

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250217

Approving a development plan also serving as a preliminary plat on about 13.18 acres in District B3-2 generally located at 8601 N. Madison Avenue to allow for retail, office, medical, and drive-through uses. (CD-CPC-2024-00192)

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°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°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°31'41", an arc distance of 439.90 feet; thence South 86°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°03'20" East, having a radius of 702.00 feet, a central angle of 28°32'38", an arc distance of 349.73 feet; thence North 25°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°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°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°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°25'40" West, a radius of 5839.58 feet, a central angle of 06°09'48", an arc distance of 628.18 feet; thence South 0°15'52" West, along said westerly right-of-way line, 444.00 feet; thence South 25°59'41" West along said westerly right-of-way line, 130.56 feet; thence South 37°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. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, have been installed or preserved in accordance with the plan and are healthy prior to a certificate of occupancy.
2. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
3. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
4. Future building plans and permits shall be consistent with the proposed layout, use, square footages, and design guidelines as listed on this development plan. Section 88-516-06 of the Zoning and Development Code shall apply should any changes be proposed.
5. Prior to issuance of the certificate of occupancy for each lot within the plat the developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy.

6. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
7. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
8. The lots showing a drive-through facility shall meet the standards of Section 88-340 of the Zoning and Development Code.
9. Any area of the site not intended for a specific use must be landscaped or retained in its natural state, in compliance with 88-425-10-A as required.
10. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018 § 503.2.4)
11. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
12. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
13. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
14. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
15. A required Fire Department access road shall be an all-weather surface. (IFC-2012 § 503.2.3) (No Grass Pavers Allowed)
16. Required Fire Department access roads shall be designed to support a fire apparatus with gross axle weight of 85,000 pounds. (IFC-2018 § 503.2.3)
17. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.
18. 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.

~~19. The developer shall perform intersection level of service analysis at the intersection of N.W. Barry Road and N. Madison Avenue as an increased traffic by the new development.~~

~~20.~~19. 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, DRIVEWAY AND CURB revised 11/5/2013" 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.

~~21.~~20. 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.

~~22.~~21. 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.

~~23.~~22. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

~~24.~~23. Water/sewer service lines shall serve only one lot or tract and shall not cross a separate lot or tract.

~~25.~~24. The developer shall ensure that water and fire service lines meet current Water Services Department rules and regulations prior to a certificate of occupancy.

~~26.~~25. 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, prior to recording the plat.

~~27.~~26. 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.

- ~~28-27.~~ 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 building permits.
- ~~29-28.~~ The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system make other improvements as may be required.
- ~~30-29.~~ 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.
- ~~31-30.~~ 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.
- ~~32-31.~~ The developer shall provide private (water, storm drainage) easements for any private mains prior to issuance of any building permits.
- ~~33-32.~~ 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 building permits.
- ~~34-33.~~ The developer shall provide covenants to maintain private water mains acceptable to the Kansas City Water Services Department for any private water mains prior to the issuance of any building permits.
- ~~35-34.~~ 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.

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