



---

**File #: 250450**

---

### ORDINANCE NO. 250450

Approving a major amendment to a previously approved development plan on about .9 acres in District B1-1 generally located at 1307 W. 79th Street to allow for two new commercial buildings. CD-CPC-2025-00041

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in District B1-1 (Neighborhood Business 1) generally located at 1307 W. 79th Street , and more specifically described as follows:

Beginning at the Northeast corner of said Lot 27, said point also being the intersection of the South right-of-way line of W. 79th Street, as now established and the West right-of-way line of Mercier Street, as now established; thence S 2°14'25" W, along the East line of said Lots 27 thru 30 and the West right-of-way line of said Mercier Street, a distance of 398.28 feet, to the Southeast corner of said Lot 30; thence N 86°56'47" W, along the South line of said Lot 30, a distance of 200.00 feet, to the Southwest corner thereof, said point also being on the East right-of-way line of Ward Parkway, as now established; thence N 2°14'25" E, along the West line of said Lots 30 thru 28 and the East right-of-way line of said Ward Parkway, a distance of 286.44 feet, to the Southernmost corner of a tract of land described in the Warranty Deed to Kansas City recorded as Document No. B222998, in Book B-5048, at Page 427; thence Northeasterly, along the East line of said Tract, said being on a curve to the right, having an initial tangent bearing of N 29°14'03" E and a radius of 582.79 feet, an arc distance of 133.31 feet, to a point on the North line of said Lot 27, said point also being on the South right-of-way line of said W. 79th Street; thence S 86°54'54" E, along the North line of said Lot 27 and the South right-of-way line of said W. 79th Street, a distance of 126.48 feet to the Point of Beginning, containing 1.7420 acres, more or less.

is hereby approved, subject to the following conditions:

1. Any fencing installed on the north, south, or west property lines is subject to 88-323-02-D.2.
2. No detailed sign plan was provided. All signage must comply with 88-445. Inspector to verify.

3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping and street trees required of the approved plan have been installed in accordance with the plan and are healthy prior to a certificate of occupancy.
4. 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.
5. Building plans submittal shall meet the requirements of the Kansas City Building and Rehabilitation Code in effect at the time of submission.
6. 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, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
7. Per 88-425-13, alternative compliance from the interior landscaping standards is granted by relocating trees and shrubs, per the approved landscape plan.
8. Trash containers, dumpsters, trash compactors, and recycling bins associated with both project phases shall comply with 88-425-08, as identified in building plans/permits.
9. Prior to issuance of any certificate of occupancy, the applicant shall submit and gain approval of a final plat in accordance with the preliminary plat.
10. 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)
11. 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)
12. Fire hydrant distribution shall follow IFC 2018 Table C102.1.
13. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC 2018 § 507.1)
14. Required Fire Department access roads shall be an all-weather surface. (IFC 2012: § 503.2.3) (No Grass Pavers Allowed)



15. 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)
16. Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC 2018: § 503.2.3)
17. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC 2018: § 503.2.4)
18. Ward Parkway is classified as a parkway. Any new developments, façade changes, or additions as listed in the applicability section of 88-232-01-A shall comply with the parkway and boulevard standards or the developer shall obtain a variance from the Board of Zoning Adjustment prior to obtaining a building permit.
19. Prior to construction adjacent to a Parks and Recreation jurisdictional streets and/or parks, the developer shall obtain a Parks and Recreation permit for storage and restoration within a park or a Parks and Recreation jurisdictional street. Permits are required for construction and site preparation, including but not limited to the installation of construction trailers, stockpiling of materials or equipment, and construction of roads and utility cabinets/meters.
20. The developer shall submit plans to the Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements, pedestrian and streetlighting) on the Parks jurisdictional streets and construct improvements and ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per Parks and Recreation Department standards.
21. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevards and parkways, which are Parks and Recreation jurisdictional streets. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. 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 Parks and Recreation Department, prior to recording the plat/issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

22. 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.
23. 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.
24. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
25. The developer shall integrate into the existing streetlight system any relocated 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.
26. 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.
27. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage of Ward Parkway, W. 79th Street and Mercier Street. In addition the developer shall construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
28. 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.
29. 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.

30. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
31. 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.
32. Abandonment of services shall be performed under a kill or a disconnect permit in the following manner:
  - (a) On tap service connections, the corporation stop shall be uncovered, the corporation stop turned off, the service line disconnected, and the threads cut off of the corporation. All curb boxes, meter tiles and backflow preventer vaults whether on public or private property, shall have all rings, covers, and lids removed, wall casings removed or broken down to a minimum of one foot below grade. The backflow vault shall be backfilled with sand, clean fill or an approved material.
  - (b) On branch service connections, the abandonment shall be performed in a manner specified by the Kansas City Water Services Department. Service lines shall be exposed at the main and the Kansas City Water Services Department called for an inspection. At this point the Kansas City Water Services Department will advise either how to kill, or take over the kill. Normally the licensed master plumber will be required to remove any tee or tap and associated valves and install a section of ductile iron pipe and solid sleeves in accordance with the standards and specifications for water main extensions as published by the Kansas City Water Services Department.
33. 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, by making application for a minor subdivision and submitting and recording a lot consolidation plat or replatting the property.

34. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri licensed civil engineer to the Kansas City Water Services Department showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Kansas City Water Services Department for review and acceptance for the disturbed 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 Kansas City Water Services Department.
35. 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.
36. 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.
37. 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.
38. The developer shall secure permits to connect to public 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.
39. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
40. 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. Storm detention areas that serve more than one lot must be platted in a separate detention tract.

41. The developer shall provide private storm drainage easements for any private mains prior to issuance of any building permits.
42. 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.

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.



Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

JUN 12 2025

Date Passed

A handwritten signature in blue ink, appearing to read "Sara Copeland".

Sara Copeland, FAICP  
Secretary, City Plan Commission

Approved as to form:

A handwritten signature in blue ink, appearing to read "Sarah Baxter".

Sarah Baxter  
Senior Associate City Attorney