



## Legislation Text

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**File #:** 230055, **Version:** 1

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### ORDINANCE NO. 230055

Sponsor: Councilmember Dan Fowler

Approving a development plan in District B2-2 and R-6 on about 36.5 acres generally located at the northeast corner of N.W. Shoal Creek Parkway and Missouri Highway 169 (2 N.W. Shoal Creek Parkway) to allow for residential development. (CD-CPC-2022-00196)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District B2-2 (Neighborhood Business) and R-6 (Residential) on an approximately 36.5 acre tract of land generally located at the northeast corner of N.W. Shoal Creek Parkway and Missouri Highway 169 (2 N.W. Shoal Creek Parkway), legally described as:

Prt NW 1/4 Sec 26-52-33 & prt tr a Havenwood 1st Add beg sw cor Lot 26 Havenwood 1st Add th w alg n li NE 108th St 60 ft th n 477.02 ft th nwly 395.38 ft alg s li of strth cont nwly 417.95 ft th w 1250 ft th sely 2042 ft th sely 815 ft th 395 ft sely th n 220 ft th e 60 ft th s 15 ft th e 60 ft th s 15 ft th nely 210.08 ft th e 141.28 ft to pob.

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 all landscaping and street trees required of the approved plan have been installed in accordance with the plans and are healthy prior to issuance of a final certificate of occupancy.
2. The City Council hereby grants the following deviations:
  - (a) a deviation to the side yard setback requirements to permit a 7 foot side yard setback for Lots 26 - 50; and
  - (b) a deviation to the front and rear yard setback requirements to permit a 25 foot front and rear yard setback for Lots 1 - 24.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.
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 submit a detailed micro storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division showing compliance with the current approved macro study on file with the City and with current adopted standards in effect at the time of submission, including water quality BMP's, prior to approval and issuance of any building permits to construct improvements on the site or prior to recording the plat, whichever occurs first. The developer shall verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site and the developer shall construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.
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 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.
12. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
13. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
14. 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)

15. 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). 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)
16. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
17. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
18. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
19. The developer shall comply with the boulevard and parkway standards adjacent to N.W. Shoal Creek Parkway except as provided in Condition No. 25.
20. The developer shall submit a streetscape plan with a 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
21. Any open space that is to serve in satisfying the parkland dedication areas shall be platted into an open space tract and reserved for recreational use. The developer shall submit a final plan for the private open space tracts prior to recording the final plat, detailing the recreational amenities proposed within each Private Open Space Tract serving to satisfy the parkland dedication requirements.
22. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Parks and Recreation Department, prior to recording the plat or issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
23. As indicated on the plans, the developer shall pay money in lieu for remaining balance based on 2023 rates in satisfying the parkland dedication requirements. Fees shall be paid prior to a certificate of occupancy or final plat, whichever occurs first.
24. The developer shall submit plans to Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks,

curbs, gutters, streetscape elements, pedestrian and street lighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per the Parks and Recreation Department standards. This applies to improvements along N.W. Shoal Creek Parkway.

25. Per 88-323-03-A(5) one and two unit residential structures may back onto a parkway, with the following requirements:

- (a) A 30 feet rear yard setback per 88-110; and
- (b) a 60 feet "no build" landscape buffer to be platted as a tract, of which: i. the first 30 feet of the landscape buffer tract, adjacent to the parkway right-of-way, shall be a parkway landscape easement.

The developer shall comply with this requirement unless a variance is approved by the Board of Zoning Adjustment.

26. 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 2023 acquisition rate. This requirement shall be satisfied prior to recording the final plat, or prior to a certificate of occupancy, whichever comes first.

27. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.

28. 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.

29. The developer shall submit water main extension drawings for a water main prepared by a registered professional engineer in Missouri to the main extension desk for review prior to a certificate of occupancy.

30. 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.

31. 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.

32. The following note shall be provided on both the final plat and development plan regarding the private sanitary service lines that serve multiple units on one lot: "No single unit within a duplex, fourplex, or townhome can ever be sold individually".

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 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:

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Sarah Baxter  
Senior Associate City Attorney