

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170981

Rezoning a 6.5 acre tract of land generally located at the southeast corner of N.W. Barry Road and N. Green Hills Road from District B3-3 to B4-1, and approving a development plan on 14 acres in Districts B3-3 and B4-1, to allow for retail commercial development and climate controlled self storage facility. (14868-P and 14868-P-1).

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 88-20A1130, rezoning an area of approximately 6.5 acres generally located at the southeast corner of N.W. Barry Road and N. Green Hills Road from District B3-3 (Community Business 3 dash 3) to B4-1 (Heavy Business/ Commercial 4 dash 1), and approving a development plan on 14 acres in Districts B3-3 (Community Business 3 dash 3) and B4-1 (Heavy Business/ Commercial 4 dash 1), said section to read as follows:

Section 88-20A1130. That an area legally described as:

**Rezoning (6.5 acres):**

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, in Kansas City, Platte County, Missouri, being more particularly described as follows: Commencing at the northwest corner of the Southeast Quarter of said Section 8; Thence South 0 degrees 25 minutes 48 seconds West along the west line of the southeast quarter of said section 8, a distance of 407.97 feet; Thence South 88 degrees 41 minutes 40 seconds East, a distance of 35.00 feet to a point on the East right of way line of North Green Hills Road and the point of beginning of the tract of land to be described herein; Thence continuing South 88 degrees 41 minutes 40 seconds East, a distance of 347.29 feet; Thence North 1 degree 18 minutes 20 seconds East, a distance of 98.92 feet; Thence South 88 degrees 41 minutes 40 seconds East, a distance of 131.79 feet; Thence South 1 degree 18 minutes 20 seconds West, a distance of 64.33 feet; Thence South 88 degrees 41 minutes 40 seconds East, a distance of 509.36 feet; Thence South 0 degrees 49 minutes 43 seconds West, a distance of 285.10 feet; Thence North 88 degrees 40 minutes 12 seconds West, a distance of 987.00 feet to a point on the East right of way line of North Green Hills Road; Thence North 0 degrees 25 minutes 48 seconds East along the East right of way line of said North Green Hills Road, being 35.00 feet east of and parallel with the west line of the southeast quarter of said section 8, a distance of 250.10 feet to the point of beginning. Containing 277,911 square feet or 6.380 acres, more or less.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170981

**Development Plan (14 acres):**

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, in Kansas City, Platte County, Missouri, being more particularly described as follows: Commencing at the northwest corner of the Southeast Quarter of said Section 8; Thence South 0 degrees 25 minutes 48 seconds West along the west line of the southeast quarter of said section 8, a distance of 40.00 feet to a point on the south right of way line of NW Barry Road; Thence South 88 degrees 41 minutes 40 seconds East along the south right of way line of said NW Barry Road, being 40.00 feet south of and parallel with the north line of the southeast quarter of said section 8, a distance of 65.00 feet to the point of beginning of the tract of land to be described herein; thence continuing South 88 degrees 41 minutes 40 seconds East along the south right of way line of said NW Barry Road, being 40.00 feet south of and parallel with the north line of the southeast quarter of said section 8, a distance of 961.30 feet; Thence South 0 degrees 49 minutes 43 seconds West, a distance of 6118.44 feet; Thence North 88 degrees 40 minutes 12 seconds west, a distance of 987.00 feet to a point on the east right of way line of North Green Hills Road; Thence North 0 degrees 25 minutes 48 seconds East along the east right of way line of North Green Hills Road, being 35.00 feet east of and parallel with the west line of the southeast quarter of said section 8, a distance of 588.07 feet; Thence North 45 degrees 52 minutes 06 seconds east, a distance of 42.11 feet to the point of beginning. Containing 611,050 square feet or 14.028 acres, more or less.

is hereby rezoned from District B3-3 (Community Business 3 dash 3) to B4-1 (Heavy Business/ Commercial 4 dash 1), and approving a development plan on 14 acres in Districts B3-3 (Community Business 3 dash 3) and B4-1 (Heavy Business/ Commercial 4 dash 1), all as shown outlined on a map marked Section 88-20A1130, 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 survey, delineated and properly mark the area of "Trees to remain" (Lot 4) in the field with orange construction fence prior to the any land disturbance on this site.
2. The developer shall submit a project plan for phase 2 to the Director of City Planning and Development for approval, indicating colored building elevation, landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing 2 lux at the property lines prior to issuance of a building permit.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170981

3. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
4. The developer shall submit a street tree planting plan to the Development Management Division prior to issuance of a building permit. The developer shall also secure the approval of the City Forester for street trees to be planted in the right of way prior to occupancy.
5. 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.
6. 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 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.
7. The developer shall dedicate additional right of way for N. Green Hills Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
8. 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.
9. 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

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170981

dedications for the planned project without the prior written consent of the Land Development Division.

10. 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.
11. 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.
12. 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, identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" 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.
13. 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.
14. 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.
15. 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.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170981

16. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
17. The developer shall extend water mains and provide easements as required by the Water Services Department.
18. The developer shall ensure that no structures (retaining walls) are constructed over sewer easements. Additional comments pending.
19. Existing fire hydrant conflict with Lot 3 driveway.
20. Entire existing easement along N.W. Barry Road.
21. The developer shall maintain a minimum of 5' separation between water and gas mains. If existing show as existing and call out the separation distance.
22. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access (IFC-2012: § D104.2)
23. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2012: § D104.3)
24. 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)
25. 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) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
26. 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)

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.


COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170981

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.

  
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Secretary, City Plan Commission

Approved as to form and legality:

  
\_\_\_\_\_  
Sarah Baxter  
Assistant City Attorney



Authenticated as Passed

  
\_\_\_\_\_  
Sly James, Mayor

  
\_\_\_\_\_  
Marilyn Sanders, City Clerk

DEC 14 2017

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Date Passed