



Legislation Details (With Text)

**File #:** 220750      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 8/25/2022      **In control:** Council

**On agenda:** 9/15/2022      **Final action:** 9/15/2022

**Title:** Rezoning an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue from AG-R (Agricultural Residential) to R-5 (Open Space) (Residential - 5 Open Space) and approving a Development Plan for the same which also serves as a preliminary plat to allow for the creation of 138 single-unit homes on individual lots and 9 tracts. CD-CPC-2022-00105 and CD-CPC-2022-00104.

**Sponsors:** Dan Fowler

**Indexes:**

**Code sections:**

**Attachments:** 1. No Fact Sheet, 2. Authenticated Ordinance 220750

Date	Ver.	Action By	Action	Result
9/15/2022	1	Council		
9/14/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
8/25/2022	1	Council	referred	

ORDINANCE NO. 220750

Rezoning an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue from AG-R (Agricultural Residential) to R-5 (Open Space) (Residential - 5 Open Space) and approving a Development Plan for the same which also serves as a preliminary plat to allow for the creation of 138 single-unit homes on individual lots and 9 tracts. CD-CPC-2022-00105 and CD-CPC-2022-00104.

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\_\_\_ rezoning an approximately 40 acre tract of land generally located at the southeast corner of N.W. Barry Road and North Childress Avenue from AG-R (Agricultural Residential) to R-5 (Open Space) (Residential - 5 Open Space).

Section 88-20A1260. That an area legally described as:

ALL OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 51, RANGE 34, LYING PARTLY IN KANSAS CITY, MISSOURI, AND WHOLLY IN PLATTE COUNTY, MISSOURI, EXCEPT THAT PART IN STREETS, ROAD AND HIGHWAYS AND EXCEPT A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 51. RANGE 34, KANSAS CITY, PLATTE COUNTY,

MISSOURI, BEING BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE SOUTH 89°49'11" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1306.48 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°08'41" EAST, ALONG THE EAST LINE OF SAID OF WEST ONE-HALF, 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW BARRY ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE CONTINUING SOUTH 00°08'41" EAST, ALONG SAID EAST LINE, 1458.92 FEET TO A POINT ON THE KANSAS CITY, CITY LIMITS LINE; THENCE NORTH 89°46'19" WEST, ALONG SAID CITY LIMITS LINE, 109.75 FEET; THENCE NORTH 00°13'41" EAST, 1458.81 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF NW BARRY ROAD; THENCE SOUTH 89°49'11" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE 100.26 FEET TO THE TRUE POINT OF BEGINNING AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND LYING, BEING AND SITUATE IN THE COUNTY OF PLATTE, STATE OF MISSOURI TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 SECTION 10, TOWNSHIP 51, RANGE 34; THENCE; NORTH 0° 04' 28" EAST 1137.84 FEET TO THE KANSAS CITY, CITY LIMITS LINE; THENCE SOUTH 89°46'19" EAST TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10 TOWNSHIP 51 RANGE 34; THENCE SOUTH 0°09'09" EAST 1138.89 TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 51, RANGE 34; THENCE NORTH 89°44'21" WEST 1316.58 FEET TO THE POINT OF BEGINNING.

is hereby rezoned from District AG-R (Agricultural/Residential) to District R-5 (Open Space) (Residential - 5 Open Space) all as shown outlined on a map marked Section 88 -20A\_\_\_\_, 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 for the area legally described above is hereby approved, subject to the following conditions:

1. The developer must 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 that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
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. 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.
4. 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.
5. The developer shall dedicate additional right-of-way for N. Childress Avenue 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, 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.
  6. 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.
  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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
  9. 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.
  10. 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
  11. The developer must 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.
  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 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.

14. 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.
15. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
16. 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.
17. 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.
18. 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.
19. The developer shall submit a project plan to the City Plan Commission for all private open space tracts 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.
20. 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.
21. The developer shall add a declaration on the face of the final plat indemnifying the City of Kansas City of any maintenance and replacement responsibilities and that each lot owner in conjunction with the homeowner's association is responsible for maintenance of the pump station.
22. The developer shall submit covenants, conditions and restrictions to the Development Management Division for approval by the Law Department of the following prior to mylar approval of the final plat:
  - a. Establish and maintain a Homeowners Association that if and when the individual properties are sold the continued maintenance/replacement of the pump stations is ensured.
  - b. Establish a Maintenance Fund to be turned over to the Homeowners Association so that contributions are made on an annual basis so that after about year 20 the cost of a new pump station is available to the Homeowners Association for replacement of the private pump stations.

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. 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. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3) 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)
27. 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) The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
28. 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.
29. 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.
30. The developer shall submit a final plan prior to final plat providing details of amenity tracts serving to satisfy the parkland dedication requirements of 88-408. Proposed tracts shall provide active recreational amenities to receive credit.
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 ensure that water and fire service fees should meet current Water Services Department rules and regulations prior to certificate of occupancy.
33. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the water 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.

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