



Legislation Details (With Text)

**File #:** 231048      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 12/11/2023      **In control:** Council

**On agenda:** 1/11/2024      **Final action:** 1/11/2024

**Title:** Sponsor: Director of City Planning and Development Department

Rezoning an area of about 103 acres generally located at U.S. 169 and Barry Road from District UR to District UR and approving a major amendment to an approved UR development plan. (CD-CPC-2023-00165).

**Sponsors:** Director of City Planning & Development

**Indexes:**

**Code sections:**

**Attachments:** 1. Docket Memo, 2. CPC Disposition Letter (12-05-2023), 3. CPC Approved Plan (12-05-2023), 4. 06\_CD-CPC-2023-00165\_MetroNorthAmendment, 5. CPC PPT 12-05-2023, 6. Exhibit A, 7. 1-10 PPT NPD 231048, 8. Authenticated Ordinance 231048

Date	Ver.	Action By	Action	Result
1/11/2024	1	Council	Passed	Pass
1/10/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
12/14/2023	1	Council	referred	

ORDINANCE NO. 231048

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 103 acres generally located at U.S. 169 and Barry Road from District UR to District UR and approving a major amendment to an approved UR development plan. (CD-CPC-2023-00165).

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-1421, rezoning an area of about 103 acres generally located at U.S. 169 and Barry Road from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) and approving a major amendment to approved UR development plan, said section to read as follows:

Section 88-20A-1421. That an area legally described as:

A tract of land located in the East Half of the Northeast Quarter of Section 10 and the West Half of the Northwest Quarter of Section 11, Township 51 North, Range 33 West of the 5th Principal Meridian, in Kansas City, Clay County, Missouri, more particularly described as follows: Beginning at the northwest corner of the East Half of the Northeast Quarter of said Section 10, thence South 89 degrees 33 minutes 22 seconds East along the north line of the East Half of the

Northeast Quarter of said Section 10, a distance of 169.67 feet; thence South 00 degrees 41 minutes 09 seconds West, a distance of 355.01 feet; thence South 89 degrees 29 minutes 04 seconds East, a distance of 150.02 feet; thence along a non-tangential curve to the left, having an initial tangent bearing of South 26 degrees 13 minutes 33 seconds West, a radius of 50.00 feet, and an arc length of 201.95 feet; thence South 89 degrees 29 minutes 04 seconds East, a distance of 909.60 feet to a point on the east line of the East Half of the Northeast Quarter of Section 10; thence continuing South 89 degrees 29 minutes 04 seconds East, a distance of 215.93 feet; thence South 00 degrees 30 minutes 56 seconds West, a distance of 333.25 feet to a point on the northerly right of way line of Metro North Drive; thence South 89 degrees 29 minutes 04 seconds East along the northerly right-of-way line of said Metro North Drive, a distance of 177.54 feet; thence along a tangent curve to the right, being the northerly right-of-way line of said Metro North Drive and the easterly right-of-way line of North Wyandotte Avenue, having a radius of 320.00 feet and an arc length of 101.72 feet; thence South 00 degrees 30 minutes 56.0 seconds West, continuing along the easterly right-of-way line of said North Wyandotte Avenue, a distance of 351.29 feet; thence along a tangent curve to the right, being the easterly right-of-way line of said North Wyandotte Avenue, having a radius of 240.00 feet and an arc length of 152.29 feet; thence South 00 degrees 41 minutes 09 seconds West, a distance of 117.81 feet; thence North 89 degrees 46 minutes 07 seconds West, a distance of 90.23 feet; thence South 00 degrees 41 minutes 09 seconds West, a distance of 416.95 feet to a point on the northerly right-of-way line of Northwest Barry Road; thence North 89 degrees 46 minutes 07 seconds West along the northerly right-of-way line of Northwest Barry Road, a distance of 170.30 feet to the intersection of the northerly right-of-way line of said Northwest Barry Road with the easterly right-of-way line of said North Wyandotte Avenue; thence South 85 degrees 05 minutes 35 seconds West, a distance of 111.66 feet to the intersection of the northerly right-of-way line of said Northwest Barry Road with the westerly right-of-way line of Northwest Barry Road, a distance of 355.87 feet; thence North 00 degrees 41 minutes 09 seconds East, a distance of 163.70 feet; thence North 89 degrees 46 minutes 07 seconds West, a distance of 106.01 feet to a point on the west line of the West Half of the Northwest Quarter of said Section 11; thence South 00 degrees 41 minutes 09 seconds West along the west line of the West Half of the Northwest Quarter of said Section 11, a distance of 163.70 feet to a point on northerly right-of-way line of Northwest Barry Road; thence North 89 degrees 29 minutes 04 seconds West along the northerly right-of-way line of Northwest Barry Road, a distance of 196.77 feet; thence North 87 degrees 45 minutes 58 seconds West continuing along the northerly right-of-way line of Northwest Barry Road, a distance of 100.05 feet; thence North 82 degrees 04 minutes 39 seconds West continuing along the northerly right-of-way line of Northwest Barry Road, a distance of 100.84 feet; thence North 89 degrees 29 minutes 04 seconds West continuing along the northerly right-of-way line of Northwest Barry Road, a distance of 207.50 feet; thence South 85 degrees 52 minutes 03 seconds West continuing along the northerly right-of-way line of Northwest Barry Road, a distance of 67.82; thence North 00 degrees 30 minutes 56 seconds East, a distance of 9.50 feet; thence North 89 degrees 29 minutes 04 seconds West continuing along the northerly right-of-way line of Northwest Barry Road, a distance of 589.90 feet; thence North 05 degrees 38 minutes 11 seconds West, a distance of 518.45 feet to a point on the west line of the East Half of the Northeast Quarter of said Section 10; thence North 00 degrees 40 minutes 22 seconds East along the west line of the East Half of the Northeast Quarter of said Section 10, a distance of 2042.60 feet to the point of beginning. Containing 4,490,898 square feet or 103.097 acres, more or less.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1421, 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 secure approval of a UR final plan from the Development Management Division staff prior to a building permit.
2. 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.
3. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
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. Ordinance No. 210568, including all conditions provided therein, shall remain in full force and effect.
6. Signage shall comply with the Council approved signage plan (Ordinance No. 230414). 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.
7. The developer shall submit a new, or update a previously accepted macro storm drainage study from a Missouri-licensed civil engineer to the Land Development Division for the overall development in accordance with adopted standards to address development amendments or modified conveyance systems, along with providing a detailed micro study prior to final platting or issuance of a building permit, whichever occurs first, that is in general compliance with the macro and adopted standards, including a BMP level of service analysis, and securing permits to construct any improvements as required by the Land Development Division.
8. The arterial improvements proposed on the development plans must be reviewed and accepted by the Transportation Development Committee and the Impact Fee District Committee before an application for impact fee credits will be accepted.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
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 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.
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 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.
18. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
19. 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) Fire hydrant distribution shall follow IFC-2018 Table C102.1.
20. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) 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)
21. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105). Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018:§ D104.1)

22. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1 and NFPA1221)
23. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
24. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
25. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to any certificate of occupancy.

Section C. 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.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Joseph Rexwinkle, AICP  
Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney