



Legislation Text

File #: 230199, **Version:** 3

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230199, AS AMENDED

Sponsor: Director of City Planning and Development Department

Rezoning about 59.47 acres from District AG-R to District R-7.5 and approving a development plan and a preliminary plat to develop 251 detached homes generally located at N.W. 108th Street and N. Green Hills Road. (CD-CPC-2022-00050 and CD-CPC-2022-00051)

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-1374 rezoning an area of about 29 acres located at N.W. 108th Street and N. Green Hills Road from District AG-R (Agricultural-Residential) to District R-7.5 (Residential) said section to read as follows:

Section 80-20A-1374. That an area legally described as:

All that part of the Northwest Quarter of Section 29, Township 52 North, Range 33 West, Kansas City, Platte County, Missouri, being described as follows: Beginning at the southwest corner of said Northwest Quarter; thence North 00°05'10" East, along the west line of said Northwest Quarter, a distance of 2640.06 feet to the northwest corner of said Northwest Quarter; thence South 89°44'37" East, along the north line of said Northwest Quarter, a distance of 984.48 feet; thence South 00°12'51" West, a distance of 2638.39 feet to a point on the south line of said Northwest Quarter; thence North 89°50'26" West, along said south line, a distance of 978.57 feet to the point of beginning.

is hereby rezoned from AG-R (Agricultural-Residential) to District R-7.5 (Residential), all as shown outlined on a map marked Section 80-20A-1374, 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 is hereby approved, subject to the following conditions:

1. All proposed neighborhood signage shall conform to 88-445 and shall require a sign permit prior to installation.
2. The developer shall secure approval of a project plan from the City Plan Commission for any private open space tract that satisfies parkland dedication requirements or related to the landscape buffer, overall landscaping or a signage plan.

3. 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.
4. All driveways shall conform to 88-420-12.
5. The applicant shall submit a stormwater green solutions feasibility memo in relation to stormwater management with each final plat application.
6. 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.
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 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.
9. The developer shall dedicate additional right-of-way for the north side of N.W. 108th Street as required by the adopted Major Street Plan and/or 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.
10. 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.
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 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. Temporary cul-de-sacs shall be required for any street stubs over 150 feet. Provide temporary cul-de-sac easement and temporary construction easement from the offsite properties.

13. 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.
14. 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.
15. 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.
16. 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.\
17. 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.
18. 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.
19. 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.
20. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
21. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
22. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
23. 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.

24. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
25. 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)
26. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
27. 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) All 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) All required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3)
28. 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.
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 providing details on amenities provided within each tract serving to satisfy the parkland dedication requirements of 88-408. Final plan shall be submitted via the City Planning and Development Management application and shall be approved prior to recording final plat.
31. 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.
32. That deviations to the lot and building standards are hereby granted to allow 251 5,000-square-foot lots.
33. That deviations of five feet to the required front and rear yard setbacks for 251 lots are hereby granted.

A copy of said development plan and preliminary plat is on file in the office of the City Clerk with this ordinance and 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 Ordinance 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:

Sarah Baxter
Senior Associate City Attorney