



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	3/2/2022	<b>In control:</b>		Council	
<b>On agenda:</b>	3/31/2022	<b>Final action:</b>		3/31/2022	
<b>Title:</b>	Approving a development plan that will also serve as a preliminary plat in District R-2.5 on an approximately 48 acre tract of land generally located at 15215 E. U.S. 40 Highway to allow for duplexes to be sited on the property. (CD-CPC-2021-00240)				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. CD-CPC-2021-00240_FactSheet, 2. 4_CD-CPC-2021-00240-StaffReport, 3. CD-CPC-2021-00240 - City Council, 4. Authenticated Ordinance 220246				

Date	Ver.	Action By	Action	Result
3/31/2022	1	Council	Passed	Pass
3/30/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
3/24/2022	1	Council	referred	

### ORDINANCE NO. 220246

Approving a development plan that will also serve as a preliminary plat in District R-2.5 on an approximately 48 acre tract of land generally located at 15215 E. U.S. 40 Highway to allow for duplexes to be sited on the property. (CD-CPC-2021-00240)

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan that will also serve as a preliminary plat in District R-2.5 (Residential 2.5) on an approximately 48 acre tract of land generally located at 15215 E. U.S. 40 Highway, and more specifically described as follows:

The West One Half of the Southeast Quarter of Section 25, Township 49 Range 32, except that part in U.S. Highway 40 and except one acre square in the northeast corner thereof and except thirty acres in the southwest corner described as follows: Beginning at the southwest corner of said Quarter Section; thence North 1779 feet; thence east 734.6 feet, thence south 1779 feet, thence west 734.6 feet to the point of beginning, all in Kansas City, Jackson County, Missouri, more particularly described as follows: Beginning at the intersection of the southerly right-of-way line of U.S. Highway 40 and the west line of the Southeast Quarter of said Section 25, said point being 49.23 feet from the northwest corner of the Southeast Quarter of said Section 25 at a bearing of South 02 degrees 05 minutes 17 seconds West; thence South 87 degrees 01 minutes 37 seconds East, a distance of 99.23 feet (this and the following seven courses being on said southerly right-of-way line); thence South 02 degrees 58 minutes 23 seconds West, a distance of 5.00 feet; thence South 87 degrees 01 minute 37 seconds East, a distance of 350.00 feet; thence North 02 degrees 58 minutes 23 seconds East, a distance of 5.00 feet; thence South 87 degrees

01 minute 37 seconds East, a distance of 72.87 feet; thence South 87 degrees 10 minutes 37 seconds East, a distance of 377.27 feet; thence South 02 degrees 49 minutes 23 seconds West, a distance of 5.00 feet; thence South 87 degrees 10 minutes 37 seconds East, a distance of 199.69 feet; thence departing said southerly right-of-way line, South 01 degrees 56 minutes 08 seconds West, a distance of 153.58 feet; thence South 87 degrees 09 minutes 16 seconds East, a distance of 208.75 feet to a point on the east line of the West One Half of the Southwest Quarter of said Section 25, said point being South 01 degrees 56 minutes 08 seconds West, 208.73 feet from the northeast corner of said West One Half; thence South 01 degree 56 minutes 08 seconds West, along said east line 2446.84 feet to the southeast corner of said West One Half; thence North 87 degrees 03 minutes 07 seconds West, along the south line of said Southeast Quarter, 580 10 feet to a point being South 87 degrees 03 minutes 07 seconds East, 734.6 feet from the southwest corner of said Southeast Quarter; thence North 02 degrees 05 minutes 17 seconds East, 1779.00 feet; thence North 87 degrees 03 minutes 07 seconds West, 734 60 feet to a point on the west line of said Southeast Quarter; thence North 02 degrees 05 minutes 17 seconds East, 824.91 feet to the point of beginning.

is hereby approved, subject to the following conditions:

1. 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.
2. Mechanical equipment and utility cabinets shall comply with 88-425-08-B and 88-425-08-D.
3. All proposed signage shall comply with 88-445 and is subject to sign permits.
4. 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.
5. 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.
6. 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.
7. 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.
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 must 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.
10. The developer shall show and label the final stream buffer zones on the subdivision plat within a private open space tract as required by Chapter 88 and the Land Development Division, prior to issuance of any stream buffer permits.
11. 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.
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 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.
14. 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.
15. 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.
16. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage and construct associated ADA ramps as necessary.
17. 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.
18. 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.
19. 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.

20. The developer shall submit proof of approved permits for any work along U.S. Highway 40 in the MoDOT right-of-way prior to the issuance of any land development permits for the construction of the proposed portion of Brentwood Avenue connecting to that roadway.
21. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507)
22. Fire hydrant distribution shall follow IFC-2018, Table C102.1.
23. 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)
24. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
25. Fire Department access roads are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
26. The turning radius for Fire Department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
27. 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.
28. The developer shall be 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. As indicated on plans, the developer shall construct an 8 foot wide concrete trail within Tracts A, B and C to satisfy the parkland dedication requirements.
29. Prior to the certificate of occupancy for Phase 1, the developer shall modify the pavement markings on US-40 to include eastbound and westbound left turn lanes at Brentwood Avenue. This work shall be done in accordance with MoDOT requirements and permits.
30. When the traffic volumes and/or level of service dictate, but no later than prior to the certificate of occupancy for Phase 3, the developer shall construct channelizing islands at the intersection of US-40 and Brentwood Avenue to limit movements to 3/4 access (no left turns from Brentwood Avenue).
31. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
32. 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.
33. A street name plan shall be approved before the final plat is reviewed by the City Plan

Commission.

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.

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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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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney