

ORDINANCE NO. 120286

Rezoning an area of approximately 14.69 acres generally located about 800 feet south of N.W. 64th Street (M-45) on the west side of N. Cosby Avenue from District R-6 to District MPD, and approving a preliminary development plan for 298 residential multifamily units in seven buildings. (5857-MPD-49)

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 88-20A0900, rezoning an area of approximately 14.69 acres generally located about 800 feet south of N.W. 64th Street (M-45) on the west side of N. Cosby Avenue from District R-6 (Residential 6) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A0900. That an area legally described as:

All that part of the Northwest Quarter of Section 30, Township 51 North, Range 33 West, in Kansas City, Platte County, Missouri, described as follows: Commencing at the northwest corner of the east half of the Northwest Quarter of Section 30, Township 51 North, Range 33 West; thence South 1 degree 00 minutes 09 seconds West along the west line of the east half of the Northwest Quarter of said Section 30, a distance of 759.50 feet to a point on the south right of way of N.W. 63rd Street, the point of beginning; thence in a southeasterly direction along the south right of way line of N.W. 63rd Street and along a curve to the right whose initial tangent bears South 85 degrees 15 minutes 55 seconds East, having a radius of 2470.00 feet, through a central angle of 23 degrees 42 minutes 22 seconds, an arc distance of 1021.96 feet to a point of reverse curvature; thence continuing along the south right of way line of N.W. 63rd Street and along a curve to the left, having a radius of 605.00 feet, through a central angle of 26 degrees 06 minutes 47 seconds, an arc distance of 275.73 feet to a point of reverse curvature; thence continuing along the southerly right of way line of 63rd Street and along a curve to the right, having a radius of 15.00 feet, through a central angle of 89 degrees 00 minutes 12 seconds, an arc distance of 23.30 feet to a point on the west right of way line of N. Cosby Avenue; thence South 1 degree 19 minutes 51 seconds West along the west right of way line of N. Cosby Avenue, a distance of 317.07 feet to the northeast corner of Tract B, Forest Ridge Estates, a subdivision in Kansas City, Platte County, Missouri; thence North 87 degrees 37 minutes 41 seconds West along the north line of Tracts B and A of said Forest Ridge Estates, a distance of 1255.36 feet to a point on the west line of the east half of the Northwest Quarter of said Section 30; thence North 1 degree 00 minutes 09 seconds East along the west line of the east half of the Northwest Quarter of said Section 30, a

ORDINANCE NO. 120286

distance of 642.66 feet to the point of beginning and containing 639,707 square feet or 14.686 acres, more or less.

is hereby rezoned from District R-6 (Residential 6) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A0900, 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. That the developer 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.
2. That the developer submit a new, or update a previously accepted Macro Storm Drainage Study for the overall development to the Land Development Division, updating the macro to address quantity and quality adopted standards, development amendments or modified conveyance systems, etc., along with providing a detailed micro study prior to final platting or issuance of a building permit (whichever occurs first), that is in general compliance with the macro and adopted standards, including a BMP level of service analysis, and securing permits to construct any improvements as required by the Land Development Division.
3. That the developer improve the west half of N. Cosby Avenue to collector standards as required by the Public Works Department and the Land Development Division, including sidewalks, street lights, etc., as may be required to complete the west half section to current standards and in accordance with any prior permitting sections including relocating any utilities as may be necessary, obtaining required permit for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
4. That the developer improve the intersection of N. Cosby Avenue and N.W. 63rd Street to complete the sidewalk, crosswalk, and ADA ramp improvements to properly tie this project's improvements into existing pedestrian improvements to adopted standards as required by the Public Works Department and the Land Development Division, obtaining required permit for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
5. That the developer improve N.W. 63rd Street to provide required sidewalk, and ADA ramp improvements to properly access N. Lucerne

ORDINANCE NO. 120286

Avenue, that all impacted street lights be properly relocated as required by the Public Works Department and the Land Development Division, obtaining required permit for said improvement or relocations and submitting required easement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.

6. 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 within the planned boundary without the prior written consent of the Land Development Division.
7. That the developer integrate into the existing streetlight system any relocated existing streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. That the developer submit plans for grading, siltation, and erosion control to the Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. That the 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.
10. That the developer verify adequate capacity of the existing sewer system as required by the Land Development Division prior to connecting private services to the existing public sewer mains, prior to making connection to the sewer.
11. That the developer provide acceptable easement and secure permits to relocate sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
12. That any stream buffer zones are delineated and identified prior to removal of any outer zone mature riparian species due to building activities on the site, in accordance with the Section 88-415 requirements.
13. That the developer obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.

ORDINANCE NO. 120286

14. That the developer show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year floodplain area on any plat and plan, as required by the Land Development Division.
15. That the developer grant a BMP Easement or Covenant to the City for required water quality mitigation improvements, as required by the Land Development Division, prior to issuance of any permit to construct said improvement.
16. That the developer grant a City approved temporary cul-de-sac easement (cul-de-sac right-of-way), for that portion of the existing N.W. 63rd Street outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
17. That the developer submit a final stream buffer plan, prepared in accordance with Section 88-415, for review and acceptance by the Land Development Division, with the final plat application, and prior to building permit issuance, whichever occurs first.
18. That the developer show and label the final stream buffer zones on the subdivision plat within a private open space tract (or stream buffer easement), as required by the Land Development Division.
19. That the developer enter into a covenant agreement for the maintenance of any stormwater detention area tracts proposed or replatted or amended by this project, as required by the Land Development Division, prior to recording the plat.
20. That the developer dedicate additional right-of-way on the south side of N.W. 63rd Street so as to provide a minimum of 43.5 feet of right-of-way as measured from the street centerline to provide for a collector street with 11 feet wide travel lane, 3.5 feet wide clearance for parking maneuvering, 18 feet wide 45 degree back-in angle parking stalls (including gutter), one foot width for curb, and 10 feet width for sidewalk, streetlights, and utilities.
21. That the developer construct the south side of N.W. 63rd Street to collector street standards conforming to City standards, as required by the Public Works Department and the Land Development Division.
22. That the developer petition for and install pedestrian crossings across N.W. 63rd Street on the east side of Lucerne Avenue and the west side of Revere Avenue, including all pavement markings and traffic signs, as required by the Public Works Department and the Land Development Division.

ORDINANCE NO. 120286

23. That the developer provide for fire protection as required by the Fire Department.
24. That the developer extend water mains as required by the Water Services Department.
25. That the developer relocate sanitary sewer mains as required by the Water Services Department.
26. That the developer extend sanitary sewers to ensure individual service is provided to all proposed lots and determine adequacy as required by Development Services.
27. That the developer within 30 days of approval of the preliminary development plan by the City Council, file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the City Plan Commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the City Development Department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan.
28. That the developer submit a final development plan to the City Development Department for approval by the Development Review Committee prior to the issuance of a building permit.

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.

ORDINANCE NO. 120286

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