

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTEFOR ORDINANCE NO. 251057

Approving an amendment to a previously approved development plan on about 13.18 acres in District B3-2 generally located at 8601 N. Madison Avenue to allow for commercial, retail, office, medical, drive-through and additional uses allowed in the B3-2 zoning district (CD-CPC-2025-00172)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District B3-2 (Community Business) generally located at 8601 N. Madison Avenue, and more specifically described as follows:

TRACT 1: All of Lot 5, Barry Towne - First Plat, and all of Lots 6 and 7, Barry Towne - Second Plat, both being subdivisions in Kansas City, Missouri, and all that part of the Northeast Quarter of Section 10, Township 51, Range 33, Kansas City, all being in Clay County, Missouri being described as follows: Beginning at the southeast corner of said Lot 5; thence North $60^{\circ}09'55''$ West, along the southerly line of said Lot 5, 246.16 feet to the southwest corner thereof, said point being on the easterly right-of-way line of North Madison Avenue, as now established; thence North $39^{\circ}35'01''$ East, along said easterly right-of-way line, 479.75 feet; thence northerly, along said easterly right-of-way line, on a curve to the left, tangent to the last described course, having a radius of 690.00 feet, a central angle of $36^{\circ}31'41''$, an arc distance of 439.90 feet; thence South $86^{\circ}56'40''$ East, along said easterly right-of-way line, 12.00 feet; thence northerly, along said easterly right-of-way line, along a curve to the left, having an initial tangent bearing of North $03^{\circ}03'20''$ East, having a radius of 702.00 feet, a central angle of $28^{\circ}32'38''$, an arc distance of 349.73 feet; thence North $25^{\circ}29'18''$ West, along said easterly right-of-way line, 332.15 feet; thence northerly, along said easterly right-of-way line, on a curve to the right, tangent to the last described course, having a radius of 798.00 feet, a central angle of $36^{\circ}19'16''$, an arc distance of 505.87 feet; thence northeasterly, along said easterly right-of-way line, on a curve to the right, having a common tangent with the last described course, having a radius of 26.00 feet, a central angle of $99^{\circ}51'50''$, an arc distance of 45.32 feet to its intersection with the southerly right-of-way line of Northwest 88th Street, as now established; thence South $69^{\circ}18'33''$ East, along said southerly right-of-way line, 662.87 feet to its intersection with the westerly right-of-way line of U.S. Highway No. 169, as now established; thence southerly, along said westerly right-of-way line, on a curve to the left, having an initial tangent bearing of South $06^{\circ}25'40''$ West, a radius of 5839.58 feet, a central angle of $06^{\circ}09'48''$, an arc distance of 628.18 feet; thence South $0^{\circ}15'52''$ West, along said westerly right-of-way line, 444.00 feet; thence South $25^{\circ}59'41''$ West along said westerly right-of-way line, 130.56 feet; thence South $37^{\circ}32'25''$ West, along said westerly right-of-way line, 281.73 feet; thence

South 52°00'49" West, along said westerly right-of-way line, 98.41 feet; thence South 46°29'06" West, along said westerly right-of-way line, 266.74 feet; thence southerly, along said westerly right-of-way line, on a curve to the left, tangent to the last described course, having a radius of 420.00 feet, a central angle of 25°51'39", an arc distance of 189.57 feet to the point of beginning, excepting therefrom Lot 5 Barry Towne - First Plat, a subdivision in Kansas City, Clay County, Missouri, and except Lots 6 and 7, Barry Towne - Second Plat, a subdivision in Kansas City, Clay County, Missouri.

TRACT 2: Non-exclusive easements for ingress/egress access as further described in the operation and easement agreement by and between BTK Development, L.L.C., MDGSI Associates, L.L.C., Dayton Hudson Corp, and Serf Company recorded May 13, 1998, as Document No. N90750 in Book 2826, page 457 in the records of Clay County, Missouri.

is hereby approved, subject to the following conditions:

1. Ordinance No. 250217, including all conditions provided therein, shall remain in full force and effect, revising Condition #4 to say "Each phase shall apply for and receive approval of a project plan prior to the issuance of a building permit to ensure future development is consistent with the proposed layout, use, square footages, and design guidelines as listed in this development plan. Section 88-516-06 of the Zoning and Development Code shall apply should any changes be proposed."
2. The developer shall include the location of the bicycle parking area on the site plan on the plans when applying for a building permit. The number shall be in compliance with the number listed on the site data table on Sheet C.001.
3. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to issuance of a certificate of occupancy.
4. The developer shall provide covenants to maintain private storm sewer mains acceptable to the Kansas City Water Services Department for any private storm sewer mains prior to the issuance of any permits.
5. 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. All on-site storm sewer to be private with the exception of the storm sewer line connecting within the state right-of-way (between state R/W and N. Madison connection). Permits are required to make connection to public storm system and extend public sewer from State right-of-way to N. Madison.

6. 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.
7. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Kansas City Water Services Department prior to recording the plat or issuance of any permits.
8. 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.
9. 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 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.
10. 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 off site connections to storm sewer in State R/W.
11. The developer shall provide private storm drainage easements for any private mains prior to issuance of any permits or recording the plat whichever occurs first.
12. The developer shall provide Covenants to Maintain Private Water Mains acceptable to KC Water for any private water mains prior to the issuance of any permits.
13. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Kansas City Water Services Department or provide a copy of any existing agreements previously recorded prior to recording the plat.
14. The developer provide a phased development plan including phasing of utilities for each phase.

15. The storm sewer line connecting to the storm drain within State R/W to be public from connection point in State R/W to connection point in N. Madison (connection to back of street inlet). The public storm sewer alignment shall be located in its own public easement and outside of the proposed access and utility easement. All other storm sewer on site to be private within a private easement and covenant to maintain. Designate same on plan.

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 B. 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.

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney