



Legislation Details (With Text)

File #: 220269 **Version:** 2 **Name:**

Type: Ordinance **Status:** Passed

File created: 3/17/2022 **In control:** Council

On agenda: 4/14/2022 **Final action:** 4/14/2022

Title: Rezoning an area of about 152 acres generally located on the south side of N.W. 100th Street between N. Green Hills Road to the west and N. Platte Purchase Drive to the east from Districts AG-R and R-7.5 to District MPD, and approving a preliminary development plan, which also serves as a preliminary plat to create 468 residential units and other amenities. (CD-CPC-2021-00216)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Fact Sheet_Woodhaven_3-15-22, 2. 07_CD-CPC-2021-00216_Woodhaven_CPCStaffRpt_2-1-22, 3. 02-15-22_CPCPPT, 4. 88-20A1315, 5. 03-09-22 Revised List Public Infrastructure Deviation by applicant, 6. Plan Set, 7. 03-15-22 Public Works Response to deviations, 8. Authenticated Ordinance 220269 sub

Date	Ver.	Action By	Action	Result
4/14/2022	1	Council	Passed as Substituted	Pass
4/13/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
3/30/2022	1	Neighborhood Planning and Development Committee	Hold on Agenda	
3/24/2022	1	Council	referred	

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220269

Rezoning an area of about 152 acres generally located on the south side of N.W. 100th Street between N. Green Hills Road to the west and N. Platte Purchase Drive to the east from Districts AG-R and R-7.5 to District MPD, and approving a preliminary development plan, which also serves as a preliminary plat to create 468 residential units and other amenities. (CD-CPC-2021-00216)

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 88-20A1315 rezoning an area of about 152 acres generally located on the south side of N.W. 100th Street between N. Green Hills Road to the west and N. Platte Purchase Drive to the east from Districts AG-R (Agricultural-Residential) and R-7.5 (Residential dash 7.5) to District MPD (Master Planned Development), and approving a preliminary development plan, which also serves as a preliminary plat to create 468 residential units and other amenities, said section to read as follows:

Section 88-20A1315. That an area legally described as:

A portion of the South half of Section 33, Township 52 North, Range 33 West and a

portion of the Northwest quarter of Section 4, Township 51 North, Range 33 West, in the City of Kansas City, Platte County, Missouri, described as follows: Commencing for reference at the Northeast corner of the Southwest quarter of said Section 33; Thence, along the North line of the Southwest quarter of said Section 33, North 89°42'56" West, 1647.83 feet to the Northwest corner of the East 10 acres of the Northwest quarter of the Southwest quarter of said Section 33; Thence, along the West line of the East 10 acres of the Northwest quarter of the Southwest quarter of said Section 33, South 00°31'48" West, 75.01 feet to a point on a line parallel with and 75.00 feet South of the North line of the Southwest quarter of said Section 33, said point being the true point of beginning; thence, continuing along the West line of the East 10 acres of the Northwest quarter of the Southwest quarter of said Section 33, South 00°31'48" West, 1240.27 feet to a point on the North line of the Southwest quarter of the Southwest quarter of said Section 33; thence, along the North line of the Southwest quarter of the Southwest quarter of said Section 33, South 89°51'00" West, 988.55 feet to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 33; thence, along the West line of the Southwest quarter of the Southwest quarter of said Section 33, South 00°31'49" West, 1312.96 feet to the Southwest corner of the Southwest quarter of said Section 33; thence, along the South line of the Southwest quarter of said Section 33, North 89°59'03" East, 306.84 feet to the Northeast corner of Tract A of Genesis Place-Second Plat, a subdivision in Kansas City, Platte County, Missouri; thence, along the Easterly line of said Tract A, South 11°54'06" East, 346.61 feet to an angle point in the Easterly line of said Tract A; thence, continuing along the Easterly line of said Tract A, South 20°29'58" West, 292.05 feet to a point on the Northerly line of Tract C of Genesis Trails-First Plat, a subdivision in Kansas City, Platte County, Missouri; thence, along the Northerly line of said Tract C, South 89°49'34" East, 149.38 feet to the Northwest corner of Lot 14 of said Genesis Trails-First Plat; thence, along the North line of Lots 11 through 14 of said Genesis Trails-First Plat, South 76°41'08" East, 299.46 feet to an angle point in the North line of said Lot 11; thence, along the Northeasterly lines of Lots 10 and 11 of said Genesis Trails-First Plat, South 51°51'47" East, 76.38 feet to an angle point in the Northeasterly line of said Lot 10; thence, along the Northeasterly line of said Lot 10, South 25°04'19" East, 105.44 feet to the Northwest corner of Tract D of said Genesis Trails-First Plat; thence, along the Northerly line of said Tract D, South 59°10'03" East, 165.38 feet to the Northeasterly corner of said Tract D, said point also being the Northwesterly corner of the parcel described in the deed to Hoffman Custom Homes, recorded in Book 1286, Page 911; thence, along the Northerly line of said parcel described in Book 1286, Page 911, South 50°38'34" East, 95.42 feet to an angle point in said Northerly line; thence, continuing along the Northerly line of said parcel described in Book 1286, Page 911, South 89°36'55" East, 186.19 feet to a point on the West line of the East 73.83 acres of the Northwest quarter of Section 4, Township 51 North, Range 33 West; thence, along the West line of the East 73.83 acres of the Northwest quarter of said Section 4, North 00°19'38" East, 327.65 feet to a point on a line parallel with and 643.93 feet South of the South line of the Southwest quarter of said Section 33; thence, along last said parallel line, North 89°59'03" East, 791.33 feet to the beginning of a non-tangent curve to the right, whose center bears South 65°01'17" East, 874.00 feet; thence, Northeasterly along the arc of last said curve, having a radius of 874.00 feet, through a central angle of 07°25'58", an arc distance of 113.38 feet; thence, North 32°24'42" East, 838.49 feet to the

beginning of a tangent curve to the left; thence, Northeasterly along the arc of last said curve, having a radius of 825.00 feet, through a central angle of 64°06'24", an arc distance of 923.07 feet to the beginning of a tangent reverse curve to the right; thence, Northwesterly along the arc of last said curve, having a radius of 529.00 feet, through a central angle of 52°10'07", an arc distance of 481.66 feet; thence, North 20°28'25" East, 211.24 feet to the beginning of a tangent curve to the left; thence, Northeasterly along the arc of last said curve, having a radius of 379.00 feet, through a central angle of 19°57'31", an arc distance of 132.02 feet to a point on a line parallel with and 75.00 feet West of the East line of the Southwest quarter of said Section 33; thence, along last said parallel line, North 00°30'54" East, 734.00 feet to a point on a line parallel with and 75.00 feet South of the North line of the Southwest quarter of said Section 33; thence, along last said parallel line, South 89°42'56" West, 1572.84 feet to the true point of beginning, Prepared by Anne M. Smoke, Missouri PLS 2016019010, on November 23, 2021. Contains 151.86 acres, more or less.

is hereby rezoned from Districts AG-R (Agricultural-Residential) and R-7.5 (Residential dash 7.5) to District MPD (Master Planned Development), as shown outlined on a map marked Section 88-20A1315, 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, that will also serve as a preliminary plat, for the area legally described above is hereby approved, subject to the following conditions:

1. That the Council hereby approves the deviations to the Zoning and Development Code listed below, as permitted by Section 38-280-05, and such deviations shall be stated on the approved Woodhaven MPD Plan drawings:
 - a. Eliminating the requirement for a 30 foot City maintained landscape buffer for residential lots which back up to Line Creek Parkway.
 - b. Eliminating the requirement for a 30 foot City maintained landscape buffer for residential lots which back up to Tiffany Springs Parkway.
2. The developer shall revise Stream buffer plans to meet requirements of 88-415 at such time as developer develops lots adjacent to the stream. Fill in middle zone is not allowed for detention ponds. Proposed fill will reduce the natural storage in floodplain areas and could increase flood elevations. Storage in ineffective flow areas helps to attenuate peak discharges downstream, since it is essentially acting as a natural detention area. Provide a minimum of 25 feet (no-build area per 88-415-5-C.2.c) from edge of middle zone to any improvements, including embankment fill. Remove proposed "rock blanket for erosion prevention".
3. The Council hereby approves the deviations to the City's Standards, Specifications and Design Criteria listed below for public improvements as permitted by Section 88-280-05 of the Zoning and Development Code. Such deviations shall be stated on the approved Woodhaven MPD Plan drawings:

- a. *Deviation 1. Soil Modification of Fill Material.* Per the applicant's submitted geotechnical report and City standards, only the top 9-inches of the subgrade will require modification with cementitious materials. Subgrade shall meet or exceed City standards, including roll testing under 2201.3.E Embankment/Fill sections (fill above the treated subgrade) shall be composed of suitable fill material placed and compacted in lifts according to City specifications and as approved by the City Engineer/Director of Construction. The embankment/fill materials do not require additional cementitious modification as long as the material is suitable fill as defined in Section 2102.2-A-3 of the City Standards for Construction.
 - b. *Deviation 2. Sidewalks only on one side of the Street.* Construct sidewalk only on one side of the streets for residential local roads within the MPD plan area as shown on the approved plan drawings. The sanitary sewer manhole locations will be placed outside of the travel-way on the side of the road that has no sidewalks installed. The subdivision is prohibited from receiving city funds for the establishment of new sidewalks for a period of 50 years from the passage of this ordinance.
 - c. *Deviation 3. Storm Sewer Structure Details.* An alternate curb inlet detail with a combination throat and grate opening other than a concrete structure shall be designed and approved by the Water Services Department.
 - d. *Deviation 4. Flowable fill requirement.* Flowable fill or compact aggregate is allowed, as long as compaction and lifts are completed according to City specifications and as ordered by the City Engineer/Director of Construction. The applicant may substitute flowable fill with proper backfill methods as specified by Public Works standards and final determination of the City Engineer.
 - e. *Deviation 5. Street Trees.* Only one street tree shall be required per residential lot with species that provides large canopies and approved by the Development Management Division and the Parks and Recreation Department. Installation of street trees shall be of species as recommended by the City Forester to assure equivalent shade as to the standard requirement of one tree per 30 feet of street frontage.
4. 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.
 5. 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.
 6. 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.

7. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study (with the deviations and clarifications noted in the plans) 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.
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 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.
10. 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.
11. 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.
12. The developer shall provide acceptable easements for all sanitary sewer mains, per the adopted City standards. The developer shall also secure permits and provide City approved executed and recorded easements, prior to construction.
13. The developer shall design and construct all public streets to City Standards or meet the modified standards approved with the Public Infrastructure Deviations and Clarifications listed within this MPD Plan.
14. The developer shall dedicate additional right-of-way and provide easements for Line Creek Parkway as required by the adopted Major Street Plan so as to provide a minimum of 150 feet of right-of-way, 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.
15. 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.

16. 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.
17. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
18. 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 phases abutting the stream 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.
19. 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.
20. 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.
21. 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 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.
22. 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.
23. 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.
24. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
25. 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)
26. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
27. Fire Department access roads shall be provided prior to construction/demolition projects beginning. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)

28. The developer shall seek and receive acceptance/approval from the Parks Board for area proposed to be dedicated to the City for parkland and serve to satisfy the parkland dedication requirements of 88-408 prior to recording plat.
29. 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. Street trees shall be installed per the approved deviation.
30. Prior to issuance of any construction permits, the developer shall provide a geotechnical analysis of slope stability and an analysis of erosion hazard potential 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, including areas outside of the stream buffer outer zone, as appropriate and required by good engineering practices, to assess potential threats of future stream meander, cut, or erosion endangering or damaging facilities, structures, or property. This analysis shall be provided with final MPD plan for any phases abutting streams.
31. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
32. The developer shall ensure that all materials related to water services comply with Water Services rules and regulations.
33. 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.
34. Submit a street name plan for review prior to approval of the final plat.

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.

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
Assistant City Attorney