Legislation Text

File #: 220554, **Version:** 2

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220554

Rezoning an approximately 24 acre tract of land generally located at the northeast corner of N.W. 72nd Street and N.W. Waukomis Drive from Districts R-2.5 and R-7.5 to District MPD, and approving a MPD development plan that serves as a preliminary plat allowing for a mix of uses that includes residential, office, conference facilities, and the preservation and protection of natural resource areas and granting deferral of required subdivision improvements pursuant to 88-405-22. (CD-CPC-2020-00138)

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-1334, , rezoning an approximately 24-acre tract of land generally located at the northeast corner of N.W. 72nd Street and N.W. Waukomis Drive, from Districts R-2.5 (Residential 2.5) and R-7.5 (Residential 7.5) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A-1334. That an area legally described as:

The Southerly 593.05 feet of the Southeast Quarter of Section 17, Township 51, Range 33, Kansas City, Platte County, Missouri, lying East of Missouri State Highway AA and except that part conveyed to Benjamin Lee Danley and Lucille Frances Danley, husband and wife, by deed recorded December 15, 1955, in Book 191 at page 468, described as follows: Beginning at a 3/4" rod in South Section line 1227.56 feet West of said Southeast Quarter of Section 17 Township 51, Range 33; thence North at right angles to the South Section line 377.47 feet to a 3/4" rod; thence West parallel with the South section line 318 feet to the center line of Kansas City and Barry Road, said point being in the center line of AA Highway; thence Southerly and Southeasterly along the center line of Kansas City and Barry Road 372.18 feet to the center line of said Kansas City and Barry Road extending Southeasterly; thence Southeasterly 68.81 feet to the South section line; thence East along the South section line 123 feet to the point of beginning, except that part in roads. Except that part, if any deeded to the City of Kansas City for Road Right of Way recorded in Book 1157 at Page 341 as Document No. 2010005906.

The Southwest Quarter of the Southeast Quarter, Section 17, Township 51, Range 33, Kansas City, Platte County, Missouri, Beginning at a 3/4" rod in South Section line 1227.56 feet West of said Southeast Quarter of Section 17, Township 51, Range 33; thence North at right angles to the South Section line 377.47 feet to a 3/4" rod; thence West parallel with the South section line 318 feet to the center line of Kansas City and Barry Road, said point being in the center line of AA Highway; thence Southerly and Southeasterly along the center line of Kansas City and Barry Road 372.18 feet to center line of said Kansas City and Barry Road extending Southeasterly; thence Southeasterly 68.81 feet to the South section line; thence East along the South section line 123 feet to the point of beginning, except that part in roads. Except that part,

if any deeded to the City of Kansas City for Road Right of Way recorded in Book 1157 at Page 341 as Document No. 2010005906 and in Book 1157 at Page 339 as Document No. 2010005904.

A tract of land in the Southwest Quarter of Section 16, Township 51 North, Range 33 West, in Kansas City, Platte County, Missouri, described as follows: Beginning at the Southwest corner of said Southwest Quarter; thence North 00 degrees 36 minutes 02 seconds East, along the West line of said Southwest Quarter, 573.05 feet; thence South 89 degrees 04 minutes 30 seconds East, parallel with the South line of said Southwest Quarter, 715.00 feet; thence South 00 degrees 36 minutes 02 seconds West, parallel with the West line of said Southwest Quarter, 168.05 feet; thence North 89 degrees 04 minutes 30 seconds West, parallel with the South line of said Southwest Quarter, 320.0 feet; thence South 22 degrees 07 minutes 14 seconds West 327.12 (Deed-327 feet more or less); thence North 89 degrees 04 minutes 30 seconds West, parallel with the South line of said Southwest Quarter, 225.00 feet; thence South 00 degrees 36 minutes 02 seconds West, parallel with the West line of said Southwest Quarter, 100.00 feet to the South line of said Southwest Quarter; thence North 89 degrees 04 minutes 30 seconds West, along said South line, 50.00 feet to the point of beginning.

Together with a Utility and Road Easement over part of the Southeast Quarter of Section 17, Township 51, Range 33, in Kansas City, Platte County, Missouri, described as follows: Beginning at the Southeast corner of said Southeast Quarter; thence North 89 degrees 09 minutes 49 seconds West, along the South line of said Southeast Quarter, 115.00 feet; thence North 57 degrees 39 minutes 17 seconds East, 137.04 feet to a point on the East line of said Southeast Quarter; thence South 00 degrees 36 minutes 02 seconds West, along said East line, 75.00 feet to the point of beginning of said Utility and Road Easement, as established by the instrument dated December 4, 1992, filed December 7, 1992, as Document No. 18058, in Book 782, Page 357.

is hereby rezoned from Districts R-2.5 (Residential 2.5) and R-7.5 (Residential 7.5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1334, 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 which also serves as a preliminary plat, subject to the following conditions:

1. The developer shall submit a final MPD Plan to the City Plan Commission indicating detailed architectural plans with materials (color and renderings), plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero footcandles at the property lines prior to issuance of a building permit.

2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.

3. 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.

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 obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.

6. For each phase of the proposed development, developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine the adequacy of receiving systems as required by the Land Development Division, prior to issuance of a building permit to construct improvements within that phase.

7. 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.

8. The developer shall grant a BMP and/or a surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

9. 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.

10. 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.

11. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.

12. The developer shall show the limits of the 100-year floodplain 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.

13. 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 Section 88-415 requirements.

14. 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.

15. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.

16. The developer shall follow the Kansas City, Missouri rules and regulations for domestic water and fire service lines.

17. Stormwater management facilities, such as detention basins, BMPs, engineered surface water conveyance paths outside of right-of-way, which serve multiple lots or tracts, shall be privately maintained, located on separate tract(s), and covered by maintenance covenant(s) to be administered through the platting process.

18. The developer shall submit verification of vertical and horizontal sight distance for the new proposed eastern drive connection to N.W. 72nd Street 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 for buildings or improvements constructed in Phases 3 or 4 as identified in the development plan.

19. Pursuant to Section 88-405-22, the Council authorizes the unsecured deferral of the condition that developer improve the north half of N.W. 72nd Street to residential local standards, as required by Chapter 88 and as modified by the approved waivers in Section C. of this Ordinance until such time as the developer submits an application for a building permit to construct any building improvements within Phases 3 or 4 of the development plan. Any right-of-way required as part of the construction of N.W. 72nd Street shall be donated to the City by deed or by the final plat.

20. That the north half of NW. 72nd Street shall be improved along the platted frontage, to provide a 28 foot wide roadway section that consists of a 26 foot wide pavement section and a 2 foot wide gravel shoulder. The proposed drive approach shall be located west of the existing curve at N. Robinhood Lane as to provide adequate site distance. The existing drainage ditch must be relocated to maintain positive drainage. Obtain permit from Land Development Division for said improvements prior to issuance of a building permit to construct any improvements within Phases 3 or 4 of the development plan.

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. The City Council hereby grants the following deviations pursuant to Section 88-405-25, finding that full compliance with the following subdivision design and improvement standards of this Chapter is impossible or impractical given the topographical conditions and anticipated uses for the property:

1. A deviation of the requirements of Section 88-405-10-I relating to the required centerline radius of horizontal curves for the curve along N.W. 72nd Street turning into N. Robinhood Lane along the southeast corner of the property to allow a waiver to maintain the existing 210 degrees for N.W. 72nd Street as it curves into N. Robinhood Lane.

2. A deviation of the requirements of Section 88-405-10-G relating to the maximum grade of N.W. 72nd Street to allow a waiver to maintain the existing grade of approximately 12.75% for N.W. 72nd Street.

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.

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Secretary, City Plan Commission

Approved as to form and legality:

_____
Sarah Baxter
Senior Associate City Attorney

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