



## Legislation Text

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**File #: 220896, Version: 1**

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### ORDINANCE NO. 220896

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 17.61 acres generally located at 7700 N Brighton Avenue from District R-2.5 (Residential 2.5) to District MPD (Master Planned Development) and approving a preliminary development plan, which also acts as a preliminary plat, to allow the construction of 124 residential units. (CD-CPC-2022-00126)

#### 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 80-20A-1348 rezoning an area of about 17.61 acres located at 7700 N Brighton Avenue from District R-2.5 (Residential 2.5) to District MPD (Master Plan Development), said section to read as follows:

Section 80-20A-1348. That an area legally described as:

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 17, Township 51 North, Range 32 West in the City of Kansas City, Clay County, Missouri, described as follows: Commencing at the southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 17; thence North 89 degrees 09 minutes 43 seconds West along the south line of said Quarter Quarter Section, a distance of 56.00 feet to a point on the west right of way line of North Brighton Avenue, recorded as Document Mo. 2005019769 in Book 4988 at page 24 and the point of beginning of the tract to be herein described; thence continuing North 89 degrees 09 minutes 43 seconds West along said south line, a distance of 1010.84 feet; thence North 1 degree 25 minutes 44 seconds East, a distance of 328.00 feet to a point on the easterly line of Tract H, Kings Gate Third Plat, a subdivision in said city, county and state recorded as Document No. 2007002520 in Plat Book G at page 98; thence North 56 degrees 21 minutes 13 seconds East, this and subsequent courses along the easterly line of said Tract H, a distance of 61.48 feet; thence North 50 degrees 47 minutes 59 seconds East, a distance of 102.89 feet; thence North 77 degrees 42 minutes 07 seconds East, a distance of 43.06 feet; thence North 57 degrees 41 minutes 26 seconds East, a distance of 69.90 feet; thence North 21 degrees 22 minutes 46 seconds East, a distance of 84.61 feet; thence North 84 degrees 26 minutes 00 seconds East, a distance of 14.70 feet; thence north 0 degrees 48 minutes 01 seconds east, a distance of 229.07 feet; thence North 40 degrees 09 minutes 40 seconds East, a distance of 80.83 feet to the southeast corner of Tract D, Kings Gate Second Plat, a subdivision in said city, county and state recorded as Document No. 2005058236 in Plat Book G at page 28; thence North 39 degrees 09 minutes 57 seconds East, this and subsequent courses along the southerly line of said plat, a distance of 137.13 feet; thence South 59 degrees 16 minutes 54 seconds East, a distance of 85.74

feet; thence South 77 degrees 34 minutes 13 seconds East, a distance of 72.34 feet; thence South 81 degrees 08 minutes 10 seconds East, a distance of 150.96 feet; thence South 85 degrees 54 minutes 58 seconds East, a distance of 152.82 feet; thence North 89 degrees 19 minutes 06 seconds East, a distance of 149.35 feet to a point on said west right of way line of North Brighton Avenue; thence South 0 degrees 48 minutes 01 seconds West along said right of way line, a distance of 874.01 feet to the point of beginning, Subject to that part, if any, in streets, roadways, highways or other public rights-of-way. Containing 766,942 square feet or 17.61 acres, more or less

is hereby rezoned from District R-2.5 (Residential 2.5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 80-20A-1348, which is attached hereto and made a part hereof, and which is hereby adopted as 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 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.
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 secure approval of an MPD final plan from the City Plan Commission prior to building permit.
4. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. That the developer shall continue working with staff on the landscaping plan and species provided during the MPD final plan process.
6. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018§ 507.1)
7. Fire hydrant distribution shall follow IFC-2018 Table C102.1 and 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).
8. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
9. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3).
10. 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)

11. 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)
12. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6 inch branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
13. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.
14. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
15. The developer shall submit fire hydrant installation plans meeting a 300' maximum spacing along the portion of North Brighton adjacent to the project. Plans shall be prepared by a registered professional engineer in Missouri and shall be submitted 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. The developer shall dedicate additional right-of-way along the west half of N. Brighton Avenue as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 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.

21. 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.
22. 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.
23. The developer shall secure permits to extend 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. The public sanitary sewer must be extended to serve the property. The internal sewers will be private and will require to be covered by a Covenant to Maintain Private Sewers to be reviewed and approved by the Water Services Department.
24. The developer shall 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.

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.

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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  
Senior Associate City Attorney