

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170983

Rezoning an area of approximately 1.5 acres generally located at 3601 Denton Road from District R-80 to District M1-1, and approving a development plan for approximately 5.23 acres to allow the site to be used for freight movement uses. (11801-P-2 and 11801-P-3)

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 88-20A1132, rezoning an area of approximately 1.5 acres generally located at 3601 Denton Road from District R-80 (Residential 80) to District M1-1 (Manufacturing 1-1), said section to read as follows:

Section 88-20A1132. That an area legally described as:

That part of the Northeast Quarter of Section 20, Township 49 North of the Baseline, Range 32 West of the Fifth Principal Meridian, Kansas City, Jackson County, Missouri, described as follows: Commencing at the Northwest Corner of Lot 137, East Hollywood, a subdivision in Independence, Jackson County, Missouri, said point being the intersection of the east right of way line of Denton Avenue with the south right of way line of U.S. Highway No. 40; thence South 1 degrees 54 minutes 34 seconds West on said east right of way line, 248.98 feet to the southwest corner of Lot 1B, K.E.P. Subdivision-Replat B, Lot 1B a subdivision of record; THENCE South 62°44'05" East on the south line of said Lot 1B, 5.53 feet to a point 5.00 feet east of, as measured perpendicular to, said east right of way line and the point of beginning; thence continuing South 62 degrees 44 minutes 05 seconds East on said south line, 199.19 feet to a point 185.00 feet east of, as measured perpendicular to, said east right of way line; thence South 1 degrees 54 minutes 34 seconds West on a line 185.00 feet east from, and parallel with, said east right of way line, 320.00 feet; thence North 88 degrees 05 minutes 26 seconds West on a line perpendicular to said east right of way line, 180.00 feet, to a point 5.00 feet east of, as measured perpendicular to, said east right of way line; thence North 1 degree 54 minutes 34 seconds East on a line 5.00 feet east from, and parallel with, said east right of way line, 405.30 feet to the point of beginning, containing 1.50 acres more or less. All bearings herein are referenced to the Missouri State Plane Coordinate System of 1983, West Zone.

is hereby rezoned from District R-80 (Residential 80) to District M1-1 (Manufacturing 1-1), all as shown outlined on a map marked Section 88-20A1132, 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.

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Section B. That a development plan for the area legally described below is hereby approved:

All that part of the Northeast Quarter of Section 20, Township 49, Range 32, Kansas City, Jackson County, Missouri, being more particularly described as follows: Commencing at the Northwest corner of Lot 137, East Hollywood, a subdivision in Independence, Jackson County, Missouri, said point being in the intersection of the East Right of Way line of Denton Avenue with the Southerly Right of Way line of U.S. Highway No. 40 as both are now established; thence along the East right of way of Denton Avenue 925 feet from the center line thereof), South 00 degrees 01 minutes 21 seconds East 248.99 feet to the Point of Beginning, said point being on the City Limits between Independence and Kansas City, Missouri; thence along the City Limits line between said Cities, South 64 degrees 40 minutes 00 seconds East 704.10 feet to a point on the line that is 1328 feet West of and parallel to the East line of the Northeast Quarter of said Section 20; thence along said line 1328 feet West of and parallel to the East line of said Northeast Quarter, South 00 degrees 00 minutes 00 seconds East, 215.74 feet to a point on the South line of the North Half of the Northeast Quarter of said Section 20; thence along said South line of the North Half of said Northeast Quarter, North 88 degrees 38 minutes 10 seconds West, 636.38 feet to a point on the East right of way line of said Denton Avenue, thence along the East right of way line of Denton Avenue (25 feet from the center line thereof), North 00 degrees 01 minutes 21 seconds West, 501.86 feet to the point of beginning. (Per Title Commitment)

subject to the following conditions:

1. The developer shall cause the area to be platted and processed in accordance with Uses on the M1-1 portion of the site and shall be restricted to outdoor storage of truck trailers and chassis. Any changes to uses on this site shall be approved through a Major Amendment of this development plan.
2. Any change to the R-80 portion of the site shall be approved through a Major Amendment of this development plan.
3. The developer shall preserve trees on the R-80 portion of the site.
4. The developer shall remove and replace gravel with grass on the R-80 portion of the site.
5. The developer shall provide a geotechnical report prior to an ordinance being sent to City Council.
6. That the developer shall submit a lighting plan to be reviewed at the time of a building permit. All lighting shall comply with 88-430.

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7. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
8. The developer shall dedicate additional right of way for Denton Road as required by Chapter 88 so as to provide a minimum of 30 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.
9. The developer shall dedicate additional right of way for E. 37th Street as required by Chapter 88 so as to provide a minimum of 25 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.
10. 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, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
11. 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.
12. The developer shall improve the east half of Denton Road to collector standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road and obtaining required permits from the Land Development Division for said improvements prior to issuance of a building permit.
13. The developer shall improve the north half of E. 37th Street to residential local standards as required by Chapter 88, to current standards, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road and obtaining required permits from the Land Development Division for said improvements at the time of Phase II of the development.
14. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land

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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.

- 15. 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.
- 16. 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.
- 17. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to issuance of any certificate of occupancy.

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.



Authenticated as Passed

[Signature]
Siv James, Mayor

[Signature]
Marilyn Sanders, City Clerk

DEC 14 2017

Date Passed

[Signature]
Secretary, City Plan Commission

Approved as to form and legality:

[Signature]
Sarah Baxter
Assistant City Attorney