right, said curve being tangent to the last described course and having a radius of 330.00 feet, an arc distance of 30.52 feet; thence North 23°16'16" West, a distance of 238.05 feet; thence North 66°43'44" East, a distance of 60.00 feet; thence Northerly on a curve to the right, said curve having an initial tangent bearing of North 23°15'49" West and a radius of 15.00 feet, an arc distance of 23.56 feet; thence North 23°16'16" West, a distance of 50.00 feet; thence North 66°43'44" East, a distance of 236.07 feet; thence North 21°43'27" West, a distance of 220.36 feet; thence North 0°12'25" East, a distance of 297.44 feet to a point on the Southerly right-of-way line of 104th Street, as now established; thence along the Southerly right-of-way line of said 104th Street, for the following two (2) courses; thence Easterly on a curve to the right, said curve having an initial tangent bearing of North 75°46'25" East and a radius of 660.00 feet, an arc distance of 166.26 feet; thence South 89°47'35" East, a distance of 165.50 feet; thence North 0°12'25" East, a distance of 40.00 feet to a point on the North line of the Northeast Quarter of said Section 35; thence South 89°47'35" East, along the North line of the Northeast Quarter of said Section 35, a distance of 1801.26 feet to the point of beginning, containing 142.1952 acres, more or less, of unplatted land.

is hereby approved, subject to the following conditions:

1. 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.
2. The developer shall submit a project plan to the City Plan Commission for all private open space 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.
3. The developer shall provide detailed architectural information on the proposed building for review and approval by the staff prior to ordinance request or submit a design guideline for the proposed development. The design guidelines shall call out how this plan incorporates the Shoal Creek Valley Area Plan design guidelines wherever the opportunity presents itself. The guidelines shall call out all preferred and prohibited building materials.
4. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
5. 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.
6. 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.

7. The developer shall dedicate additional right-of-way for N.E. 104th 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 (80 feet 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 Plan Commission approval.
8. 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.
9. 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.
10. The developer shall 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.
11. 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.
12. 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.
13. 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.
14. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
21. 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.
22. 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.
23. The developer shall submit a final stream buffer plan to the Land Development Division 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.
24. 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.
25. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)

26. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
27. 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)
28. 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)
29. 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)
30. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
31. 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)
32. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
33. 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.
34. 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 (2022) acquisition rate of (\$64,220.18) per acre. This requirement shall be satisfied prior to recording the final plat.
35. Any proposed trails to be counted towards satisfying the parkland dedication requirements shall be calculated per 88-408-H and 8 feet minimum in width and concrete in material.
36. The developer shall work with MoDOT and the City for acceptance of the traffic impact study prior to any certificate of occupancy.
37. 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.
38. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
39. 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.

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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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Senior Associate City Attorney