

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200791

Rezoning an approximately 0.55 acre tract of land generally located at 7856 Wornall Road (northwest corner of Wornall Road and W. 79th Street) from R-6 and B3-2 to District B2-2, and approving a development plan for a drive-through restaurant (CD-CPC-2020-00120 and CD-CPC-2020-00121).

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-1252, rezoning an approximately 0.55 acre tract of land generally located at 7856 Wornall Road (northwest corner of Wornall Road and W. 79th Street) from Districts R-6 (Residential 6) and B3-2 (Community Business) to District B2-2 (Neighborhood Business), said section to read as follows:

Section 88-20A-1252. That an area legally described as:

The East 180.5 feet of the South 140.0 feet of Lot 12, Orr Heights, a subdivision of land lying in Kansas City, Missouri, except that part in 79th Street right-of-way. Contains approximately 23,465 sq. ft. or 0.539 acres more or less.

is hereby rezoned from Districts R-6 (Residential 6) and B3-2 (Community Business) to District B2-2 (Neighborhood Business), all as shown outlined on a map marked Section 88 -20A-1252, 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. That the existing pole sign on the property shall be removed before a final certificate of occupancy.
2. All construction shall be in compliance of the applicable building codes which are in effect at the time of construction and shall be built under valid building permits issued by the City Planning and Development Department. (IFC-2012: § 102.4).

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3. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage and construct associated ADA ramps at the corner of Wornall and W. 79th Street and proposed entrance drives as necessary for the type of drive approach.
4. 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, CURB AND GUTTER revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for 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 curbs, gutters or sidewalks as necessary all along development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits, including any temporary certificate of occupancy permits.
5. The developer shall have verification of vertical and horizontal sight distance for the drive connection to the public right-of-way as required by the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to the issuance of any certificate of occupancy.
6. The developer shall integrate into the existing streetlight system any relocated existing streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
7. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to issuance of any building permits.
8. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted and the developer shall secure permits to construct any improvements

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required by the Land Development Division prior to issuance of a temporary certificate of occupancy.

9. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.
10. The developer shall follow the Kansas City, Missouri rules and regulations for water service and fire service lines. The developer shall ensure that water and fire service lines meet current Kansas City, Missouri rules and regulations.
11. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

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.

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney