



Legislation Details (With Text)

File #:	210200	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	3/11/2021	In control:		Council	
On agenda:	4/15/2021	Final action:			
Title:	Rezoning an approximately 20 acre tract of land generally located at the southwest corner of E. U.S. Highway 40 and Stadium Drive from Districts B3-2 and R-7.5 to District M1-5 and approving a development plan for the overall 38.66 acre tract that serves as a preliminary plat. (CD-CPC-2019-00152 and CD-CPC-2019-00153).				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Fact Sheet, 2. Staff Report

Date	Ver.	Action By	Action	Result
4/7/2021	1	Neighborhood Planning and Development Committee	Do Pass as Committee Substitute	Pass
3/31/2021	1	Neighborhood Planning and Development Committee	Hold on Agenda	

ORDINANCE NO. 210200

Rezoning an approximately 20 acre tract of land generally located at the southwest corner of E. U.S. Highway 40 and Stadium Drive from Districts B3-2 and R-7.5 to District M1-5 and approving a development plan for the overall 38.66 acre tract that serves as a preliminary plat. (CD-CPC-2019-00152 and CD-CPC-2019-00153).

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 88-20A1261 rezoning an approximately 20 acre tract of land located at the southwest corner of E. U.S. Highway 40 and Stadium Drive from Districts B3-2 (Community Business) and R-7.25 (Residential 7.5) to District M1-5 (Manufacturing 5), said section to read as follows:

Section 88-20A1261. That an area legally described as:

OVERALL PROPER TY:

20 acre s to be re zo ne d to M -1-5

All that part of the Southwest Quarter of Section 17, the Southeast Quarter of Section 18, and the Northeast Quarter of Section 19, all in Township 49, Range 32, Kansas City, Jackson County, Missouri described as follows: Beginning at the Northeast corner of said Section 19, said point also being a corner of Ashland Ridge, a subdivision in said City and State; thence South 1 degree 54 minutes 38 seconds West, along the East line of said Section and West boundary of said Plat, a distance of 800.00 feet to a corner on the North boundary of Yellow

Freight System, Inc. - KCM Terminal, a plat in said City and State; thence North 86 degrees 49 minutes 58 seconds West, along said Plat, a distance of 783.32 feet; thence North 1 degree 54 minutes 38 seconds East, along said Plat, a distance of 800.00 feet; thence North 1 degree 46 minutes 14 seconds East, a distance of 1111.56 feet to a point on the Southerly right-of-way of

U.S. Highway No. 40; thence South 74 degrees 38 minutes 42 seconds East, a distance of 62.74 feet, this and the following two (2) courses being along said right-of-way; thence South 15 degrees 21 minutes 18 seconds West, a distance of 15.00 feet; thence South 74 degrees 38 minutes 42 seconds East, a distance of 23.19 feet; Thence South 1°46'14" West, a distance of 748.00 feet; thence South 88 degrees 14 minutes 14 seconds East, 33.62 feet; thence South 44 degrees 41 minutes 30 seconds East, a distance of 31.39 feet; thence South 68 degrees 19 minute 07 seconds East, a distance of 385.41 feet; thence South 55 degrees 38 minutes 44 seconds East, a distance of 246.55 feet; thence South 14 degrees 16 minutes 01 seconds East, a distance of 63.27 feet; thence South 86 degrees 49 minutes 58 seconds East, a distance of 59.14 feet to the point of beginning. Contains 19.50 acres, more or less.

The three individual Zoning Districts that make up the above 19.50 acres to be rezoned are broken down and legally described as:

R-7.5 to M1-5

All that part of the Northeast Quarter of Section 19, Township 49, Range 32, Kansas City, Jackson County, Missouri described as follows: Beginning at the Northeast corner of said Section 19; thence South 1 degree 54 minutes 35 seconds West, along the East line of said Section and West boundary of Ashland Ridge, a subdivision in said City and State, a distance of 800.00 feet to a Northeast corner on the boundary of Yellow Freight System, Inc. - KCM Terminal, a plat in said City and State; thence North 86 degrees 49 minutes 58 seconds West, along said Plat, a distance of 768.32 feet; thence North 0 degrees 50 minutes 13 second East, a distance of 800.47 feet to a point on the North line of the Northeast Quarter of said Section 19, said point also being a corner of said Yellow Freight plat; thence South 86 degrees 49 minutes 58 seconds East, along said Section line, a distance of 783.32 feet to the point of beginning. Contains 14.24 acres, more or less.

M2-2 to M1-5

All that part of the Northeast Quarter of Section 19, Township 49, Range 32, Kansas City, Jackson County, Missouri described as follows: Commencing at the Northeast corner of said Section 19; thence North 86 degrees 49 minutes 58 seconds West, along the North line of said Quarter- Section, a distance of 783.32 feet to the point of beginning; thence South 0 degrees 50 minutes 13 seconds West, a distance of 800.47 feet to a point on the boundary of Yellow Freight System, Inc. - KCM Terminal, a plat in said City and State; thence North 86 degrees 49 minutes 58 seconds West, along said boundary, a distance of 15.00 feet; thence North 1 degree 54 minutes 38 seconds East, along said boundary, a distance of 800.00 feet to the point of beginning. Contains 0.14 acres, more or less.

B3-2 to M1-5

All that part of the Southeast Quarter of Section 18, Township 49, Range 32, Kansas City, Jackson County, Missouri described as follows: Commencing at the Southeast corner of said Section 18; thence North 86 degrees 49 minutes 58 seconds West, along the South line of said Quarter- Section, a distance of 59.14 feet to the point of beginning; thence continuing North 86 degrees 49 minutes 58 seconds West, along said South line, a distance of 724.18 feet; thence North 1 degree 46 minutes 14 seconds East, a distance of 1111.56 feet to a point on the Southerly right- of-way of U.S. Highway No. 40; thence South 74 degrees 38 minutes 42 seconds East, a distance of 62.74 feet, this and the following two (2) courses being along said right-of-way; thence South 15 degrees 21 minutes 18 seconds West, a distance of 15.00 feet; thence South 74 degrees 38 minutes 42 seconds East, a distance of 23.19 feet;

thence South

1 degree 46 minutes 14 seconds West, a distance of 748.00 feet; thence

South 88 degrees 14 minutes 14 seconds East, 33.62 feet; thence South 44 degrees 41 minutes 30 seconds East, a distance of 31.39 feet; thence South 68 degrees 19 minutes 07 seconds East, a distance of 385.41 feet; thence

South 55 degrees 38 minutes 44 seconds East, a distance of 246.55 feet;

thence South 14 degrees 16 minutes 01 seconds East, a distance of 63.27 feet to the point of beginning. Contains 5.12 acres, more or less.

38.66 acre s Ove rall De ve lopme nt Pla n

All that part of the Southwest Quarter of Section 17, the Southeast Quarter of Section 18, and the Northeast Quarter of Section 19, all in Township 49, Range 32, Kansas City, Jackson County, Missouri described as follows: Beginning at the Northeast corner of said Section 19, said point also being a corner of Ashland Ridge, a subdivision in said City and State; thence South 1 degree 54 minutes 38 seconds West, along the East line of said Section and West boundary of said Plat, a distance of 800.00 feet to a corner on the North boundary of Yellow Freight System, Inc.- KCM Terminal, a plat in said City and State; thence North 86 degrees 49 minutes 58 seconds West, along said Plat, a distance of 783.32 feet; thence North 1 degree 54 minutes 38 seconds East, along said Plat, a distance of 800.00 feet; thence North 1 degree 46 minutes 14 seconds East, a distance of 1111.56 feet to a point on the Southerly right-of-way of U.S. Highway No. 40; thence South 74 degrees 38 minutes 42 seconds East, a distance of

62.74 feet, this and the following six (6) courses being along said right-of- way; thence South 15 degrees 21 minutes 18 seconds West, a distance of

15.00 feet; thence South 74 degrees 38 minutes 42 seconds East, a distance of 250.00 feet; thence North 15 degrees 21 minutes 18 seconds East, a distance of 5.00 feet; thence South 74 degrees 38 minutes 42 seconds East, a distance of 499.90 feet to a point on the East line of said Section 18; thence North 2 degrees 02 minutes 44 seconds East, along said Section Line, a distance of 5.14 feet; thence South 74 degrees 38 minutes 42 seconds East, a distance of 339.69 feet to the Westerly right-of-way of Stadium Drive; thence South 7 degrees 43 minutes 28 seconds West, along said right-of-way, a distance of 867.54 feet to a point on the South line of said Section 17, said point also being on the North boundary of said Ashland Ridge; thence North 86 degrees 29 minutes 14 seconds West, along said Section Line and Plat boundary, a distance of 244.80 feet to the point of beginning. Containing 38.66 acres, more or less.

is hereby rezoned from Districts B3-2 (Community Business) and R-7.25 (Residential 7.5) to District M1-5 (Manufacturing 5), all as shown outlined on a map marked Section 88-20A1261, 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 cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri.
2. 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.

3. 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.
4. The developer shall dedicate additional right-of-way for Stadium Drive as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline of Stadium Drive, along those areas being platted.
5. 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.
6. 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.
7. 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.
8. The developer shall kill the existing service Reg. No. 138033 and extend the new service line from E. U.S. 40 Highway to service Lot 1 meeting current Kansas City water standards.
9. The developer shall ensure that domestic water and fire service lines must be brought in compliance with current Kansas City, Missouri rules and regulations for water service lines.
10. The developer shall extend the public water main along their east property line down the Stadium Drive to serve Lots 28 and 29 with the development of Lot 2.
11. The developer shall consolidate the four driveways on Lot 2 down to two driveways when Lot 2 is developed.

Section C. The Council authorizes the unsecured deferral of the following conditions pursuant to Section 88-405-22 prior to any development or issuance of building permit; to be entered into and executed prior to Mylar approval:

1. The developer shall enter into an unsecured deferral agreement for all the public improvements noted in conditions 2-9 as required by the Land Development Division. The deferral agreement shall be for a period of time until any new improvements of any kind occur or prior to issuance of building permit on either lots.
2. The developer shall secure approval of a street tree planting plan from the City Forester prior to Mylar approval of the final plat.
3. 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.

4. 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.
5. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
6. 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.
7. Stormwater management facilities, such as detention basins, BMPs, engineered surface water conveyance paths outside of right-of-way, which serve multiple lots or tracts, shall be privately maintained, located on separate tract(s), and covered by maintenance covenant(s) to be administered through the platting process.
8. Prior to issuance of any construction permits, the developer shall submit, for review and acceptance, a macro storm drainage study, sealed by a Missouri-licensed civil engineer, for the entire development area, showing compliance with the latest adopted version of APWA 5600 standards in effect at the time of submission, including water quality BMPs per the latest adopted version of the MARC BMP Manual, and submit a micro storm drainage study with each subsequent phase of development showing compliance with the approved macro and adopted standards. The developer shall construct improvements necessary to mitigate impacts from rate, volume (10% and 1% storms at a minimum), and quality of stormwater runoff from each proposed phase.
9. The developer shall remove the driveway in Lot 3 within the radius of Stadium Drive. Driveway should be moved to the west.

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 D. 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