



Legislation Details (With Text)

File #: 210569 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 6/23/2021 **In control:** Council

On agenda: 7/15/2021 **Final action:** 7/15/2021

Title: Rezoning about 30 acres generally bordered by the Missouri River on the north, Front Street on the south and I-29/ I-35 on the west from District M1-5 to District MPD, to allow for renovation of the existing casino to a mixed use development that includes retail, a hotel and amphitheater. (CD-CPC-2020-00196)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CD-CPC-2020-00196_FACTSHT, 2. 10_CD-CPC-2020-00196_CPCStaffRpt_04_06_21, 3. Exhibit A_ Section Map, 4. Authenticated Ordinance - 210569

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|-----------------|--------|
| 7/15/2021 | 1 | Council | | |
| 7/14/2021 | 1 | Neighborhood Planning and Development Committee | Adv and Do Pass | Pass |
| 6/30/2021 | 1 | Neighborhood Planning and Development Committee | Hold on Agenda | |

ORDINANCE NO. 210569

Rezoning about 30 acres generally bordered by the Missouri River on the north, Front Street on the south and I-29/ I-35 on the west from District M1-5 to District MPD, to allow for renovation of the existing casino to a mixed use development that includes retail, a hotel and amphitheater. (CD-CPC-2020-00196)

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-1289, rezoning an area of approximately 30 acres generally bordered by the Missouri River on the north, Front Street on the south and I-29/ I-35 (Kit Bond bridge) on the west from District M1-5 (Manufacturing 1) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A-1289. That an area legally described as:

Lots 68-73 as described in the Mountain View Plat, recorded in Jackson County, Missouri.

A tract of land in the Fractional Southwest Quarter of Section 28 and the Fractional Northeast Quarter and Fractional Northwest Quarter of Section 33, including part of Lots 51 and 52, Hurck’s Subdivision of Guinotte Bluff, a subdivision of land recorded May 21, 1869 as Document No. 1869R0020006, all in Township 50 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri, being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. as follows: Beginning at the point of

Intersection of the United State Harbor Line, as established on the South Bank of the Missouri River in 1904 and 1924 and the Northeasterly right of way line of U.S. Interstate Highway Route No. 29 and 35, as recorded May 11, 1965 as Document No. B-570825, in in Book B-5945, at Page 310: thence North 61°01'00" East, along said South United States Harbor line, 1172.84 feet to the Northwesterly prolongation of the Southwesterly line of a tract of land conveyed to the Kansas City Power and Light Company, recorded as Document No. 1338778, in Book B- 1942, at Page 262 and Document No A-881822, in Book B-4111, at Page 36; thence South 28°59'00" East, along said Northwesterly prolongation and along said Southwesterly lines, 1098.96 feet to a point on the Northwesterly right of way line of River Front Road as established by Document No. K-194186, in Book K-436 at Page 730 and by Kansas City, Missouri Ordinance No. 42140, recorded as Document No. 98-K-11356, in Book K-3155, at Page 1343; thence South 48°39'06" West, along said Northwesterly right of way, line, 10.79 feet; thence Southwesterly along said Northwesterly right of way, along a curve to the right being tangent to the last described course with a radius of 460.87 feet, a central angle of 03°05'42" and an arc distance of 24.89 feet; thence South 51°44'48" West, 324.21 feet; thence Westerly along a curve to the right being tangent to the last described course with a radius of 60.00 feet, a central angle of 72°36'08" and an arc distance of 76.03 feet; thence North 55°39'05" West, 52.04 feet; thence South 41°01'39" West, 94.92 feet; thence North 48°58'21" West, 26.31 feet; thence Westerly along a curve to the left being tangent to the last described course with a radius of 45.00 feet, a central angle of 96° 40'06" and an arc distance of 75.92 feet; thence South 34°21'33" West, 57.96 feet to a point on the Northeasterly extension of the Northwesterly right of way line of U.S. Interstate Highway Route No. 29 and 35, as established by Document No. 2008E0041037, recorded April 16, 2008, Document No. 2008E004138 recorded April 16, 2008 and Document No. 2008E0042817 recorded April 21, 2008, (all three documents being corrected by Affidavits to correct legal descriptions recorded August 8, 2008 by Document No. 20080085084, Document No. 2008E0085085 and Document No. 2008E0085086); thence South 63°28'11" West, along last said Northwesterly extension and last said Northwesterly right of way line, 316.73 feet; thence South 79°36'23" West, along said Northwesterly right of way line, 161.80 feet; thence North 49° 56'13" West, along the Northeasterly right of way line of said U.S. Interstate Highway Route No. 29 and 35, as established by last said documents, 184.91 feet; thence North 19°12'49" West, along said Northeasterly right of way line and its Northwesterly extension, 757.60 feet to a point on the Northerly right of way line of E Front Street as established by Document No. K-194186, in Book K-436 at Page 730 and by Kansas City, Missouri Ordinance No. 42140, recorded as Document No. 98-K-11356, in Book K-3155, at Page 1343; thence Westerly along said Northerly right of way line, along a curve to the left having an initial tangent bearing of South 79°18'05" West with a radius of 580.87 feet, a central angle of 12°31'22" and an arc distance of 126.96 feet to a point on the Northeasterly right of way line of said U.S. Interstate Highway Route No. 29 and 35, as established by aforesaid Document No. B-570825, in in Book B-5945, at Page 310; thence North 19°47'42" West, along said Northeasterly right of way line, 78.45 feet to the Point of Beginning. Containing 1,243,299 square feet or 28.542 acres, more or less.

is hereby rezoned from District M1-5 (Manufacturing 1) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1289, 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. The developer shall submit plans, revised as noted below, to the Development Management Division prior to final plan: Revise and resubmit plans to show landscaping, rest areas/furniture, lighting and other conveniences to improve the visual interest and amenities of the site for pedestrians.
2. The developer shall submit plans, revised as noted below, to the Development Management Division PRIOR to final plan: Revise and resubmit plans to show adequate lighting and landscaping to enhance pedestrian security on site. Landscaping should not restrict the line of sight of pedestrians or drivers throughout the site.
3. City records indicate property line through the existing casino and future garage. Applicant shall combine lots at county office.
4. The developer shall coordinate for approval with Kansas City, Missouri Levee Committee for all excavation riverward and within 500 feet landward of the levee centerline, including excavation for building foundations, basements, piers, loading pits, ditches, pipe trenches.
5. 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.
6. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
7. The developer shall secure approval of an MPD final development plan from the City Plan Commission prior to a building permit.
8. The developer shall submit an MPD Developer's Statement of Intent on how the proposed MPD meets the Purpose and Specific Objectives of 88-280-01 prior to action by the City Council.
9. 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.
10. 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.
11. The developer shall 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.
12. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
13. 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.
14. The developer shall show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division. Condition(s) by the City Planning and Development Department.
 15. The developer shall petition for the vacation of Front Street as shown on the development plan and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
 16. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division 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.
 17. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
 18. 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.
 19. 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
 20. 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.
 21. The 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.
 22. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to

recording the plat.

23. 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)
24. 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)
25. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
26. The developer shall work with MoDOT regarding any amphitheater event traffic control.
27. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
28. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City water rules and regulations for water main extensions and relocations.
29. The developer shall follow the Kansas City, Missouri rules and regulations for domestic water and fire service lines.
30. The developer shall submit an analysis by a registered professional engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to the issuance of new water service permits. Depending on adequacy of the existing water mains systems, making other improvements may be required.

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.

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney