

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 021275

Approving a Community Unit Project on an approximately 206.9 acre tract of land generally located both on the south/west side of N.E. Sherman Road, approximately 1400 feet north of N.E. L.P. Cookingham Drive and on the west side of N. Eastern Avenue (extending west to realigned N.E. Sherman Road), approximately 600 feet north of N.E. L.P. Cookingham Drive. (12615- CUP-2)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a Community Unit Project on an approximately 206.9 acre tract of land generally located both on the south/west side of N.E. Sherman Road, approximately 1400 feet north of N.E. L.P. Cookingham Drive and on the west side of N. Eastern Avenue (extending west to realigned N.E. Sherman Road), approximately 600 feet north of N.E. L.P. Cookingham Drive, and more specifically described as follows:

A tract of land in the Southwest Quarter of Section 16, the Southeast Quarter of Section 17, the Northeast and Northwest Quarter of Section 21, all in Township 52, Range 32, Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at the southeast corner of the Southeast Quarter of said Section 17; thence South 89°26'38" West, along the south line of said Southeast Quarter, a distance of 381.21 feet; thence North 00°33'22" West, a distance of 506.42 feet; thence North 41° 20'51" East, a distance of 1440.43 feet to its intersection with the centerline of N. Sherman Road, as now established; thence South 48°39'09" East along said centerline, a distance of 2406.58 feet; thence South 35° 43'55" East, along said centerline, a distance of 1756.34 feet to its intersection with the north line of the south 73.5 poles of the Northeast Quarter of said Section 21; thence South 89°19'45" East, along said north line, a distance of 1827.55 feet to its intersection with the westerly right-of-way line of N. Eastern Avenue, as now established; thence South 00°22'38" West, along said westerly right-of-way line, a distance of 1212.75 feet to its intersection with the south line of said Northeast Quarter; thence North 89°19'45" West, along said south line, a distance of 1035.64 feet to its intersection with the northerly right-of-way line of Missouri Highway 291, as now established; thence westerly, along said northerly right-of-way, on a curve to the left, having an initial tangent bearing of North 74°59'25" West and a radius of 1472.40 feet, an arc distance of 364.85 feet; thence North 89°11'15" West along said right-of-way line, a distance of 830.05 feet; thence North 0°48'45" East, a distance of 207.61 feet; thence north along a curve to the right tangent to the last described course, having a radius of 500.00 feet, an arc distance of 287.17 feet; thence North 33°43'09" East, a distance of 355.86 feet; thence northerly along a curve to

the left, tangent to the last described course, having a radius of 500.00 feet, an arc distance of 321.54 feet; thence North 89°11'15" West, a distance of 1960.69 feet; thence North 00°08'39" East, a distance of 76.59 feet; thence North 89°20'21" West, a distance of 1157.62 feet to its intersection with the aforementioned Easterly right-of-way line of Interstate Route 435; thence northwesterly, along said easterly right-of-way line, on a curve to the left, having an initial tangent bearing of North 15°49'35" West and a radius of 2426.83 feet, an arc distance of 620.79 feet to its intersection with the west line of the Northwest Quarter of said Section 21; thence North 00° 08'39" East, along said west line, a distance of 825.79 feet to the point of beginning. Containing 206.92 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, as amended, commonly known as the Subdivision Regulations.
2. That the developer submit a storm drainage study to the City Engineer's Office for approval for the entire development, and that the developer make any improvements as required by the City Engineer's Office.
3. That the developer submit plans for grading and siltation and erosion control to the City Engineer's Office for approval prior to the commencement of any construction activities.
4. That the developer secure a land disturbance permit from the Department of Public Works prior to beginning any construction, grading, clearing or grubbing activities, if the disturbed area exceeds one acre.
5. That the developer secure a land disturbance permit from the Missouri Department of Natural Resources if the disturbed area of the entire development exceeds five (5) acres.
6. That the developer submit a street name signage plan for the entire development to the Street Naming Committee for approval prior to submittal of the first final plat.
7. That the developer dedicate additional right of way for LP Cookingham Drive as required by the Department of Public Works so as to provide 60 feet of right of way as measured from the centerline of LP Cookingham Drive.

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8. That the developer dedicate additional right of way for N. Eastern Avenue as required by the Department of Public Works so as to provide 40 feet of right of way as measured from the centerline of N. Eastern Avenue.
9. That the developer dedicate a total of 123 feet of right of way for N.E. Sherman Road from LP Cookingham Drive/Missouri Route 291 to a point 350 feet north, a total of 111 feet of right of way for N.E. Sherman Road from a point 350 feet north of LP Cookingham Drive/Missouri Route 291 to a point 250 feet north of the northernmost entrance to the commercial center north 250 feet, and a total of 80 feet for the remainder of the project frontage on N.E. Sherman Road, with adequate tapers, as required by the Department of Public Works with the residential phase of development.
10. That the developer realign N.E. Sherman Road on the north side of LP Cookingham Drive/Missouri Route 291 to align with N.E. Reinking Road, and that N.E. Sherman Road be constructed with a minimum of two north and southbound traffic lanes and an exclusive southbound left-turn lane with 150 feet of storage and adequate tapers with the residential phase of development as required by the Department of Public Works.
11. That the developer construct a left-turn lane for the northbound approach of N.E. Reinking Road at the intersection of LP Cookingham Drive/Missouri Route 291 at the time this intersection is realigned.
12. That the developer construct a left-turn lane on eastbound LP Cookingham Drive/Missouri Route 291 at the intersection of N.E. Sherman Road/N.E. Reinking Road with a total of 200 feet of storage and adequate tapers with the residential phase of development.
13. That the developer construct a left-turn lane on westbound LP Cookingham Drive/Missouri Route 291 at the intersection N.E. Sherman Road/N.E. Reinking Road with 75 feet of storage and adequate tapers with the residential phase of development.
14. That the developer dedicate a total of 50 feet of right of way for the proposed north-south street adjacent to the western property line of the commercial development as required by the Department of Public Works.
15. That the developer construct the eastern half of the proposed north-south street adjacent to the western property line of the commercial development as

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required by the Department of Public Works so as to provide two 12-foot wide travel lanes, curbs and street gutters with the final plat that establishes a total of 250 or more single-family units (including villas) within the community unit project plan area.

16. That the developer construct sidewalks along the frontage of all homeowner association tracts (pools, tracts, etc.) and all double-fronted lots prior to recording of a final plat containing any of the aforementioned parcels.
17. That the developer make an application to the City to vacate existing N.E. Sherman Road prior to submittal of the first final plat.
18. That the developer construct temporary cul-de-sacs as required by the Department of Public Works.
19. The developer receive the approval of a conditional use permit from the Board of Zoning Adjustment for all residential monument signs.
20. That the developer obtain grading consents, and all grading, temporary construction and drainage easements from abutting property owners prior to permits being issued for any public street improvements that would require the raising or lowering of the street grade.
21. That the developer secure the approval of the Missouri Department of Transportation prior to working within any State right-of-way.
22. That the developer complete all improvements in the defined phases of development described in the traffic study of June 12, 2002, within Missouri Department of Transportation jurisdiction prior to the issuance of any building permits or Certificates of Occupancy for any building within the development and prior to recording of a final plat.
23. That the developer secure a floodplain certificate from the Department of Codes Administration prior to beginning any construction activities in the floodplain.
24. That the developer extend sanitary and storm sewers as required by the Department of Public Works.
25. That the developer extend or enlarge water mains and provide easements as required by the Water Services Department.

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26. That the developer install hard surface roads and provide for fire protection as required by the Fire Department prior to construction beyond foundations.
27. That the developer submit a street tree planting plan as part of all final plats and 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 Department of City Development. The plan shall include size, type, species and placement of trees. The developer shall agree to plant in accordance with the plan approved by the City Forester.
28. That the developer submit a final plan for all proposed community facilities (walking trails, pools, clubhouses, etc.) to the City Plan Commission for approval, including plans for landscaping, screening, building elevations, signage (including elevations), and grading.

A copy of said Community Unit Project plan is on file in the office of the City Clerk under Document No. 021275, which is attached hereto and made a part hereof.

Section B. That the Council finds and declares that before taking any action on the proposed Community Unit Project hereinabove, all public notices and hearings required by the Zoning Ordinance have been given and had.

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:

Assistant City Attorney