

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200183

Rezoning an area of approximately 32.93 acres generally located on the northwest corner of Barry Road and N. Indiana Avenue from Districts R-1.5 (Residential 1.5) and B2-2 (Neighborhood Business 2 dash 2) to Districts R-1.5 (Residential 1.5), B2-2 (Neighborhood Business 2 dash 2), and B4-3 (Business 4 dash 3), and approving a development plan which also serves as a preliminary plat to allow for construction of multi-family residential, self-storage and office/retail flex buildings. (CD-CPC-2019-00023 and CD-CPC-2019-00022)

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 88-1227, rezoning an area of approximately 32.93 acres generally located at the northwest corner of Barry Road and N. Indiana Avenue from Districts R-1.5 (Residential 1.5) and B2-2 (Neighborhood Business 2 dash 2) to Districts R-1.5 (Residential 1.5), B2-2 (Neighborhood Business 2 dash 2), and B4-3 (Business 4 dash 3), said section to read as follows:

Section 88-1227. That an area legally described as:

All that part of the East 40 acres of the North half of the Northwest Quarter of Section 7, Township 51 North, Range 32 West, in Kansas City, Clay County, Missouri; being more particularly described as follows: Beginning at the North Quarter corner of said Section 7; thence South 00°38'45" West, along the East line of said Northwest Quarter, also the West Right-of-Way line of N Indiana Avenue, as now established, 820.80 feet to a point on the North Right-of-Way line of N.E. Barry Road, as now established; thence along said North Right-of-Way line the following six courses; thence North 89 degrees 22 minutes 33 seconds West, 20.61 feet; thence South 13 degrees 38 minutes 43 seconds West, 240.92 feet; thence North 89 degrees 14 minutes 06 seconds West, 627.01 feet; thence South 00 degrees 29 minutes 27 seconds West, 47.00 feet; thence North 89 degrees 30 minutes 33 seconds West, 465.00 feet; thence South 84 degrees 46 minutes 49 seconds West, 180.70 feet to the Southeast corner of Barr-E-Woods Apartments, a subdivision in said Kansas City, Clay County, Missouri; thence North 00 degrees 39 minutes 52 seconds East, along the East line of said Barr-E-Woods Apartments, 1111.23 feet to a point on the South line of said Pembroke Estates Third Plat, a subdivision in said Kansas City, Clay County, Missouri; thence South 89 degrees 46 minutes 08 seconds East, on said South line and the South line of Lakeview Villas, a subdivision in said

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Kansas City, Clay County, Missouri, 1346.11 feet to the point of beginning.
Contains 1,434,496 square feet or 32.932 acres more or less.

is hereby rezoned from R-1.5 (Residential 1.5) and B2-2 (Neighborhood Business 2 dash 2) to District R-1.5 (Residential 1.5), District B2-2 (Neighborhood Business 2 dash 2) and District B4-3 (Business 4 dash 3).

Said area rezoned to R-1.5 is legally described as follows:

A tract of land being part of the East 40 acres of the North Half of the Northwest Quarter of Section 7, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri, being more particularly described as follows: Beginning at the Northeast corner of said Northwest Quarter; thence South 00 degrees 38 minutes 45 seconds West, along the East line of said Northwest Quarter, 432.60 feet; thence North 89 degrees 46 minutes 08 seconds West, 225.79 feet; thence South 00 degrees 16 minutes 23 seconds West, 130.00 feet; thence North 89 degrees 46 minutes 08 seconds West, 1121.35 feet to a point on the West line of the East 40 acres of said North Half; thence North 00 degrees 39 minutes 52 seconds East, along said West line, 562.61 feet to a point on the North line of said Northwest Quarter; thence South 89 degrees 46 minutes 08 seconds East, along said North line, 1346.11 feet to the point of beginning. Contains 728,059 square feet or 16.71 acres more or less.

Said area zoned B2-2 is legally described as follows:

A tract of land being part of the Northwest Quarter of Section 7, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence South 00 degrees 38 minutes 45 seconds West, along East line of said Northwest Quarter, 432.60 feet to the point of beginning; thence South 00 degrees 38 minutes 45 seconds West, continuing along said East line, 388.20 feet to a point on the North Right-of-Way line of N.E. Barry Road, as now established; thence along said North Right-of-Way line the following five courses; thence North 89 degrees 22 minutes 33 seconds West, 20.61 feet; thence South 13 degrees 38 minutes 43 seconds West, 240.92 feet; thence North 89 degrees 14 minutes 06 seconds West, 627.01 feet; thence South 00 degrees 29 minutes 27 seconds West, 47.00 feet; thence North 89 degrees 30 minutes 33 seconds West, 192.95 feet; thence North 00 degrees 00 minutes 00 seconds East, 31.24 feet; thence on a curve to the right, tangent to the last described course, having a radius of 225.00 feet and an arc length of 132.25 feet; thence North 62 degrees 42 minutes 06 seconds West, 32.46 feet; thence on a curve to the left, tangent to the last described course, having a radius of 125.00 feet and an arc length of 59.56 feet; thence North 90 degrees 00 minutes 00 seconds West, 70.59 feet; thence North 00 degrees 07 minutes 24 seconds East, 348.35 feet; thence South 89 degrees 46 minutes 08

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seconds East, 793.96 feet; thence North 00 degrees 16 minutes 23 seconds East, 130.00 feet; thence South 89 degrees 46 minutes 08 seconds East, 225.79 feet to the point of beginning. Contains 505,830 square feet or 11.61 acres more or less.

Said area zoned B4-3 is legally described as follows:

A tract of land being part of the Northwest Quarter of Section 7, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence North 89 degrees 46 minutes 08 seconds West, along the North line of said Northwest Quarter, 28.12 feet to a point on the West Right-of-Way line of N. Indiana Avenue, as now established; thence South 00 degrees 41 minutes 12 seconds West, along said West Right-of-Way line, 432.60 feet; thence North 89 degrees 46 minutes 08 seconds West, 197.36 feet; thence South 00 degrees 16 minutes 23 seconds West, 130.00 feet; thence North 89 degrees 46 minutes 08 seconds West, 793.96 feet to the point of beginning; thence South 00 degrees 07 minutes 24 seconds West, 348.35 feet; thence North 90 degrees 00 minutes 00 seconds East, 70.59 feet; thence on a curve to the right, tangent to the last described course, having a radius of 125.00 feet and an arc length of 59.56 feet; thence South 62 degrees 42 minutes 06 seconds East, 32.46 feet; thence on a curve to the left, having an initial tangent bearing South 33 degrees 40 minutes 39 seconds West, a radius of 225.00 feet and an arc length of 132.25 feet; thence South 00 degrees 00 minutes 00 seconds East, 31.24 feet to a point on the North Right-of-Way line of N.E. Barry Road, as now established; thence North 89 degrees 30 minutes 33 seconds West, along said North Right-of-Way line, 272.05 feet; thence South 84 degrees 46 minutes 49 seconds West, continuing along said North Right-of-Way line, 180.70 feet; thence North 00 degrees 39 minutes 52 seconds East, 548.62 feet; thence South 89 degrees 46 minutes 08 seconds East, 327.38 feet to the point of beginning. Contains 200,607 square feet or 4.61 acres more or less.

all as shown outlined on a map marked Section 88-1227, which is attached hereto and made a part hereof, and which is hereby adopted as 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. The developer shall submit and secure approval of a project plan for the self-storage buildings in Phase 3 prior to issuing a building permit for the construction of the self-storage buildings in Phase 3. The project plan shall provide detail sufficient to determine compliance with the approved development plan and its design standards as well as the applicable standards in the Zoning and Development Code.

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2. Obtain a variance for any vehicular use area which exceeds 40% of pavement in the front yard per 88-420-12.
3. The developer shall construct a westbound left turn lane on N.E. Barry Road at Drive Three at such time as Phase 3 is platted as required by the Department of Public Works. This lane shall be at least 100 feet in length plus taper length.
4. The developer shall construct a second northbound left turn lane on N. Indiana Avenue at the intersection of N.E. Barry Road at such time as Phase 2 is platted as required by the Department of Public Works.
5. The developer shall construct a northbound left turn lane on N. Indiana Avenue at Drive One at such time as Phase 2 is platted as required by the Department of Public Works. This lane shall be at least 100 feet in length plus taper length.
6. The developer shall construct an eastbound left turn lane and a westbound right turn lane on N.E. Barry Road at Drive Three at such time as Phase 3 is platted as required by the Department of Public Works. These lanes shall be at least 100 feet in length plus taper length.
7. The developer shall construct a northbound left turn lane on N. Indiana Avenue at Drive Two at such time as Phase 3 is platted as required by the Department of Public Works. This lane shall be at least 100 feet in length plus taper length.
8. The developer shall use the following language on the plat when the Developer elects to reserve private open space to satisfy the parkland requirement.

“PRIVATE OPEN SPACE: Tract ___ contains (insert number of) private open space acres which are hereby reserved at the election of the developer in lieu of the required parkland dedication for (insert number and type of units) pursuant to Section 88-408-E of the Zoning and Development Code. A total of (insert number of) acres are required to satisfy the parkland request for this final plat.”

9. The developer shall submit a streetscape plan with a street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department’s Forestry Division prior to City Council approval in the public right-of-way of all public streets. Live tree removals on City property and City right-of-ways require pre-approval by Parks and Recreation Forestry Division. Dead trees on City property and City right-of-ways should be confirmed dead by Parks and Recreation Forestry Division prior to removal.

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10. The developer must construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
11. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
12. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
13. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
14. 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.
15. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
16. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
17. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
18. The developer shall dedicate additional right of way for N. Indiana Avenue as required by the adopted Major Street Plan and Chapter 88 so as to provide

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a minimum of 50 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by the Public Works Department adjacent to this project.

19. The developer shall 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.
20. The owner/developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
21. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
22. The developer shall grant BMP and/or surface drainage easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
23. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
24. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.

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25. The developer shall 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.
26. The 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.
27. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk prior to the plat recording for review, acceptance and contracts per the Kansas City Water Rules and Regulations for water main extensions and relocations.
28. Dead end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a “phased” project shall provide an approved temporary turnaround feature (i.e., cul-de-sac, hammerhead). (IFC-2012: § 503.2.5)
29. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (IFC-2012: § 507.1)
30. Fire Department access roads shall be provided prior to construction/demolition projects beginning. (IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5)
31. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) if the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
32. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2012: § 3312.1; NFPA 241-2010: § 8.7.2)
33. If the underlying parcel is going to be divided in the future for the sale of the units, the fire wall shall be continuous from foundation through the attic to the roof.

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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.

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:

Sarah Baxter
Assistant City Attorney