



Legislation Details (With Text)

File #: 220878 **Version:** 2 **Name:**
Type: Ordinance **Status:** Failed
File created: 9/26/2022 **In control:** Council
On agenda: 10/13/2022 **Final action:**
Title: Sponsor: Director of City Planning and Development Department

Rezoning an area of about 5.6 acres generally located on the west side of Holmes Road, approximately 700 feet south of E. 127th Street from District O-2 to District R-5, and approving a preliminary plat, creating 19 detached lots. (CD-CPC-2022-00061 and CD-CPC-2022-00077)

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

Indexes:

Code sections:

Attachments: 1. CD-CPC-2022-00061&CD-CPC-2022-00077_Factsheet, 2. 220878 COM, 3. 9_CD-CPC-2022-00061_2022-00077_Staff Report_07-06-22, 4. Exhibit A_Section Map, 5. Limeview Civil Plans_2022-08-12_v1 (1), 6. CPC Disposition Letter 7-5-22, 7. 07-05-22_CPCPPT_MB, 8. 220878 cs to org ord-com, 9. Authenticated Failed Ordinance 220878

Date	Ver.	Action By	Action	Result
12/8/2022	2	Council	Passed as Substituted	Fail
11/10/2022	2	Council	Held on Docket	
10/13/2022	2	Council		
10/12/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
10/5/2022	1	Neighborhood Planning and Development Committee	Hold on Agenda	
9/29/2022	1	Council		

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220878

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 5.6 acres generally located on the west side of Holmes Road, approximately 700 feet south of E. 127th Street from District O-2 to District R-5, and approving a preliminary plat, creating 19 detached lots. (CD-CPC-2022-00061 and CD-CPC-2022-00077)

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-1345 rezoning an area of about 5.6 acres generally located on the west side of Holmes Road, approximately 700 feet south of East 127th Street from O-2 (Office) to District R-5 (Residential) and approving a Preliminary Plat in District R-5 (Residential) on about 5.6 acres to allow for 19 detached lots, said section to read as follows:

Section 88-20A 1345. That an area legally described as:

All those portions of the 3 tracts described below, of the Northwest Quarter of the Southeast Quarter of Section 17, Township 47, Range 33, in Kansas City, Jackson County, Missouri, lying westerly of the west line of Holmes Road.

Said 3 tracts described as follows:

TRACT 1: Beginning at a point in the east line of said Northwest Quarter of the Southeast Quarter, a distance of 200 feet north (measured along said east line) from the southeast corner of said Quarter Quarter Section (said point being the northeast corner of the land described in Deed to Margaret E. and Joseph A. Siena, recorded on October 22, 1947, as Document No. A-900243); thence westerly along the north line of said land of Siena, a distance of 660 feet, more or less, to the west line of the east half of said Quarter Quarter Section; thence northerly along said west line a distance of 460.1 feet, more or less to a point 660.1 feet south (measured along said west line) of the northwest corner of said Quarter Quarter Section; thence easterly in a direct line (being the southerly line of the land described in Deed to Irvin W. Stephens and wife, recorded on September 8, 1948 as Document No. A-931891), a distance of 659.89 feet to a point on the east line of said Quarter Quarter Section distant, 658.52 feet southerly of the northeast corner thereof; thence southerly along said east line a distance of 458.52 feet to the point of beginning, except therefrom that portion of said tract including within the lines of Holmes Road; and

TRACT 2: Beginning at the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 17; thence west along the south line of said Northwest Quarter of the Southeast Quarter for a distance of 660 feet; thence north 100 feet; thence east approximately 660 feet to the east line of said Northwest Quarter of the Southeast Quarter of said Section 17; thence south 100 feet to the point of beginning, except a strip of land now being used as Holmes Road, and

TRACT 3: Beginning at a point 100 feet north of the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 17; thence west in a straight line 100 feet north of the south line of said Northwest Quarter of the Southeast Quarter, 660 feet to a point on the west line of the east half of the Northwest Quarter of the Southeast Quarter of said Section 17; thence north 100 feet; thence east approximately 660 feet to the east line of said Northwest Quarter of said Southeast Quarter of said Section 17; thence south approximately 100 feet to point of beginning, except a strip of land being used as Holmes Road.

is hereby rezoned from District O-2 (Office) to District R-5 (Residential), all as shown outlined on a map marked Section 88-20A-1345, 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 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.
2. 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.
 3. The developer shall dedicate additional right-of-way for Holmes Road as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 50 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. 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.
 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. 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 plat.
13. 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.
14. 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.
15. 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.
16. 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.
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. Required Fire Department access roads shall be an all-weather surface. (IFC 2012: § 503.2.3)
20. 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)
21. 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)
22. "No Parking Fire Lane" signage shall be provided. (IFC 2018: § 503.3)
23. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC 2018 § 507.1)
24. 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.

25. 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 prior to beginning work in the public right of way.
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. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
28. 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 KC Water Rules and Regulations for Water main extensions and Relocations.
29. That the preliminary plat be revised to show a minimum 10 foot wide area between the rear property lines and the retaining wall contained in Tract A to allow for sufficient area for maintenance and repairs prior to applying for a Final Plat.

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. The Council hereby grants, upon a recommendation from the City Plan Commission, the following:

A waiver to the street connection to abutting property requirement of 88-405-10-B-2 in accordance with 88-405-25 due to the presence of physical constraints on the adjacent property.

Section D. 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.

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 and legality:

Sarah Baxter
Senior Associate City Attorney