



Legislation Text

File #: 210828, Version: 1

ORDINANCE NO. 210828

Approving a development plan which also acts as a preliminary plat in District R-6 (Residential 6) on about 0.28 acres generally located on the west side of Mercier Street, in between W. 18th Street to the north and W. 20th Street to the south, to create five residential lots for single-family use with deviations from required lot and building standards. (CD-CPC-2021-00092 and CD-CPC-2021-00101)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan which also acts as a preliminary plat in District R-6 (Residential 6) on about 0.28 acres generally located on the west side of Mercier Street, in between W. 18th Street to the north and W. 20th Street to the south, and more specifically described as follows:

All of Lots 29-34, and the north 10 feet of Lot 35, Whipple's 2nd Addition, a subdivision of land in the City of Kansas City, Jackson County, Missouri.

is hereby approved, subject to the following conditions:

1. That deviations are hereby granted to the minimum lot area as follows:
 - a. For Lot 1-5 in the amount of 3,524.61 square feet from 6,000 square feet to 2,475.39 square feet.
2. That deviations are hereby granted to the minimum lot width as follows:
 - a. For Lot 1 in the amount of 15.34 feet from 50 feet to 34.66 feet.
 - b. For Lot 2 in the amount of 16.90 feet from 50 feet to 33.10 feet.
 - c. For Lot 3 in the amount of 18.15 feet from 50 feet to 31.85 feet.
 - d. For Lot 4 in the amount of 19.31 feet from 50 feet to 30.69 feet.
 - e. For Lot 5 in the amount of 20.36 feet from 50 feet to 29.64 feet.
3. Deviations to the minimum front yard setback as follows:
 - a. For Lot 1 in the amount of 7.85 feet from 17.85 feet to 10 feet.
 - b. For Lot 2 in the amount of 8.66 feet from 18.66 feet to 10 feet.

- c. For Lot 3 in the amount of 9.43 feet from 19.43 feet to 10 feet.
 - d. For Lot 4 in the amount of 10.16 feet from 20.16 feet to 10 feet.
 - e. For Lot 5 in the amount of 10.88 feet from 20.88 feet to 10 feet.
4. Deviations to the minimum rear yard setback as follows:
- a. For Lot 1 in the amount of 2.85 feet from 17.85 feet to 15 feet.
 - b. For Lot 2 in the amount of 3.66 feet from 18.66 feet to 15 feet.
 - c. For Lot 3 in the amount of 4.43 feet from 19.43 feet to 15 feet.
 - d. For Lot 4 in the amount of 10.16 feet from 20.16 feet to 10 feet.
 - e. For Lot 5 in the amount of 5.88 feet from 20.88 feet to 15 feet.
5. Remove the site plan note regarding individual detention systems. A storm drainage study is required prior to permitting covering the entire development area. For sites in a Combined Sewer Overflow (CSO) area, there are requirements for detention that override the Section 5600 exceptions. Provide detention for the first 1.5” of rainfall, over the disturbed area, released over 40 to 72 hours. For the entire site, mitigate any increase in stormwater quantity (both peak discharge and runoff volume) for the 10-year & 100-year storms. All flow over the 1.5” will need to be released over land. The actual pipe connection to the City system will need to be a 4” or 6” pipe. Water quality BMPs are waived unless discharge is to a stream. If discharge is to a stream, Section 5600 requirements must be met in full.
6. Show layout of proposed stormwater management facilities on development plan and preliminary plat. City approved stormwater management facilities shall be recorded on the final plat.
7. 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.
8. 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.
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 west half of Mercier Street shall be improved to City standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocation of any utilities as may be necessary, adjustment of vertical grades for the road, and obtain required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
11. 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.
12. 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.
13. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
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 cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.
16. 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.
17. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
18. 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.
19. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
20. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
21. 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 (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to recording the final plat.

22. 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
23. Prior to issuance of any building permits, developer shall provide documentation from a qualified professional (i.e., registered geologist or licensed professional engineer with expertise in geotechnical engineering) demonstrating the soils on the site and adjacent hillside are stable and will remain stable in post-development conditions and the property and proposed building(s) will be reasonably safe from potential slope failures.
24. The developer shall comply with Water Services Department requirements to connect to brick sewer for the lateral connections prior to pulling the lateral sewer connection permits.
25. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.

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 B. 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 and legality:

Sarah Baxter
Assistant City Attorney