

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE ORDINANCE NO. 200182

Rezoning approximately 27.15 acres of land from District B2-2 (Neighborhood Business 2 dash 2) to District R-1.5 (Residential 1.5) and District B2-2 (Neighborhood Business 2 dash 2) generally located on the northeast corner of Barry Road and N. Indiana Avenue, and approving a development plan which also serves as a preliminary plat to allow for construction of multi-family residential, residential, fuel sales, and office / retail flex buildings. (CD-CPC-2019-00025 and CD-CPC-2019-00026)

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 88-1226, rezoning an area of approximately 33 acres generally located at the northeast corner of Barry Road and N. Indiana Avenue from District B2-2 to District R-1.5 and District B2-2:

Section 88-1226. That an area legally described as:

All that part of the North half of the Northeast Quarter of Section 7, Township 51 North, Range 32 West, in Kansas City, Clay County, Missouri; except that part thereof conveyed to the state of Missouri by deed filed October 24, 1974 in book 1168, page 683, and except that part thereof platted as Essex-First, Essex-Second Plat, and Essex Detention Plat, all being subdivisions in Kansas City, Clay County, Missouri; being more particularly described as follows: Commencing at the North Quarter corner of said Section 7; thence South 89 degrees 37 minutes 35 seconds East, along the North line of said Section 7, 50.00 feet to a point on the East Right-of-Way line of N Indiana Avenue, as now established, said point also being the Point of Beginning; thence South 89 degrees 37 minutes 35 seconds East, continuing along said North line, 712.68 feet to a point on the West line of said Essex Detention Tract; thence along said West line, on a curve to the right, having an initial tangent bearing South 21 degrees 39 minutes 22 seconds East, a radius of 598.59 feet and an arc length of 74.97 feet; thence continuing along said West line, on a curve to the left, tangent to the last described course, having a radius of 1165.00 feet and an arc length of 685.19 feet to the Northwest corner of said Essex-First Plat; thence along the West line of said Essex-First Plat, the following three courses; thence on a curve to the left, tangent to the last described course, having a radius of 1165.00 feet and an arc length of 71.58 feet; thence on a curve to the right, tangent to the last described course, having a radius of 535.00 feet and an arc length of 484.28 feet; thence South 00 degrees 30 minutes 26 seconds West, 2.29 feet to a point on the North Right-of-Way line of N.E. Barry Road, as now established; thence along said

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North Right-of-Way line the following five courses; thence North 89 degrees 30 minutes 33 seconds West, 118.50 feet; thence South 77 degrees 21 minutes 25 seconds West, 154.03 feet; thence North 89 degrees 30 minutes 33 seconds West, 949.00 feet; thence North 44 degrees 34 minutes 49 seconds West, 161.97 feet; thence North 09 degrees 57 minutes 47 seconds West, 105.76 feet a point on the East Right-of-Way line of said N. Indiana Avenue; thence North 00 degrees 38 minutes 45 seconds East, along said East Right-of-Way line, 931.06 feet to the point of beginning. Contains 1,182,476 square feet or 27.146 acres more or less.

is hereby rezoned from B2-2 (Neighborhood Business 2 dash 2) to District R-1.5 (Residential 1.5) and District B2-2 (Neighborhood Business 2 dash 2). Said area rezoned to R-1.5 is legally described as follows:

All that part of the North half of the Northeast Quarter of Section 7, Township 51 North, Range 32 West, in Kansas City, Clay County, Missouri, except that part thereof conveyed to the state of Missouri by deed filed October 24, 1974 in book 1168, page 683, and except that part thereof platted as Essex-First Plat, Essex-Second Plat, and Essex Detention Plat, all being subdivisions in Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the North Quarter corner of said Section 7; thence South 89 degrees 37 minutes 35 seconds East, along the North line of said Section 7, 50.00 feet to a point on the East Right-of-Way line of N. Indiana Avenue, as now established, said point also being the point of beginning; thence South 89 degrees 37 minutes 35 seconds East, continuing along said North line, 712.68 feet to a point on the West line of said Essex Detention Tract; thence along said West line, on a curve to the right, having an initial tangent bearing South 21 degrees 39 minutes 22 seconds East, a radius of 598.59 feet and an arc length of 74.97 feet; thence continuing along said West line, on a curve to the left, tangent to the last described course, having a radius of 1165.00 feet and an arc length of 685.19 feet to the Northwest corner of said Essex-First Plat; thence along the West line of said Essex-First Plat, the following three courses; thence on a curve to the left, tangent to the last described course, having a radius of 1165.00 feet and an arc length of 71.58 feet; thence on a curve to the right, tangent to the last described course, having a radius of 535.00 feet and an arc length of 484.28 feet; thence South 00 degrees 30 minutes 26 seconds West, 2.29 feet to a point on the North Right-of-Way line of N.E. Barry Road, as now established; thence along said North Right-of-Way line the following three courses; thence North 89 degrees 30 minutes 33 seconds West, 118.50 feet; thence South 77 degrees 21 minutes 25 seconds West, 154.03 feet; thence North 89 degrees 30 minutes 33 seconds West, 207.20 feet; thence North 00 degrees 42 minutes 10 seconds East, 41.69 feet; thence on a curve to the left, tangent to the last described course, having a radius of 595.00 feet and an arc length of 139.79 feet; thence North 89 degrees 30 minutes 33 seconds West, 285.18 feet; thence on a curve to the right, tangent

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to the last described course, having a radius of 355.00 feet and an arc length of 438.22 feet; thence South 71 degrees 13 minutes 02 seconds West, 19.93 feet; thence North 90 degrees 00 minutes 00 seconds West, 220.38 feet to a point on said East Right-of-Way line of N. Indiana Avenue; thence North 00 degrees 38 minutes 45 seconds East, along said East Right-of-Way line, 739.83 feet to the point of beginning. Contains 958,293 square feet or 22.00 acres more or less.

and said area remaining zoned B2-2 is legally described as follows:

All that part of the North half of the Northeast Quarter of Section 7, Township 51 North, Range 32 West, in Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the North Quarter corner of said Section 7; thence South 89 degrees 37 minutes 35 seconds East, along the North line of said Section 7, 50.00 feet to a point on the East Right-of-Way line of N. Indiana Avenue, as now established; thence South 00 degrees 38 minutes 45 seconds West, along said East Right-of-Way line, 739.83 feet to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East, 220.38 feet; thence North 71 degrees 13 minutes 02 seconds East, 19.93 feet; thence on a curve to the left, having an initial tangent bearing South 18 degrees 46 minutes 58 seconds East, a radius of 355.00 feet and an arc length of 438.22 feet; thence South 89 degrees 30 minutes 33 seconds East, 285.18 feet; thence on a curve to the right, having an initial tangent bearing South 12 degrees 45 minutes 30 seconds East, a radius of 595.00 feet and an arc length of 139.79 feet; thence South 00 degrees 42 minutes 10 seconds West, 41.69 feet to a point on the North Right-of-Way line of N.E. Barry Road, as now established; thence North 89 degrees 30 minutes 32 seconds West, along said North Right-of-Way line, 741.80 feet; thence North 44 degrees 34 minutes 49 seconds West, continuing along said North Right-of-Way line, 161.97 feet; thence North 09 degrees 57 minutes 47 seconds West, continuing along said North Right-of-Way line, 105.76 feet to a point on the said East Right-of-Way line of N. Indiana Avenue; thence North 00 degrees 38 minutes 45 seconds East, along said East Right-of-Way line, 191.23 feet to the point of beginning. Contains 224,183 square feet or 5.15 acres more or less.

all as shown outlined on a map marked Section 88-1226, which is attached hereto and made a part hereof, and which is hereby adopted as 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 construct a sidewalk along the east side of N. Indiana Avenue and connect with the sidewalk network shown in the plan set.
2. Obtain a variance for any vehicular use area which exceeds 40% of pavement in the front yard per 88-420-12.

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3. The intersection of N. Barry Road and N. Indiana Avenue shall be improved and signalized prior to issuance of a certificate of occupancy for Phase 1 of Staley Corners East.
4. The developer shall construct an additional southbound through lane on N. Indiana Avenue between Drive Two and N.E. Barry Road at such time as Phase 1 is platted as required by the Department of Public Works.
5. The developer shall construct a southbound left turn lane on N. Indiana Avenue at Drive Two and at Drive One. These lanes shall be at least 100 feet in length plus taper length (Phase 1).
6. The developer shall construct a second westbound left turn lane on N.E. Barry Road at the intersection of N. Indiana Avenue (Phase 1).
7. The developer shall contribute \$26,741.81 in lieu of parkland dedication for 187 multi-family duplex, tri-plex, and senior living dwellings in satisfaction of Section 88-408 of the Zoning and Development Code per the 2019 parkland fees based on the number of units, with credit provided for 1.569 acres of private open space as shown on the plat, and the following formula:

$$187 \text{ dwelling units} \times 2.0 \text{ people per unit} \times 0.006 \text{ acres/person} = 2.244 \text{ acres required.}$$

$$2.352 \text{ acres required less } 1.569 \text{ acres shown on plan} = 0.675 \text{ acre payment in lieu of parkland multiplied by } \$39.617.49 \text{ (2019 parkland fee based on when plans submitted)} = \$26,741.81 \text{ due. The parkland fee is to be paid before the Final Plat is accepted and/or prior to certificate of occupancy is to be issued, whichever occurs first.}$$
8. The developer shall submit a streetscape plan with a street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to City Council approval in the public right-of-way of all public streets. Live tree removals on City property and City right-of-ways require pre-approval by the Parks and Recreation Forestry Division. Dead trees on City property and City right-of-ways should be confirmed dead by the Parks and Recreation Forestry Division prior to removal.
9. The developer shall construct temporary off-site cul-de-sacs and grant a City approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.

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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 submit construction plans in compliance with adopted standards for all improvements and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
12. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
13. 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 dedications for the planned project without the prior written consent of the Land Development Division.
14. 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.
15. 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, prior to issuance of any construction permits within said right-of-way, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
16. The developer shall submit covenants, conditions and restrictions to the Land Development Division for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
17. The developer shall dedicate additional right-of-way for N. Indiana Avenue 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, and ensure right-of-way dedication is adequate for any proposed road improvements as required by the Public Works Department adjacent to this project.
18. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary

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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.

19. 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.
20. 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.
21. The developer shall grant BMP and/or surface drainage easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
22. 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 proposed entrance drives as necessary for the type of drive approach.
23. 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 a 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.
24. 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.
25. 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.

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26. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk prior to the plat recording for review, acceptance and contracts per the Kansas City Water Rules and Regulations for water main extensions and relocations.
27. Dead end Fire Department access road(s) in excess of 150 feet shall be provided with an approved turnaround feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a “phased” project shall provide an approved temporary turnaround feature (i.e., cul-de-sac, hammerhead). (IFC-2012: § 503.2.5)
28. 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)
29. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5)
30. 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) if the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
31. 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)
32. If the underlying parcel is going to be divided in the future for the sale of the units, the fire wall shall be continuous from foundation through the attic to the roof.
33. The developer shall install a southbound right turn lane at the westbound on-ramp to Missouri Highway 152. This lane is warranted per EPG 940.9.9 in both the AM and PM Peak Hour with the addition of Phase 1 of Staley Corners East development.

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

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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