

ORDINANCE NO. 130061

Rezoning an area of approximately 18.75 acres generally located on the east side of U. S. Highway 169 between N.W. 95th Terrace and N.W. 96th Street from District R-1.5 to District MPD, and approving a preliminary development plan for the same. (13311-MPD-6)

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 88-20A0294, rezoning an area of approximately 18.75 acres generally located on the east side of U. S. Highway 169 between N.W. 95th Terrace and N.W. 96th Street from District R-1.5 (Residential 1.5) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A0294. That an area legally described as:

A tract of land in the Southwest Quarter of Section 35, Township 52, Range 33 and the Northwest Quarter of Section 2, Township 51, Range 33, Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 89 degrees 41 minutes 51 seconds West along the South line of said Southwest Quarter, 1353.79 feet; thence North 0 degrees 18 minutes 09 seconds East, 569.01 feet to a point on the Southerly right-of-way line of N.W. 96th Street, as now established, said point being also the True Point of Beginning of the tract to be herein described; thence South 37 degrees 10 minutes 06 seconds West, 173.67 feet; thence South 13 degrees 14 minutes 59 seconds West, 441.28 feet to a point on the aforementioned South line of said Southwest Quarter; thence North 89 degrees 41 minutes 51 seconds West along said South line, 0.98 feet; thence South 12 degrees 44 minutes 57 seconds West, 414.71 feet to a point on the Northerly right-of-way line of N.W. 95th Terrace, as now established; thence Westerly on a curve to the left, along said Northerly line, having an initial tangent bearing of North 89 degrees 08 minutes 03 seconds West, a radius of 459.72 feet, a central angle of 00 degrees 51 minutes 33 seconds, an arc distance of 6.94 feet; thence North 89 degrees 59 minutes 58 seconds West (Deed- South 89 degrees 42 minutes 46 seconds West) , along said Northerly right-of-way line, 176.88 feet; thence North 0 degrees 00 minutes 02 seconds East (Deed- North 0 degrees 17 minutes 14 seconds West) along said Northerly right-of-way line, 15.00 feet; thence North 89 degrees 59 minutes 58 seconds West (Deed- South 89 degrees 42 minutes 46 seconds West) along said Northerly right-of-way line, 143.70 feet; thence Westerly, along said Northerly right-of-way line, on a curve to the right, tangent to the last described course, having a radius of 924.93 feet, a central angle of 24 degrees 26 minutes 00 seconds,

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an arc distance of 394.43 feet; thence North 61 degrees 47 minutes 06 seconds West (Deed- North 61 degrees 59 minutes 37 seconds West), along said Northerly right-of-way line, 75.80 feet (Deed- 74.26 feet) to a point on the Easterly right-of-way line of U.S. Highway No. 169 as established in Book 1205 at Page 758 in the office of the recorder of deeds in Clay County, Missouri; thence North 26 degrees 11 minutes 50 seconds East along said Easterly right-of-way line, 606.89 feet; thence North 0 degrees 34 minutes 13 seconds West, along said Easterly right-of-way line, 481.64 feet to a point on the Southerly right-of-way line of the aforementioned N.W. 96th Street; thence North 84 degrees 16 minutes 17 seconds East, along said Southerly right-of-way line, 203.46 feet; thence Southeasterly along said Southerly right-of-way line, on a curve to the right, having an initial tangent bearing of South 88 degrees 46 minutes 38 seconds East, a radius of 1065.92, a central angle of 35 degrees 11 minutes 02 seconds, an arc distance of 654.55 feet to the True Point of Beginning. Being also known as Tract II on Certificate of Survey Filed on December 5, 2007, as Document No. 2007048852 in Book G at Page 140.

is hereby rezoned from District R-1.5 (Residential 1.5) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A0294, 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 detailed macro storm drainage study for the entire project, consisting at a minimum of a letter from a Missouri licensed civil engineer stating that the proposed improvements will not alter or increase historical runoff conditions for the site and a detailed micro storm drainage study, including a BMP level of service analysis, stormwater management mitigation, proposed installation of permanent BMP treatment areas, runoff volume control, Level of Service Analysis to assess the appropriateness of the proposed BMP's. The developer must secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
3. That the developer obtain the executed and recorded City-approved grading, temporary construction, drainage/sewer, or any other necessary

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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.

4. That the developer submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, or clearing or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
5. 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.
6. That 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.
7. That the 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.
8. That the developer verify 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).
9. That the developer grant public pedestrian easements for those sidewalks along N.W. 95th Terrace on private property.
10. That the developer contribute \$68,278.45 in lieu of parkland dedication for 336 multifamily units (336 units X 2.0 X .006 X \$16,934.14 (year 2012) = \$68,278.45) in satisfaction of Section 88-405-17 of the Zoning and Development Code.
11. That the developer provide for fire protection as required by the Fire Department prior to construction beyond foundations.
12. That the developer extend/relocate water mains and grant exclusive easements as required by the Water Services Department.

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13. That the developer comply with the KCI/Downtown Airport height restrictions.
14. That the developer submit a street tree planting plan prior to or concurrent with the final plat submittal, secure the approval of the City Forester for street trees planted on right-of-way in front of residential lots (with a copy to be submitted to the City Development Department staff), and agree to plant in conformance with the plan approved by the City Forester. The plan shall include size, type, species, and placement of trees.
15. That the developer obtain prior approval from the Transportation Development Committee for any proposed exceptions to City standards.
16. That the developer submit public improvement plans, including intersection improvements, public streets and storm sewers, sanitary sewers, streetlights, road markings, sidewalk, curb and gutter and drive approaches, as applicable, to address all above items direct to the Land Development Division for code compliance review and obtain all required construction permits from the Land Development Division.
17. That the developer provide a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
18. That the developer submit an extension of covenants, conditions, and restrictions to the Law Department for approval 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, with each final plat.
19. That the developer provide 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.
20. That the developer show and label any private open space, medians areas, islands or monumentation on tracts labeled "A", "B", etc.
21. That the developer submit to the Land Development Division an executed Stormwater Detention Covenant for Maintenance (with BMP's, if applicable).
22. That the developer show and label the APWA 5600 Stream Buffer Zone boundary on the final plat and construction plans. If applicable to the project, a stand-alone stream buffer easement shall be recorded in Clay

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County and be submitted along with stand-alone stream buffer plans to LDD as required by the Land Development Division.

23. That the developer pay impact fees as required by Chapter 39 of the City's Code of Ordinances as required by the Land Development Division.
24. That the developer submit a final plan to the Development Review Committee for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing no direct illumination beyond the property line) and building elevations.

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 Ordinance have been given and had.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form and legality:

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M. Margaret Sheahan Moran  
Assistant City Attorney