

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 241066

Rezoning an area of about 2.5 acres generally located at N.E. Barry Road and N. Indiana Avenue from District R-1.5 to District B2-2 and approving a development plan to allow for two commercial buildings. (CD-CPC-2024-00142 & CD-CPC-2024-00143)

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 88-20A-1459, rezoning an area of about 2.5 acres generally located at N.E. Barry Road and N. Indiana Avenue from District R-1.5 (Residential 1.5) to District B2-2 (Neighborhood Business 2 Dash 2) and approving a development plan to allow for two commercial buildings, said section to read as follows:

Section 88-20A-1459. That an area legally described as:

A Tract of land in the Northeast 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 Southwest Corner of Tract B, Staley Corners East First Plat, a subdivision in Kansas City, Clay County Missouri, thence South $89^{\circ}46'09''$ East along the South line of said Tract B and Lots 27 and 28, said Staley Corners East First Plat, 196.53 feet to the Northwest Corner of Tract E, said Staley Corners East First Plat; thence South $00^{\circ}13'51''$ West along the West line of said Tract E, 334.31 feet; thence on a curve to the left, continuing along said West line, tangent to the last described course, having a radius of 355.00 feet and an arc length of 117.65 feet; thence South $71^{\circ}14'32''$ West, 19.59 feet; thence North $90^{\circ}00'00''$ West, 200.63 feet to the East Right-of-Way line of N. Indiana Avenue, as now established; thence North $00^{\circ}38'45''$ East along said East Right-of-Way line, 457.02 feet to the point of beginning. Contains 91,292 square feet or 2.09 acres more or less.

is hereby rezoned from District R-1.5 (Residential 1.5) to District B2-2 (Neighborhood Business 2 Dash 2), all as shown outlined on a map marked Section 88-20A-1459, 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. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the

approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.

3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
5. Prior to issuance of the certificate of occupancy for each lot within the plat, the developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy.
6. The developer shall meet the minimum fire hydrant requirements of the Kansas City Water Services Department applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.
7. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
8. Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
9. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC-2018: § 503.2.5)
10. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed)
11. Fire lane signage shall be provided on fire access drives. (IFC-2018 § 503.3)
12. Required Fire Department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in clearance height. Check with Streets & Traffic (KCMO Public Works) or Missouri Department of Transportation (MODOT) that may have street planning regulations that supersede the Fire Code. (IFC-2018: § 503.2.1)
13. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2)

14. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
15. Fire hydrant(s) shall be 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) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2018: § 507.5.1)
16. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
17. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
18. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
19. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
20. 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.
21. 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.

22. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
23. The developer shall ensure that water and fire service lines should meet current Kansas City Water Services Department rules and regulations prior to the issuance of any certificate of occupancy.
24. The existing public water main along the west property line is in an existing water easement and all grading within this easement shall be pre-approved by the Kansas City Water Services Director. No tree planting shall be permitted within this water easement.
25. 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 Kansas City Water Services Department, prior to recording the plat or issuance of a building permit, whichever occurs first.
26. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
27. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
28. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department 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.
29. 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.
30. The developer shall submit a detailed micro storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department showing compliance with the current approved macro study on file with the City and with current adopted standards in effect at the time of submission, including water quality BMP's, prior to approval and issuance of any building permits to construct improvements on the site or prior to recording the plat, whichever occurs first. The developer shall verify and/or improve downstream conveyance systems

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or address solutions for impacted properties due to flow contributions from the site; and the developer shall construct any other improvements as required by the Kansas City Water Services Department as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.

- 31. 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.
- 32. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts as required by the Kansas City Water Services Department, prior to recording the plat.


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 and development plan 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.



Authenticated as Passed

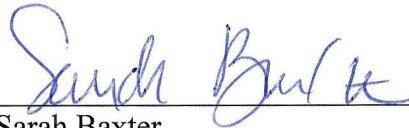


Quinton Lucas, Mayor

Marilyn Sanders, City Clerk
DEC 19 2024

Date Passed

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:


Sarah Baxter
Senior Associate City Attorney