

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180976

Rezoning about 50 acres generally located at the southwest corner of Highway 71 and I-435 (specifically at the northeast corner of E. 107th Street and Cypress Avenue), from Districts R-80, R-7.5 and R-6 to District R-2.5, and approving a development plan (and preliminary plat) that allows for 204 units (four-plexes) in two phases. (CD-CPC-2018-00173 & CD-CPC-2018-00175).

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 88-20A1179, rezoning an area of approximately 50 acres generally located at the southwest corner of Highway 71 and I-435 (specifically at the northeast corner of E. 107th Street and Cypress Avenue), from Districts R-80 (Residential 80), R-7.5 (Residential 7.5) and R-6 (Residential 6) to District R-2.5 (Residential 2.5), said section to read as follows:

Section 88-20A1179. That an area legally described as:

All that portion of a tract of land in and over the South Half of Section 35, Township 48 North, Range 33 West and all of that portion of a tract of land in and over the North Half of Section 2, Township 47 North, Range 33 West, in the City of Kansas City, County of Jackson, State of Missouri, being more particularly described as follows: Commencing at the northwest corner of the Southwest Quarter of said Section 35; thence South 02 degrees 11 minutes 11 seconds West along the west line of said Section 35, a distance of 1320.72 feet to the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 35; thence South 86 degrees 55 minutes 31 seconds East along the north line of the Southwest Quarter of the Southwest Quarter, a distance of 1322.27 feet to the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 35, being known as the point of beginning and also the southeast corner of the Amended Plat of Westridge Manor, a subdivision in said city, county and state; thence North 02 degrees 08 minutes 01 seconds East along the east line of said Amended Plat of Westridge Manor, a distance of 660.57 feet to the southerly right-of-way of Interstate Highway Number 470 as now established; thence South 50 degrees 18 minutes 41 seconds East along said right-of-way, a distance of 110.17 feet; thence South 36 degrees 27 minutes 45 seconds East along said right-of-way, a distance of 422.62 feet; thence South 79 degrees 04 minutes 54 seconds East along said right-of-way, a distance of 129.80 feet; thence South 60 degrees 05 minutes 58 seconds East along said right-of-way, a distance of 184.13 feet; thence South 43 degrees 49 minutes 36 seconds East along said right-of-way, a distance of 823.79 feet; thence South 22 degrees 49 minutes 13 seconds East along said right-of-way, a distance of 276.81 feet; thence South 30 degrees 18 minutes 43 seconds East along said right-of-way, a distance of 345.86 feet; thence South 60 degrees 05

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180976

minutes 51 seconds East along said right-of-way, a distance of 224.65 feet; thence South 20 degrees 44 minutes 22 seconds West along said right-of-way, a distance of 300.17 feet to the south line of said Section 35; thence westerly along said south line North 86 degrees 58 minutes 45 seconds West, a distance of 208.63 feet to the northeast corner of the Northwest Quarter of Section 2, T 47, R 33, which is also the northwest corner of Hickman Heights No. 2, a subdivision in said city, county and state; thence South 06 degrees 56 minutes 35 seconds West along the west line of said Hickman Heights No. 2, a distance of 448.50 feet; thence South 25 degrees 57 minutes 05 seconds West, a distance of 146.00 feet; North 77 degrees 53 minutes 40 seconds West, a distance of 120.00 feet; thence South 24 degrees 10 minutes 57 seconds West, a distance of 524.00 feet to a point in the centerline of Grandview Road as now established; thence North 64 degrees 13 minutes 25 seconds West continuing along said centerline of Grandview Road, a distance of 13.36 feet; thence South 85 degrees 59 minutes 14 seconds West along said centerline of Grandview Road, a distance of 224.00 feet; thence departing said centerline, North 16 degrees 44 minutes 14 seconds East, a distance of 604.00 feet; thence North 88 degrees 14 minutes 46 seconds West, a distance of 507.52 feet to a point on the east line of the Royal Oaks of Etem Third Plat; thence North 16 degrees 44 minutes 14 seconds East along said east line, a distance of 512.54 feet to the northeast corner of Lot 11 of the Royal Oaks of Etem, Third Plat, also being a point on the north line of said Section 2; thence South 86 degrees 59 minutes 36 seconds East along said north section line, a distance of 337.26 feet; thence North 26 degrees 09 minutes 14 seconds east departing said north section line into the Southwest Quarter of said Section 35, a distance of 578.69 feet; thence North 63 degrees 37 minutes 51 seconds West, a distance of 357.93 feet; thence South 26 degrees 22 minutes 09 seconds West, a distance of 103.97 feet; thence North 63 degrees 37 minutes 51 seconds West, a distance of 24.05 feet; thence South 26 degrees 22 minutes 09 seconds West, a distance of 32.34 feet; thence North 63 degrees 37 minutes 51 seconds West, a distance of 281.70 feet; thence South 25 degrees 55 minutes 09 seconds West, a distance of 235.88 feet; thence North 64 degrees 04 minutes 51 seconds West, a distance of 95.34 feet; thence South 25 degrees 55 minutes 09 seconds West, a distance of 225.32 feet; thence South 63 degrees 30 minutes 54 seconds West, a distance of 167.50 feet; thence South 03 degrees 23 minutes 24 seconds West to a point that is on the south line of the Southwest Quarter of Sec 35, T 48, R 33, a distance of 200.00 feet; thence North 86 degrees 59 minutes 36 seconds West along said south section line, a distance of 70.39 feet; thence North 57 degrees 10 minutes 30 seconds West to the southeast corner of Lot 7, Block 10 of said Royal Oaks of Etem, Third Plat, a distance of 70.81 feet; thence North 03 degrees 07 minutes 52 seconds East along the east line of said Royal Oaks of Etem, Third Plat, a distance of 840.58 feet; thence South 86 degrees 52 minutes 08 seconds East for a distance of 125.00 feet; thence North 02 degrees 16 minutes 24 seconds East, a distance of 446.66 feet to a point on the north line of the South Half of the Southwest Quarter

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180976

of said Section 35; thence North 86 degrees 55 minutes 31 seconds West, a distance of 55.11 feet along said Quarter Section line to the point of beginning.

is hereby rezoned from Districts R-80 (Residential 80), R-7.5 (Residential 7.5) and R-6 (Residential 6) to District R-2.5 (Residential 2.5), all as shown outlined on a map marked Section 88-20A1179, 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, subject to the following conditions:

1. The developer shall continue to work with the City Planning and Development staff as it relates to the architecture and proposed materials prior to issuance of a building permit.
2. The developer shall vacate the stub of Cypress Avenue (at the northwest corner of the site) prior to Mylar approval or prior to issuance of a certificate of occupancy.
3. 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.
4. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
5. The street naming plan shall be approved by the Development Management Division and transmitted to the Permits Division prior to addressing of any lot within the Mylar.
6. The developer shall secure approval of a streetscape plan from the Development Management Division staff prior to a building permit. The plan shall include all vertical and horizontal obstructions within and adjacent to the right-of-way along the project frontage including but not limited to signage, sidewalks, driveways, landscaping, and shall demonstrate compliance with applicable policies and regulations.
7. The developer shall submit a project plan to the City Plan Commission for the pool and clubhouse and all private open space indicating 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.
8. The developer shall submit construction plans in compliance with adopted

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180976

- standards for all improvements required by the traffic study approved by the Public Works Department when applicable, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
9. 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.
  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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
  12. 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.
  13. 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.
  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 cause the area to be platted and processed in

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180976

accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.

16. 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.
17. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
18. 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.
19. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC 2012: § 3310.1; NFPA 241 2009: § 7.5.5)
20. 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)
21. Dead end fire department access road(s) in excess of 150 feet shall be provided with an approved turn around feature (i.e., cul de sac, hammerhead). Dead end streets in excess of 150 feet in length resulting from a “phased” project shall provide an approved temporary turn around feature (i.e., cul de sac, hammerhead). (IFC 2012: § 503.2.5) (Phase 1 Lister Avenue and E. 105th Street)
22. The developer shall either dedicate parkland or contribute money in lieu of parkland dedication in satisfaction of Section 88-408 of the Zoning and Development Code per the 2018 parkland fees based on the number of units and the following formula:  
  
$$(\text{number of multi-family units}) \times 2 (\text{persons per unit}) \times 0.006 (\text{acres per person}) = 0.00 \text{ acres} \times \$39,617.49 (\text{2018 parkland fee}) = \text{Required fee.}$$
23. The developer shall revise the plan to ensure that the access road on Grandview Road shall be located to meet the City offset intersection requirements with Lister Avenue.
24. The developer will continue to meet with neighborhood representatives and the neighborhood association as the project moves forward on a monthly basis.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180976

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.

---

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:

---

Sarah Baxter  
Assistant City Attorney