

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160795

Rezoning ~~and approving a development plan for approximately~~ 8.85 acres located at 10800 Wornall Road from District R-7.5 to ~~District~~Districts R-1.5 ~~and R-2.5, and approving a development plan.~~ (11196-P-2)

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 88-20A1074, rezoning an area of approximately ~~8.85~~4.45 acres located at 10800 Wornall Road from District R-7.5 (Residential, 7,500 sq. ft. per unit) to District R-1.5 (Residential, 1500 sq. ft. per unit), said section to read as follows:

Section 88-20A1074. That an area legally described as:

DESCRIPTION (FUTURE LOT 1):

~~All of Lots 3 and 4 except the easterly 10.00 feet now dedicated for road purposes in Document K223385 and that of part of Lot~~Lots 3, 4 and 15,
Ridenour Farm Tract, a platted subdivision of land ~~being part in the~~
Northeast Quarter of Section 5 and the Northwest Quarter of Section 6, all
in Township 47 North, Range 33 West in the City of Kansas City, Jackson
County, Missouri, being more particularly described as follows:

~~Beginning Commencing~~ at the ~~northwest~~Northwest corner of said Lot 3
and the ~~southwest~~Southwest corner of Lot 1, The Charter, a platted
subdivision of land in the City of Kansas City, Jackson County, Missouri;
thence South 87 degrees 05 minutes 33 seconds ~~East~~Easts (South 87
degrees 06 minutes 31 seconds East platted), along the ~~north~~North line of
said Lot 3 and the ~~south~~South plat line of said The Charter, a distance of
~~782~~282.36 feet (~~782.12 feet platted~~) to ~~at the~~ point ~~on of~~ beginning; ~~thence~~
continuing South 87 degrees 05 minutes 33 seconds East (South 87
degrees 06 minutes 31 seconds East platted), along the northNorth line of
said Lot 3, ~~10.00 feet west of and the northeast corner of said Lot 3 as~~
~~measured perpendicular to the easterly~~South plat line of said Lot 3, ~~said~~
~~point also being on the westerly right of way line of Wornall Road, as~~
~~now established~~The Charter, a distance of 688.98 feet; thence South 21
degrees 53 minutes 01 seconds East (South 25 degrees 04 seconds East
platted), along a line, 10.00 feet of westWest of and parallel with the
~~easterly line of said Lot 3 and Lot 4, as measured perpendicular to said~~
~~easterly line and along the westerly right of way line of said Wornall~~

~~Read~~Westerly right-of-way line of Wornall Road, as now established, a distance of 41.13 feet; thence Westerly on a curve to the left, said curve having an initial tangent bearing of South 73 degrees 45 minutes 40 seconds West and a radius of 24.00 feet, an arc distance of 2.23 feet; thence South 68 degrees 26 minutes 23 seconds West, a distance of ~~479.56~~ 3.45 feet; thence Westerly on a curve to the right, said curve being tangent to a point on the south line of said Lot 4, said point being ~~10~~last described course and having a radius of 125.00 feet west, an arc distance of the southeast corner~~85.24~~ 85.24 feet; thence North 72 degrees 29 minutes 18 seconds West, a distance of said Lot 4 measured perpendicular~~14.22~~ 14.22 feet; thence Westerly on a curve to the left, said curve being tangent to the easterly line~~last~~ last described course and having a radius of said Lot 4, said point also being ~~99.00~~ 99.00 feet, an arc distance of 25.23 feet; thence North 87 degrees 05 minutes 33 seconds West, a distance of 214.16 feet; thence South 21 degrees 31 minutes 22 seconds East, a distance of 434.25 feet to a point on the ~~westerly right-of-way~~South line of said ~~Wornall Road~~Lot 4; thence North 87 degrees 05 minutes 33 seconds West, along the ~~south~~South line of said Lot 4, a distance of ~~781.20~~424.56 feet to the ~~southwest~~Southwest corner of said Lot 4, said point also being on the ~~easterly~~Easterly plat line of Carondelet State Line Office Park, a platted subdivision of land in the City of Kansas City, Jackson County, Missouri; thence North 22 degrees 00 minutes 37 seconds West (North 21 degrees 47 minutes 29 seconds West platted), along the ~~west~~West line of said Lot 4 and the ~~easterly~~Easterly plat line of said Carondelet State Line Office Park, a distance of 222.27 feet to the ~~southeast~~Southeast corner of said Lot 15; thence North 86 degrees 53 minutes 08 seconds West (North 86 degrees 56 minutes 11 seconds Wests platted), along the ~~south~~South line of said Lot 15 and the Easterly plat line of said Carondelet State Line Office Park, a distance of 26.25 feet; thence North 2 degrees 54 minutes 27 seconds East, a distance of 233.70 feet to the point of beginning, containing 193706.99 square feet or 4.4469 acres, more or less.

Together With,

DESCRIPTION (FUTURE TRACT A):

All that of part of Lots 3 and 15, Ridenour Farm Tract, a platted subdivision of land in the Northeast Quarter of Section 5 and the Northwest Quarter of Section 6, all in Township 47 North, Range 33 West in the City of Kansas City, Jackson County, Missouri, being more particularly described as follows: Beginning at the Northwest corner of said Lot 3 and the Southwest corner of Lot 1, The Charter, a platted subdivision of land in the City of Kansas City, Jackson County, Missouri; thence South 87 degrees 05 minutes 33 seconds East (South 87 degrees 06 minutes 31 seconds East platted), along the North line of said Lot 3 and the South plat line of said The Charter, a distance of 82.36 feet; thence South 2 degrees 54 minutes 27 seconds West, a distance of 233.70 feet to

a point on the South line of said Lot 15, said point also being on the Easterly plat line of Carondelet State Line Office Park, a platted subdivision of land in the City of Kansas City, Jackson County, Missouri; thence along the South line of said Lot 15 and also continuing along the ~~easterly~~Easterly plat line of said Carondelet State Line Office Park, for the following eleven (11) courses; thence North 86 degrees 53 minutes 08 seconds West (North 86 degrees 56 minutes 11 seconds West platted), a distance of ~~242.71~~216.46 feet (~~241.28 feet platted~~) to a point on the ~~west~~West bank line of creek as established by ~~east~~East plat line of said Carondelet State Line Office Park; thence along the ~~west~~West bank line of said creek, for the following nine (9) courses; thence North 6 degrees 46 minutes 08 seconds East (North 5 degrees 44 minutes 05 seconds East platted), a distance of 27.71 feet (28.89 feet platted); thence North 39 degrees 19 minutes 24 seconds East, a distance of 26.60 feet; thence North 38 degrees 22 minutes 41 seconds West, a distance of 30.55 feet; thence ~~North 7 degrees 05 minutes 39 seconds West~~N 7°05'39" W, a distance of 34.99 feet; thence North 47 degrees 48 minutes 50 seconds West, a distance of 60.57 feet; thence North 3^o degrees ~~606~~ minutes 26 seconds East, a distance of 31.99 feet; thence North 43 degrees 46 minutes 47 seconds East, a distance of 15.16 feet; thence North 51 degrees 11 minutes 47 seconds West, a distance of 8.35 feet; thence North 6 degrees 30 minutes 00 seconds East, a distance of 15.61 feet to a point on the ~~north~~North line of said Lot 15; thence South 87 degrees 14 minutes 27 seconds East (South 86 degrees 58 minutes 11 seconds East platted), along the ~~north~~North line of said Lot 15, a distance of 196.31 feet (196.25 feet platted) to a point on the ~~westerly~~Westerly line of said Lot 3, said point also being on the ~~easterly~~Easterly plat line of said Carondelet State Line Office Park; thence North 22 degrees 00 minutes ~~3~~737 seconds West (North 21 degrees 47 minutes 29 seconds West platted), along the ~~westerly~~Westerly line of said Lot 3 and the ~~easterly~~Easterly plat line of said Carondelet State Line Office Park, a distance of 26.09 feet (26.2 feet platted) to the point of beginning, containing ~~8.8471~~51579.52 square feet or 1.1841 acres, more or less.

is hereby rezoned from District R-7.5 (Residential, 7,500 sq. ft. per unit) to District R-1.5 (Residential, 1500 sq. ft. per unit), all as shown outlined on a map marked Section 88-20A1074, 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 above described area~~Section B. 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 88-20A1077, rezoning an area of approximately 3.11 acres located at 10800 Wornall Road from District R-7.5 (Residential, 7,500 sq. ft. per unit) to District R-2.5 (Residential, 2500 sq. ft. per unit), said section to read as follows:

Section 88-20A1077. That an area legally described as:

DESCRIPTION (FUTURE LOT 2):

All that of part of Lots 3 and 4, RIDENOUR FARM TRACT, a platted subdivision of land in the Northeast Quarter of Section 5 and the Northwest Quarter of Section 6, all in Township 47 North, Range 33 West in the City of Kansas City, Jackson County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of said Lot 4; thence North 87 degrees 05 minutes 33 seconds West, along the South line of said Lot 4, a distance of 22.04 feet to a point 10.00 feet Westerly of the Westerly right-of-way line of Wornall Road, as now established, said point also being the point of beginning; thence continuing North 87 degrees 05 minutes 33 seconds West, along the South line of said Lot 4, a distance of 345.62 feet; thence North 21 degrees 31 minutes 22 seconds West, a distance of 434.25 feet; thence South 87 degrees 05 minutes 33 seconds East, a distance of 214.16 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 99.00 feet, an arc distance of 25.23 feet; thence South 72 degrees 29 minutes 18 seconds East, a distance of 14.22 feet; thence Easterly on a curve to the left, said curve being tangent to the last described course and having a radius of 125.00 feet, an arc distance of 85.24 feet; thence North 68 degrees 26 minutes 23 seconds East, a distance of 3.45 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 24.00 feet, an arc distance of 2.23 feet; thence South 21 degrees 53 minutes 01 seconds East, along a line 10.00 feet Westerly and parallel with the Westerly right-of-way line of said Wornall Road, a distance of 438.43 feet to the point of beginning, containing 135298.68 square feet or 3.1060 acres, more or less.

is hereby rezoned from District R-7.5 (Residential, 7,500 sq. ft. per unit) to District R-2.5 (Residential, 2500 sq. ft. per unit), all as shown outlined on a map marked Section 88-20A1077, 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 C. That a development plan for an area that includes the rezoned areas described above, is hereby approved, subject to the following conditions:

- 1) The developer shall apply for and receive project plan approval by the City Plan Commission per 88-518 prior to building permit.
- 2) The plan shall be revised to portray public storm sewer easements from Tract A to proposed Lot 2.

- 3) 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.
- 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 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 Wornall Road 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, and ensure right of way dedication is adequate for any proposed road improvements adjacent to this project as required by the Public Works Department.
- 6) 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, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
- 7) 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.
- 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 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.

- 10) The owner/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 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.
- 12) 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.
- 13) The proposed building shall have a fire department access road within 150 feet of any exterior portion of the structure. (*IFC-2012: § 503.1.1*).
- 14) Required fire department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in. clearance height. (Check with Streets & Traffic (KCMO Public Works) or Missouri Department of Transportation (MODOT) that may have street planning regulations that supersede the Fire Code.) (*IFC-2012: § 503.2.1*).
- 15) Fire Department access roads shall be provided prior to when construction/demolition projects begin. (*IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5*).
- 16) The Project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (*IFC-2012: § 507.1*).
- 17) Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement, otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or if the building(s) is fully protected by an approved automatic fire sprinkler system(s). (*IFC-2012: § 507.5.1*).
- 18) Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (*IFC-2012: § 3312.1; NFPA 241-2010: § 8.7.2*)
- 19) Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (*IFC2012: § 507.5.1.1*).

- 20) The developer shall contribute \$~~34,974.95~~11,536.88 in lieu of parkland dedication for ~~9663~~ multifamily units in satisfaction of the Zoning and Development Code, calculated as follows:

$$\begin{aligned} &\text{9663 units} \times 2.0 \text{ people per unit} \times 0.006 \text{ acres/person} = \text{1.150.38 acre} \\ &\text{1.150.38 acre} \times \$30,360.20/\text{acre} = \$\text{34,974.95} \text{11,536.88} \end{aligned}$$

- 21) The developer shall secure permits for the sidewalks within the development at the time street improvement permits are secured. Sidewalks shall be installed per the sidewalk installation plan reviewed and accepted by the Parks and Recreation Department along Wornall.
- 22) The developer is required to construct new or repair existing sidewalks, curbs and gutters along all development street frontages, and repair all alleys within the development, in accordance with Chapters 56 and 64, Code of Ordinances. The developer shall submit a letter from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the existing sidewalks, alleys, curbs, and gutters, and identifying the quantity and location of sidewalks, alleys, 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, and as required by the Parks and Recreation Department (for boulevards and parkways), and by the Land Development Division (for all other street frontages), prior to recording of the final plat or prior to the issuance of any certificate of occupancy, whichever occurs first.
- 23) That the developer follow the Boulevard and Parkway Standards established by Ordinance No. 150544 and Sections 88-323, 88-408, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165 for work along Wornall Road.
- 24) The developer shall submit a streetscape plan with a street tree planting plan for approval and permitting by the Parks and Recreation Department prior to beginning work in the public right of way.
- 25) The developer shall grant a pedestrian right-of-way easement for the portion of the public sidewalks outside of the street right-of-way to the City, as required by the Parks and Recreation Department, prior to recording the plat.
- 26) The developer must submit a traffic flow/safety evaluation report before the Phase 2 building permit is issued.

- 27) The Center Planning and Development Council and property owners within 300 feet of phase 2 shall be notified of the City Plan Commission hearing for any project plan to be considered for phase 2.

Section ED. 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:

M. Margaret Sheahan Moran
Assistant City Attorney