



Legislation Details (With Text)

File #: 230861 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

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Title: Sponsor: Director of City Planning and Development Department

Rezoning an area of about 2.6 acres generally located at N.E. Barry Road and N. Brighton Avenue from District B1-1 to District B3-3 to allow the property owner to seek a special use permit to construct an automobile collision center. (CD-CPC-2023-00127)

Sponsors: Director of City Planning & Development, City Plan Commission

Indexes:

Code sections:

Attachments: 1. CPC Disposition Letter (09-19-2023), 2. Rezoning Exhibit CD-CPC-2023-00127, 3. CPC Staff Report (09-19-2023), 4. 9-19-2023_CPC PPT, 5. Docket Memo, 6. Authenticated Ordinance 230861

Date	Ver.	Action By	Action	Result
10/5/2023	1	Council	Passed	Pass
10/4/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass, Debate	Pass
9/28/2023	1	Council	referred	

ORDINANCE NO. 230861

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 2.6 acres generally located at N.E. Barry Road and N. Brighton Avenue from District B1-1 to District B3-3 to allow the property owner to seek a special use permit to construct an automobile collision center. (CD-CPC-2023-00127)

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-1412, rezoning an area of about 2.6 acres generally located at N.E. Barry Road and N. Brighton Avenue from District B1-1 (Neighborhood Business 1) to District B3-3 (Community Business), said section to read as follows:

Section 88-20A-1412. That an area legally described as:

A parcel of land being in the Southeast quarter of Section 8, Township 51 North, Range 32 West, located in the City of Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northwest corner of the Southeast quarter of said Section 8, as monumented by a found ¾” iron bar in a monument box; thence South 89 degrees 16 minutes 48 seconds East, along the North line of the said Southeast quarter, a distance of 366.00 feet; thence

South 00 degrees 30 minutes 53 seconds West, along a line parallel with the West line of the said Southeast quarter, a distance of 35.00 feet, to a point on the Southerly right-of-way of Northeast Barry Road, as currently established and being monumented by a found ½” iron bar and cap stamped “LS 2074”, said point also being on the Northerly prolongation of the West line of Clay Hill Addition, a subdivision of land in the City of Kansas City, Clay County, Missouri; thence South 00 degrees 30 minutes 53 seconds West, continuing along a line parallel with the West line of the said Southeast quarter and the West line Clay Hill Addition and its Northerly prolongation thereof, a distance of 249.29 feet to the Point of Beginning of the tract of land herein to be described; thence North 89 degrees 29 minutes 07 seconds West, a distance of 297.48 feet, to the Easterly right-of-way of North Brighton Avenue, as currently established; thence South 01 degrees 22 minutes 55 seconds East, along the said Easterly right-of-way of North Brighton Avenue, a distance of 303.41 feet, to the intersection of the said Easterly right-of-way of North Brighton Avenue and the Northerly right-of-way of Missouri State Highway 152, as monumented by a found bent 1/2” iron bar being located 0.12 feet North and 0.41 feet West of the corner; thence South 47 degrees 50 minutes 57 seconds East, continuing along the said Northerly right-of-way of Missouri State Highway 152, a distance of 107.96 feet; thence South 89 degrees, 16 minutes, 48 seconds East, leaving the said Northerly right-of-way of Missouri State Highway 152, a distance of 49.46 feet, to the Northwest corner of Northeast 83rd Street’s right-of-way, said right-of-way being vacated by Ordinance Number 071267, recorded as Instrument 2008008276 in Book 5627 at Page 2; thence South 00 degrees 29 minutes 06 seconds West, along the West line of the said vacated Northeast 83rd Street right-of-way, a distance of 12.50 feet, to the Southerly line of the North half of the said vacated Northeast 83rd Street right-of-way; thence South 89 degrees, 16 minutes, 48 seconds East, along the South line of the North half of the said vacated Northeast 83rd Street right-of-way, a distance of 157.28 feet, to the Southerly prolongation of the West line of Clay Hill Addition; thence North 00 degrees 30 minutes 53 seconds East, along the West line of the said Clay Hill Addition and its Southerly prolongation thereof, said line also being parallel with the West line of the said Southeast Quarter, a distance of 388.21 feet, to the Point of Beginning, containing 108,449.96 square feet or 2.49 acres of land, more or less.

The above described parcel of land is subject to the following restrictions and easements: Abutter’s rights of direct access as set out in the Warranty Deed to the State Highway Commission of Missouri being recorded October 25, 1974 as Document Number 05756 in Book 1168 at Page 772.

The rights and easements reserved by the City of Kansas City, Missouri over the vacated Northeast 83rd Street as more fully described and set forth in Ordinance Number 071267 being recorded March 10, 2008 as Document Number 2008008276 in Book 5927 at Page 2.

The bearing and distances of the above described parcel of land is based upon the Missouri State Plane Coordinate System, NAD83, Missouri West Zone, US Foot, with the bearing of the West line of the Southeast Quarter of Section 8-T51N-R32W being measured as North 00 degrees 30 minutes 53 seconds East.

is hereby rezoned from District B1-1 (Neighborhood Business 1) to District B3-3 (Community Business), all as shown outlined on a map marked Section 88-20A-1412, 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 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.

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter

Senior Associate City Attorney