

COMMITTEE SUBSTITUE FOR ORDINANCE NO. 081101

Approving an amendment to a previously approved community unit project plan in District R-2a on approximately 18.13 acres generally located on the north side of N.E. 106th Street approximately 700 feet east of N. Oak Trafficway, for the purpose of deleting an approximately 3.4 acre tract of land from said community unit project plan. (11924-CUP-9)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved community unit project plan in District R-2a (Two-Family Dwellings) on approximately 18.13 acres generally located on the north side of N.E. 106th Street approximately 700 feet east of N. Oak Trafficway, and more specifically described as follows:

A tract of land in the West 1000 feet of the North Half of the Southeast Quarter of Section 26, Township 52N, Range 33W in Kansas City, Clay County, Missouri described as follows: Commencing at the Northwest corner of the Southeast Quarter of Section 26; thence South 89 degrees, 30 minutes, 33 seconds East, along the North line of the Southeast Quarter, 710.00 feet, to the point of beginning; thence continuing South 89 degrees, 30 minutes, 33 seconds East, along the North line of the Southeast Quarter, 290.00 feet, to the East line of the West 1000 feet of the North Half of the Southeast Quarter of Section 26; thence South 00 degrees, 32 minutes, 41 seconds West, along the East line of the West 1000 feet, 1323.31 feet, to the South line of the Northwest Quarter; thence North 89 degrees, 39 minutes, 39 seconds West, along the South line, 970.01 feet; thence North 00 degrees, 32 minutes, 41 seconds East, 611.93 feet; thence South 89 degrees, 27 minutes, 19 seconds East, 55.00 feet; thence Southeasterly on a curve to the right having a radius of 230.00 feet, and an arc distance of 174.33 feet; thence Southeasterly on a reverse curve to the left having a radius of 175.00 feet, and an arc length of 132.64 feet; thence South 89 degrees, 27 minutes, 19 seconds East, 71.54 feet; thence Northeasterly on a curve to the left having a radius of 175.00 feet, and an arc length of 206.22 feet; thence Northeasterly along a reverse curve to the right having a radius of 225.00 feet, and an arc length of 47.39 feet; thence North 00 degrees, 32 minutes, 41 seconds East, 143.16 feet; thence North 27 degrees, 17 minutes, 10 seconds East, 144.44 feet; thence North 09 degrees, 15 minutes, 43 seconds East, 170.13 feet; thence North 00 degrees, 32 minutes, 41 seconds East, 235.49 feet, to the point of beginning, containing 18.13 acres, more or less.

for the purpose of deleting therefrom an approximately 3.4 acre tract of land, more specifically described as follows:

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A tract of land in the West 1000 feet of the North Half of the Southeast Quarter of Section 26, Township 52N, Range 33W in Kansas City, Clay County, Missouri described as follows: Commencing at the Northwest corner of the Southeast Quarter of Section 26; thence South 89 degrees, 30 minutes, 33 seconds East, along the North line of the Southeast Quarter, 1000.00 feet, to the Northeast corner of "Mullins Corner", recorded in Book E at Page 101; thence South 00 degrees, 32 minutes, 39 seconds West, along the East line of "Mullins Corner", 858.31 feet, to the Southeast corner of Tract A of "Mullins Corner", and the point of beginning; thence South 00 degrees, 32 minutes, 41 seconds West, along the West line of "Auburn Hills Third Plat", recorded in Book E at Page 71, and "Auburn Hills First Plat", recorded in Book D at Page 19, 440.00 feet, to the existing North Right-Of-Way line of NE 106th Street, recorded in Book 446 at Page 39; thence North 89 degrees, 39 minutes, 39 seconds West, along the North Right-Of-Way line of NE 106th Street, 347.33 feet; thence North 00 degrees, 32 minutes 41 seconds East, 305.00 feet, to the South angle point of Lot 18, "Mullins Corner"; thence North 28 degrees, 25 minutes, 20 seconds East, along the Southeast lines of Lots 18 and 19, 154.13 feet, to the Southwest corner of Tract A, "Mullins Corner"; thence South 89 degrees, 27 minutes, 19 seconds East, along the South line of Tract A, 275.26 feet, to the point of beginning, containing 3.40 acres, more or less.

so that the remaining tract of land of approximately 14.54 acres, more specifically described as follows:

A tract of land in the West 1000 feet of the North Half of the Southeast Quarter of Section 26, Township 52N, Range 33W in Kansas City, Clay County, Missouri described as follows: Commencing at the Northwest corner of the Southeast Quarter of Section 26; thence South 89 degrees, 30 minutes, 33 seconds East, along the North line of the Southeast Quarter, 710.00 feet, to the point of beginning; thence continuing South 89 degrees, 30 minutes, 33 seconds East, along the North line of the Southeast Quarter, 290.00 feet, to the East line of the West 1000 feet of the North Half of the Southeast Quarter of Section 26; thence South 00 degrees, 32 minutes, 41 seconds West, along the East line of the West 1000 feet, 858.31 feet, to the Southeast corner of Tract A of "Mullins Corner", recorded in Book E at Page 101; thence North 89 degrees, 27 minutes, 19 seconds West, along the South line of Tract A, 275.26 feet, to the angle point in the Southeast line of Lot 19, "Mullins Corner"; thence South 28 degrees, 25 minutes, 20 seconds West, along the Southeast lines of Lots 18 and 19, 154.13 feet, to the South angle point of Lot 18, "Mullins Corner"; thence South 00 degrees, 32 minutes, 41 seconds West, 330.00 feet, to the South line of the Northwest Quarter; thence North 89 degrees, 39 minutes, 39 seconds West, along the South line, 622.68 feet; thence North 00 degrees, 32 minutes, 41 seconds East, 611.93 feet; thence

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South 89 degrees, 27 minutes, 19 seconds East, 55.00 feet; thence Southeasterly on a curve to the right having a radius of 230.00 feet, and an arc distance of 174.33 feet; thence Southeasterly on a reverse curve to the left having a radius of 175.00 feet, and an arc length of 132.64 feet; thence South 89 degrees, 27 minutes, 19 seconds East, 71.54 feet; thence Northeasterly on a curve to the left having a radius of 175.00 feet, and an arc length of 206.22 feet; thence Northeasterly along a reverse curve to the right having a radius of 225.00 feet, and an arc length of 47.39 feet; thence North 00 degrees, 32 minutes, 41 seconds East, 143.16 feet; thence North 27 degrees, 17 minutes, 10 seconds East, 144.44 feet; thence North 09 degrees, 15 minutes, 43 seconds East, 170.13 feet; thence North 00 degrees, 32 minutes, 41 seconds East, 235.49 feet, to the point of beginning, containing 14.54 acres, more or less.

is hereby approved, subject to the following conditions:

1. That the developer cause the area to be platted and processed in accordance with Chapter 66, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Subdivision Regulations. This includes proposed lots 13 and 14.
2. That the developer submit and update the previously accepted macro storm drainage study for the overall development to address the development amendments along with a detailed micro study for review and acceptance prior to clearance of the next plat and make necessary improvements as required by Development Services.
3. That the developer submit plans for grading and siltation and erosion control to Development Services for approval prior to beginning any construction activities.
4. That the developer dedicate additional right of way for N.E. 106th Street for a collector with a bike path as required by Development Services so as to provide a minimum of 36 feet of right of way as measured from the centerline of N.E. 106th Street.
5. That the developer improve N.E. 106th Street to collector street standards, including curb, gutter, streetlight and sidewalks as required by Development Services.
6. That the developer submit a certificate of survey (to the City for acceptance) prior to the individual sale of duplex or multi-family units.
7. That the developer extend water mains as required by the Water Services Department.

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8. That the developer extend sanitary sewers as required by Development Services.
9. That the developer submit a street tree planting plan as part of the final plat and secure the approval of the City Forester for street trees planted on right of way in front of residential lots. A copy of the street tree planting plan shall be submitted to the Department of City Development. The plan shall include size, type, species and placement of trees. The developer will plant the trees in accordance with the plan.
10. That the developer submit a final plan to the City Plan Commission for approval including plans for landscaping and signage. The final plan shall include landscaping, consisting of berms, trees and plantings around and within the parking lots, and shall show proposed pedestrian circulation and elevation drawings of signage. For all property adjacent to N.E. Shoal Creek Parkway (Lots 22 and 23 as shown on the preliminary plan), the landscape plan shall also include:
 - (a) Species, planting size and spacing of all trees and shrubbery; and
 - (b) Height and width of berm (if utilized), with elevation drawings; and
 - (c) If fencing is to be utilized along all or a portion of those lots adjacent to the parkway, the final plan shall include information on material, color, height, setback and type, including an elevation drawing of a section. If the developer is to permit no fencing along the parkway, the developer shall include a statement to that effect on the final plat for said lots. Private restrictions shall also be submitted with the final plat which include information regarding fencing restrictions. The final plan may specify an option to the individual owner as to whether the side of the lot is to be fenced or landscaped, either must be done in accordance with a plan. Landscaping and/or fencing of Lots 22 and 23 as shown on the preliminary plan shall be coordinated in terms of materials, color, height, setback and type.

A copy of said amendment 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 Ordinance have been given and had.

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I hereby certify that as required by Chapter 80, 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