

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 230263

Amending Committee Substitute for Ordinance No. 160932, passed on December 15, 2016, by repealing Condition 16 of the Ordinance which required the developer to install a traffic signal at the intersection of N.E. Barry Road and N. Indiana Avenue and other related intersection improvements ~~and directing the City Manager to identify the funding to install this traffic signal and intersection improvements since these improvements are needed due to existing traffic growth in the area from all of the residential growth to the north of this intersection.; and directing that such installation and improvements be made by the City with District One and Two Public Improvements Advisory Committee (PIAC) funds.~~

WHEREAS, on December 15, 2016, the City Council passed Committee Substitute for Ordinance No. 160932 (the "Ordinance"), rezoning the property located at the southwest corner of N.E. Barry Road and N. Indiana Avenue to District B3-2 and approved a development plan on about 24.17 acres that also served as the preliminary plat to allow for the construction of a commercial development known as Marketplace 152; and

WHEREAS, since that time there have been only three pad sites constructed in Marketplace 152 which have assisted persons driving by the property to access certain businesses; and

WHEREAS, Condition No. 16 of the Ordinance required that the developer install a traffic signal at the intersection of N.E. Barry Road and N. Indiana Avenue and make certain intersection improvements to accommodate the traffic signal;

WHEREAS, it has become apparent since the Ordinance was enacted that these improvements are not required because of the Marketplace 152 development but due to natural growth in the area, especially due to the residential growth in the areas north of this intersection;

WHEREAS, the City Council desires to remove Condition No. 16 from the Marketplace 152 development plan approval due to the unfair burden placed on Marketplace 152 and to direct ~~that installation of the City Manager to identify funding for these~~ traffic signal and intersection improvements ~~due to existing natural traffic growth in~~ be made by the ~~area~~ City with District One and Two Public Improvements Advisory Committee (PIAC) funds; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Committee Substitute for Ordinance No. 160932, passed December 15, 2016, is hereby amended by repealing Condition No. 16 contained in Section B.

Section B. That all other sections and conditions of Committee Substitute for Ordinance No. 160932 not repealed shall remain in full force and effect.

Section C. ~~That the City Manager is hereby directed to identify funding for~~That installation of the traffic signal at the intersection of N.E. Barry Road and N. ~~Indianan~~Indiana Avenue and related improvements ~~and to proceed shall be made by the City with completing these improvements to the intersection~~District One and Two Public Improvements Advisory Committee (PIAC) funds.

Approved as to form:

Sarah Baxter
Senior Associate City Attorney