

ORDINANCE NO. 120875

Rezoning an area of approximately 37 acres generally located south of Atchison, Topeka & Santa Fe Railroad, west of the Gulf Mobile Ohio Railroad, north of Wilson Avenue and Morrell Avenue and east of Marsh Avenue from Districts R-2.5 and M 3-5 to District MPD, and approving a preliminary development plan for a Teamsters Apprenticeship Training area, which also serves as a preliminary plat. (14313-MPD)

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 88-20A0916, rezoning an area of approximately 37 acres generally located south of Atchison, Topeka & Santa Fe Railroad, west of the Gulf Mobile Ohio Railroad, north of Wilson Avenue and Morrell Avenue and east of Marsh Avenue from Districts R-2.5 (Residential 2.5) and M 3-5 (Manufacturing 3 - dash 5) to District MPD (Master Planned Development District), said section to read as follows:

Section 88-20A0916. That an area legally described as:

All of lots 44, 45, 46, 84 through 92, 105 through 130, that part of Lots 74 through 83 of "Beaumont", a subdivision in Kansas City, Jackson county, Missouri, lying North of the South line of the Northeast Quarter of Section 31, T 50 N, R 32 W, together with other land, all within the East ½ of said Section, Township, and Range, being more particularly described as follows: Commencing at the Center of said Section, Township, and Range: thence South 86 degrees 49 minutes 58 seconds East along the South line of the Northeast Quarter of said Section 31, a distance of 330.77 feet to the Point of Beginning, said point being on the existing Easterly Right of Way line of Interstate 435 Highway; thence North 00 degrees 34 minutes 45 seconds East along said existing Easterly Right of Way line, a distance of 308.96 feet; thence Northerly, continuing along said existing Easterly Right of Way line, along a curve to the left with a radius of 3024.93 feet, an arc distance of 388.63 feet to a point on the existing Southerly Right of Way line of the Kansas City Terminal Railroad Company; thence Easterly along the said existing Southerly Right of Way line, the following five (5) courses: (1) North 82 degrees 49 minutes 53 seconds East, a distance of 286.00 feet; (2) South 89 degrees 55 minutes 25 seconds East, a distance of 366.00 feet; (3) South 85 degrees 41 minutes 04 seconds East, a distance of 324.39 feet; (4) South 84 degrees 40 minutes 28 seconds East, a distance of 275.22 feet; (5) North 80 degrees 40 minutes 59 seconds East, a distance of 320.00 feet to a point on the existing Southerly Right of Way line of the Kansas City Southern Railroad Company (formerly C & A / I C Railroad); thence South 62 degrees 51 minutes 48 seconds East along said existing

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Southerly Right of Way line, a distance of 659.10 feet; thence South 28 degrees 47 minutes 53 seconds West, a distance of 144.90 feet; thence North 80 degrees 29 minutes 02 seconds West, a distance of 84.61 feet; thence South 09 degrees 30 minutes 58 seconds West, a distance of 130.00 feet; thence North 86 degrees 46 minutes 44 seconds West, a distance of 381.30 feet; thence South 18 degrees 10 minutes 58s seconds West, a distance of 208.03 feet; thence South 02 degrees 16 minutes 35 seconds West, a distance of 74.64 feet; thence North 86 degrees 49 minutes 58 seconds West, a distance of 101.89 feet; thence South 02 degrees 16 minutes 35 seconds West, a distance of 25.00 feet to a point on the South line of the Northeast Quarter of said Section 31; thence North 86 degrees 49 minutes 58 seconds West along said South line, a distance of 100.17 feet; thence South 02 degrees 17 minutes 46 seconds W along the West line of "ARVA LAWN", a subdivision in Independence in said County, and State, a distance of 534.00 feet (537.00 feet -- Deed) to a point on the existing North Right of Way line of Wilson Road; thence South 89 degrees 43 minutes 41 seconds West along said existing North Right of Way line, a distance of 330.10 feet (330.9 feet -- Deed) to a point on the existing East line of said "Beaumont" subdivision; thence North 02 degrees 17 minutes 46 seconds E along said East line, a distance of 128.73 feet to the Southeast corner of Lot 44 of said "Beaumont" subdivision; thence North 88 degrees 21 minutes 37 seconds West along the South line of said Lot 44, a distance of 75.00 feet to the Southwest corner of said Lot 44; thence North 02 degrees 17 minutes 46 seconds East along the West line of said Lot 44, a distance of 147.16 feet to the Northwest corner of said Lot 44; thence South 88 degrees 37 minutes 23 seconds East along the North line of said Lot 44, a distance of 75.00 feet to the Northeast corner of said Lot 44; thence North 02 degrees 17 minutes 46 seconds East along the East line of said "Beaumont" subdivision, a distance of 277.73 feet to the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 31; thence North 86 degrees 49 minutes 58 seconds West along the South line of the Northeast Quarter of said Section 31, a distance of 25.00 feet to the Northeast corner of Lot 45 of said "Beaumont" subdivision; thence South 02 degrees 17 minutes 46 seconds West along the East line of said Lot 45, a distance of 228.50 feet to the Southeast corner of said Lot 45; thence North 88 degrees 37 minutes 23 seconds West along the South line of lots 45 and 46 of said "Beaumont" subdivision, a distance of 100.00 feet to the southwest corner of Lot 46 of said subdivision; thence North 02 degrees 17 minutes 46 seconds East along the West line of said Lot 46, a distance of 231.62 feet to the Northwest corner of said Lot 46; thence North 86 degrees 49 minutes 58 seconds West along the South line of the Northeast Quarter of said Section 31, a distance of 862.69 feet to the Point of Beginning, containing 36.604 acres, more or less, except that part that may be in existing street rights of way, and subject to existing easements, or restrictions of record.

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is hereby rezoned from Districts R-2.5 (Residential 2.5) and M 3-5 (Manufacturing 3 - dash 5) to District MPD (Master Planned Development District), all as shown outlined on a map marked Section 88-20A0916, 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. [Note: Vacate the R/W and Lots that are not needed and create the new Lot]
2. That the developer submit a detailed micro storm drainage study, in general compliance with adopted standards, including a BMP level of service analysis, prior to approval and issuance of any building permits, that the developer make on-site improvements and/or improve downstream conveyance systems to address impacts and changes in flow characteristics leaving the site and that the developer construct any other improvements as required by Land Development Division as necessary to mitigate final runoff rate, volume, conveyance, and quality of runoff from the proposed site.
3. That the 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.
4. That the developer integrate any relocated streetlights into existing streetlight system impacted by the drive modifications as required by the Land Development Division for City frontages.
5. That the owner/developer submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbed area equal to one acre or more prior to beginning any construction activities.
6. 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.

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7. That the owner developer verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements that may be required.
8. That the developer grant a Surface Drainage Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
9. 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.
10. That the developer provide for fire protection as required by the Fire Department.
11. That the developer provide additional water main easements and extend water mains as required by the Water Services Department.
12. 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.
13. That the developer agree to abide by Section 8-5 Emission of Particulate Matter Code of General Ordinances by controlling the release of dust from the site and including the Attachment AA: Best Management Practices (BMP's) – Construction Industry Fugitive Emissions For Haul Roads, as presented at the City Plan Commission, to the rezoning plan, or as otherwise authorized by the Health Department.
14. 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.

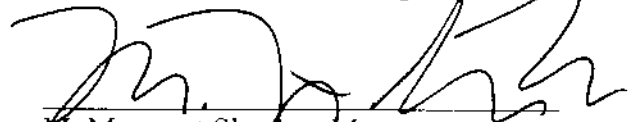
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Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

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:


M. Margaret Sheehan Moran
Assistant City Attorney



Authenticated as Passed


Sk James, Mayor


Marilyn Sanders, City Clerk

NOV 01 2012

Date Passed