

Staff Report

- a. SD 1493 – Osler Estates – Preliminary Plat
- b. SD 1493A – Osler Estates – Final Plat

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West: District R-80, large lot residential

AREA PLAN: **The Line Creek Valley Area Plan** approved by Resolution No. 110030, on February 10, 2011, recommends Residential Low Density. The proposal is not in conflict with the area plan recommendation.

ARTERIAL STREET

IMPACT FEE: **Benefit District:** E (Line Creek Valley)
(Informational only) **Discounted Rate:** See C.S. Ord. No. 011258, as amended for more detail regarding this topic.
Estimated fee: 2 sf homes x \$715.00/sf home = \$1,430.00

PREVIOUS CASES: Not Applicable

REPORT:

Existing Conditions:

The site is generally located at the northwest corner of NW 56th Street and N Overland Drive. Since N Overland Drive curves to the east at this location, however the exact site is adjacent to N Overland Drive on the north portion but about 500 feet west of N Overland Drive along NW 56th Street. The Northwood Hills Sixth Plat is directly east of the site, between the subject site and N Overland Drive. The site is also a little over one mile west of the NW 56th Street/I-29 intersection. This intersection has southbound and northbound access to I-29 from the south but ties into the two frontage roads (NW Prairie View Road and NW Roanridge Road) to the north. The subject tract has a total of 5.52 acres with 376 feet of frontage on NW 56th Street and about 194 feet of frontage on N Overland Drive. The N/S measurement of the tract is about 658 feet. The site has a single family residence with a garage on the south side of the tract having direct access to NW 56th Street. There are no other structures on the site. The site topography has a high elevation of 940 on the east side of the site, near N Overland Drive. The site low elevation point is on the west central portion of the site with an elevation of 900. There are two existing ponds in the middle of the site. In the past, the owner of the site acquired a 50 foot wide N/S vacated roadway right of way along the east side of the tract. This appears to be the prior N Overland Drive alignment before it shifted to the east.

Northwest 56th Street is a two-lane unimproved asphalt country road with 25 feet of right of way from the centerline. North Overland Drive is a two-lane partially improved city street with storm sewers, street lights and some sidewalk on the west side. The street has 50 feet of right of way.

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North Overland Drive has been partially improved with the development of the adjacent subdivisions, Hills of Walden and Northwood Hills.

The site has developed and platted single family homes on the north and east. The site has large lot, unplatted properties to the west and south. To the north is the Hills of Walden 10th and 11th plats—both under development into single family detached housing. To the east is the Northwood Hills 6th Plat, also single family detached housing.

Proposal:

The applicant proposes to split the tract into two lots, Lots 1 and 2. Lot 1 will be on the south, have vehicular access to NW 56th Street, include the existing house and contain 3.12 acres. Proposed Lot 2 will be on the north, will be created for a proposed house, have vehicular access to N Overland Drive and contain 2.40 acres. These two plats (preliminary and final) are required because the applicant wants to build a second house on the existing lot. The existing zoning for the site is R-80 which would allow the creation of the two lots. However, the applicant is over 1,000 feet away from a sanitary sewer. The applicant believes that it is cost prohibitive to extend sanitary sewer that distance and therefore is requesting the approval of a septic system. Section 88-405-05-C requires that,” *lots that are not served by a public sewer must have a minimum area of at least 3 acres*”. Over the past 1 ½ years, the applicant attempted to obtain additional property to be able to create two lots which contained at least three acres each, but was unable to do so. Due to this, the applicant must seek a subdivision variance of Section 88-405-05 from the City Plan Commission and City Council.

Parkland Dedication:

Parkland dedication is a requirement of platting for residential development. According to Section 88-405-17 the developer has three options for this dedication whenever residential development is proposed. Applicants may dedicate land to the City, provide private open space for park purposes or pay money in lieu of parkland dedication. The plan shows a proposal for 2 residential units. Therefore the money in lieu is calculated as follows:

- * 2 SF units x 3.7 persons/unit x 0.006 acres/person = 0.444 acres
- * 0.444 acres x \$16,815.50 = \$746.61

These monies will likely be used at Frank Vaydik Park. Frank Vaydik Park is located at NW 56th Street and NW Waukomis Drive, was acquired by the City in 1966 and contains 144.74 acres.

Analysis:

The applicant has been working with city staff for over a year to develop the property into two

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lots without having to extend city sanitary sewers to the site. Unfortunately, the applicant cannot meet the minimum six acre threshold. The applicant was required to plat the property which requires both a preliminary and final plat. City staff must recommend the council approved conditions of sanitary sewer extension and street improvements. The city council however can waive one or more infrastructure improvements as required per Section 88-405-25 which reads as follows:

***88-405-25 WAIVERS AND MODIFICATIONS OF SUBDIVISION
DESIGN/IMPROVEMENT STANDARDS***

88-405-25-A. GENERAL AUTHORITY

Whenever it is found that the land included in a subdivision division plat presented for approval is of such size or shape or is subject to or is affected by such topographical conditions, or is to be devoted to such uses, that full compliance with the subdivision design and improvement standards of this Chapter is impossible or impractical, the city plan commission may recommend and the city council may authorize waivers or modifications to such standards so that substantial justice may be done and the public interest secured.

88-405-25-B. PROCEDURE

Waivers and modifications must be identified on the preliminary plat and must be considered as part of the subdivision review and approval process.

88-405-25-C. REVIEW CRITERIA

To recommend or approve a waiver or modification of subdivision design and improvement standards, the city plan commission and city council must determine that all of the following conditions exist:

- 1. that there are special circumstances or conditions affecting the property;*
- 2. that the waiver or modification is necessary for reasonable and acceptable development of the property in question and is not a greater modification or waiver than is required to allow reasonable and acceptable development of the subject property; and*
- 3. that the granting of the waiver or modification will not be detrimental to the public welfare or injurious to other property in the vicinity in which the subject property is situated.*

The applicant is requesting waivers for: 1) the extension of sanitary sewer, and 2) the improvements to NW 56th Street (likely). City staff recommends the upholding of the ordinance requiring these improvements.

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It is likely that the creation of these two lots will affect, by delaying, the standard single family housing development which is occurring in this area to the north and east. In the past 10 years, single family housing development has been developed in this general area from north to south, from Mo Rte 45 to NW 56th Street. The residential development to the north includes, Tremont Manor, Hills of Walden, Forest Ridge Estates, and Northwood Hills. The development ends at the north and east lines of the proposed two lots. If the city approves these two lots and homes are built, it is less likely that more standard development will occur which is more likely to pay their way, when it comes to taxes, initial infrastructure improvement and taxes. If developed in standard form with +/- 4 units per acre, the 5.5 acre tract could support over twenty new single family lots. In addition, it is more likely that the sanitary sewer would be extended and the NW 56th Street right of way would be improved with roadway, storm sewers, street lights and sidewalks. To address the possibility of the two-lot plat being approved, city staff has requested that the developer's engineer position the second (northern) home so that it will not affect any future development of the 5.5 acre tract. In addition, city staff has requested the submittal of a "ghost plat" which could show how the two lots could be developed into more standard single family development should the current owners decide to sell the entire land in the future.

Northwest 56th Street used to be on the Major Street Plan but is not on the MSP now. Due to this, developments to the east have dedicated up to 50 feet of right of way from the centerline of the street, for a total ROW of 100 feet. The existing plat shows that there is currently 25 feet of ROW from the centerline of NW 56th Street. Since this street is no longer on the MSP the Public Works Department is designating this street as a Collector. Collector streets require a minimum of 30 feet from the centerline. Therefore, PW staff recommends that this plat dedicate an additional five (5) feet of ROW on the north side of NW 56th Street.

RECOMMENDATION:

The Development Review Committee met on October 8, 2014, to review this case. City Planning and Development Department staff recommends in the following manner, based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions as provided by the Development Review Committee on October 8, 2014:

Condition 1 per City Planning and Development, (Stan.Eiler@kcmo.org) and (john.eckardt@kcmo.org)

- a. **SD 1493 – Osler Estates – Preliminary Plat – Approval with the following conditions:**
 - 1. That the developer revise the preliminary plat in the following manner:
 - a. Show the front yard setbacks on both N Overland Drive and NW 56th Street as required by the Zoning and Development Code.

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- b. Notes, Cash in Lieu of Parkland, Change the 4 single family homes to 2 single family homes and state that the amount will be \$746.61.
- c. Identify the N/S dashed line on the east side of the plat located about 50 feet west of the east property line.
- d. Clarify the cited Right of Way line provided with Bk. B Pg. 175 (this appears to be an error as Minor Subdivisions cannot dedicate ROW).
- e. Show the existing and proposed right of way dimensions from the centerline with 25 feet existing and a proposed 5 foot of additional right of way for a total ROW of 30 feet from the centerline.
- f. Identify on the plat all of the waivers which were agreed upon by the City Plan Commission.

Conditions 2 through 19 per City Planning and Development, (Stan.Eiler@kcmo.org)

2. That the Owner/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, as amended, commonly known as the Development Regulations.
3. That the Owner/Developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water quality BMP's, conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.
4. That the Owner/Developer verify the peak rate of offsite runoff entering the pond on the south side of Lot 2. If that rate equals or exceeds 8.0 cfs, this is a public storm water conveyance system. This would require the existing storm drainage easement to be extended to the discharge point at the pond and that the pond be platted as a separate storm water detention tract with a covenant agreement for maintenance, as determined by the Land Development Division.
5. That the Owner/Developer 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

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include said document(s) within the public improvement applications submitted for permitting.

6. That the Owner/Developer extend the existing public storm drainage easement to the point of discharge and that the discharge area be dedicated as a separate storm water detention tract, if it is determined to meet or exceed the criteria for public storm water discharge, as determined by the Land Development Division.
7. That the Owner/Developer must submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, clearing or grubbing activities, if the disturbed area equals one or more acres during the life of the construction activity.
8. That the Owner/Developer secure a Site Disturbance Permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
9. That after the City Plan Commission enters its disposition for the preliminary plat, the Owner/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.
10. That the Owner/Developer grant, on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or BMP permits, whichever occurs first.
11. That the Owner/Developer verifies adequate capacity of the existing sewer system as required by the Land Development Division for the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
12. That the developer extends the sanitary sewer approximately 220 feet from N Overland Ct to the north property line of lot 2 and connects that with the private grinder pump, OR extends the Burlington interceptor sanitary sewer approximately 1600 feet to the west property line of lot 2.
13. That the Owner/Developer submit public improvement plans, including intersection improvements, public streets and storm sewers, sanitary sewers, street lights, road markings, sidewalk, curb and gutter and drive approaches and storm

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water detention facilities, as applicable, to address all above items direct to the Land Development Division for code compliance review. Obtain all required construction permits from the Land Development Division.

14. That the Owner/Developer subordinates to the City all private interest in the area of any right of way dedication as required by the Land Development Division and that the developer be responsible for all costs associated with subordination activities now and in the future.
15. That the Owner/Developer provides a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
16. That the Owner/Developer submits covenants, conditions, and restrictions to the Law Department for approval by the City for the maintenance of any private open spaces and any detention areas and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.
17. That the Owner/Developer provides copies of the executed and recorded Surface Drainage Easements. These easements may be identified with book and page numbers on the plat but they cannot be dedicated by the final plat. Separate documents must be submitted to Development Services.
18. That the developer enters into a cooperative agreement for the NW 56th half street improvement along the property frontage as required by the Land Development Division, including curbs, gutters, sidewalks, street lights, existing roadway section transitions to meet vertical and horizontal alignment standards, and relocation of utilities in the amount based on the engineering cost estimate.
19. That the developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

Condition 20 per Wei Sun, PW Dept. (Wei.sun@kcmo.org)

20. That the developer dedicate five feet of additional right of way on the north side of NW 56th Street for a total of 30 feet of right of way from the centerline of NW 56th Street as required by the Public Works Department.

Conditions 21 & 22 per Richard Allen, Parks and Recreation Dept. (Richard.allen@kcmo.org)

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21. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:
 - * 2 SF units x 3.7 persons/unit x 0.006 acres/person = 0.444 acres
 - * 0.444 acres x \$16,815.50 = \$746.61
22. That the developer submit a street tree planting plan for both N Overland Drive and NW 56th Streets for approval by the Parks and Recreation Department prior to the release of the final plat for recording.

Condition 23 per John Hastings, Fire Marshal's Office (John.hastings@kcmo.org)

23. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Condition 1 per City Planning and Development, Land Development Division (Stan.Eiler@kcmo.org) and Pam.Powell@kcmo.org)

b. SD 1493A – Osler Estates – Final Plat -- Approval with the following conditions:

1. That the developer revise the final plat in the following manner:
 - a. Further additions and corrections as required by Land Development Division.
 - b. Show the front yard setbacks on both N Overland Drive and NW 56th Street as required by the Zoning and Development Code.
 - c. Notes, Cash in Lieu of Parkland, Change the 4 single family homes to 2 single family homes and state that the amount will be \$746.61.
 - d. Identify the N/S dashed line on the east side of the plat located about 50 feet west of the east property line.
 - e. Clarify the cited Right of Way line provided with Bk. B Pg. 175 (this appears to be an error as Minor Subdivisions cannot dedicate ROW).
 - f. Show the existing and proposed right of way dimensions from the centerline with 25 feet existing and a proposed 5 foot of additional right of way for a total ROW of 30 feet from the centerline.

Conditions 2 through 18 per City Planning and Development, (Stan.Eiler@kcmo.org)

2. That the Owner/Developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water

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quality BMP's, conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.

3. That the Owner/Developer verify the peak rate of offsite runoff entering the pond on the south side of Lot 2. If that rate equals or exceeds 8.0 cfs, this is a public storm water conveyance system. This would require the existing storm drainage easement to be extended to the discharge point at the pond and that the pond be platted as a separate storm water detention tract with a covenant agreement for maintenance, as determined by the Land Development Division.
4. That the Owner/Developer 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.
5. That the Owner/Developer extend the existing public storm drainage easement to the point of discharge and that the discharge area be dedicated as a separate storm water detention tract, if it is determined to meet or exceed the criteria for public storm water discharge, as determined by the Land Development Division.
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Division.

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13. That the Owner/Developer subordinates to the City all private interest in the area of any right of way dedication as required by the Land Development Division and that the developer be responsible for all costs associated with subordination activities now and in the future.
14. That the Owner/Developer provides a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
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Condition 22 per John Hastings, Fire Marshal's Office (John.hastings@kcmo.org)

22. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Respectfully submitted,



John Eckardt
Planner

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