

ORDINANCE NO. 150538

Rezoning approximately 33 acres generally located north of N.E. 96th Street and west of N. Oak Trafficway from District R-80 to District MPD and approving a preliminary development plan for Phase 1, allowing a convenience store with fueling stations. (12419-MPD-3)

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 88-20A1019, rezoning an approximately 33 acre tract of land generally located north of N.E. 96th Street and west of N. Oak Trafficway from District R-80 (Residential 80) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A1019. That an area legally described as:

A tract of land in the Southwest Quarter of Section 35 Township 52 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri, being bounded and described as follows: Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 19 minutes 32 seconds West, along the East line of said Southwest Quarter, 785.03 feet; thence North 89 degrees 40 minutes 28 seconds West, 50.00 feet to an angle point in the Easterly line of Northland Cathedral, a subdivision of land recorded as Document No. R 42190, in Cabinet F, at Sleeve 36, said point also being on the Westerly right of way line of North Oak Trafficway as now established and the Point of Beginning of the tract of land to be herein described: thence South 00 degrees 19 minutes 32 seconds West, along said Westerly right of way line, 1,506.38 feet; thence South 01 degrees 44 minutes 59 seconds West, along said Westerly right of way line, 201.16 feet; thence South 41 degrees 19 minutes 59 seconds West, along said Westerly right of way line, and along the Northerly right of way line of NE 96th Street as now established, 75.49 feet; thence North 88 degrees 44 minutes 05 seconds West, along said Northerly right of way line 65.39 feet; thence Westerly along said Northerly right of way line, along a curve to the right being tangent to the last described course with a radius of 1,045.92 feet, a central angle of 42 degrees 13 minutes 27 seconds and an arc distance of 770.79 feet; thence North 44 degrees 07 minutes 35 seconds West, along said Northerly right of way line, along a line that is not tangent to the preceding curve, 330.81 feet to the Southeast corner of said plat of Northland Cathedral, thence North 43 degrees 29 minutes 18 seconds East, along the Easterly line of said plat, 113.53 feet; thence North 13 degrees 02 minutes 34 seconds East, along the Easterly line of said plat, 414.37 feet; thence North 22 degrees 16 minutes 55 seconds East, along the Easterly line of said plat, 352.48 feet; thence North 08 degrees 13 minutes 40 seconds East, along the Easterly line of

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said plat, 443.76 feet; thence South 88 degrees 54 minutes 51 seconds East, along the Easterly line of said plat, 688.31 feet to the point of beginning. Containing 1,424,236 square feet or 32.696 acres, more or less.

is hereby rezoned from District R-80 (Residential 80) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88 -20A1019, 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 developer obtain approval of a final plan from the City Plan Commission for Phase 1 prior to building permit and that such final plan include a detailed site plan, landscape plan in compliance with 88-425, lighting plan in compliance with 88-430, a signage plan in compliance with 88-445 or a note stating that signage will comply with 88-445, building elevations with all materials labeled, and showing pedestrian connections from the public sidewalks to building entrances within Phase 1.
2. That the developer obtain approval of an amendment to this approved preliminary development plan and a final plat from the City Plan Commission and City Council for Phase 2 prior to approval of a final development plan or building permit in Phase 2.
3. That prior to recording of the first final plat for Phase 1, the developer shall:
 - a. Dedicate 10 feet of additional right-of-way on the west side of North Oak Trafficway for a southbound right-turn lane with 150 feet of storage plus appropriate taper at the intersection of N.E. 96th Street; and
 - b. Dedicate 10 feet of additional right-of-way for a southbound right-turn lane with 150 feet of storage plus appropriate taper on North Oak Trafficway at the proposed driveway located approximately 450 feet north of N.E. 96th Street (Drive 1); and
 - c. Construct a southbound right-turn lane with 150 feet of storage plus appropriate taper on North Oak Trafficway at the proposed driveway located approximately 450 feet north of N.E. 96th Street (Drive 1); and

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- d. Construct a northbound left-turn lane with 150 feet of storage plus appropriate taper on North Oak Trafficway at the intersection with Locust Drive; and
 - e. Construct an eastbound left-turn lane maximizing storage on N.E. 96th Street at the intersection with the McGee Street Drive.
- 4. That the developer cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended.
- 5. That the developer submit a macro "overall" storm drainage analysis from a Missouri licensed civil engineer for the entire development in accordance with adopted standards to the Land Development Division for review and acceptance at the time the first plat is submitted, with a micro "detailed" storm drainage study, including a BMP level of service analysis, in accordance with current adopted standards to be submitted for each phase at the time of final platting, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
- 6. That the developer 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 that the owner/developer be responsible for all costs associated with subordination activities now and in the future.
- 7. 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.
- 8. That the developer design and construct all interior public streets to City standards, as required by the Land Development Division, including curb and gutter, storm sewers, streetlights, and sidewalks.
- 9. That the developer verify vertical and horizontal sight distance for all drive connections to public right-of-way and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
- 10. That the developer pay impact fees as required by Chapter 39 of the City's Code of Ordinances as required by the Land Development Division.

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11. That the developer 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.
12. That the owner/developer 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.
13. That the developer secure permits to extend 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.
14. That the developer 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.

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.



Authenticated as Passed

Sly James, Mayor

Marilyn Sanders, City Clerk

JUL 9 2015

Date Passed

Secretary, City Plan Commission

Approved as to form and legality:

M. Margaret Sheahan Moran
Assistant City Attorney