



Legislation Details (With Text)

**File #:** 210582      **Version:** 1      **Name:**

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

**File created:** 6/29/2021      **In control:** Council

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

**Title:** Rezoning an approximately 10.6 acre tract of land generally located at the northeast corner of North Oak Trafficway and N.E. Shoal Creek Parkway (N.E. 108th Street), from District B2-2 to District MPD, and approving a MPD development plan that serves as a preliminary plat for the development of commercial/office/retail development consisting of a grocery store, commercial store with gasoline and fuel sales, and two retail/office buildings. (CD-CPC-2021-00067)

**Sponsors:** Teresa Loar, Dan Fowler

**Indexes:**

**Code sections:**

**Attachments:** 1. No Fact Sheet 210582, 2. Authenticated Ordinance - 210582 sub

Date	Ver.	Action By	Action	Result
7/15/2021	1	Council		
7/15/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	
7/14/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210582

Rezoning an approximately 10.6 acre tract of land generally located at the northeast corner of North Oak Trafficway and N.E. Shoal Creek Parkway (N.E. 108th Street), from District B2-2 to District MPD, and approving a MPD development plan that serves as a preliminary plat for the development of commercial/office/retail development consisting of a grocery store, commercial store with gasoline and fuel sales, and two retail/office buildings. (CD-CPC-2021-00067)

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-1290, rezoning an approximately 10.6 acre tract of land generally located at the northeast corner of North Oak Trafficway and N.E. Shoal Creek Parkway (N.E. 108th Street), from District B2-2 (Neighborhood Business 2) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A-1290, That an area legally described as:

Township 52 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence South 89°31'42" East, along the South line of said Northeast Quarter, 30.00 feet to a point on the previous Easterly right of way line of North Oak Trafficway as established in 1926 by Document 28863, in Book B-2, at Page 5; thence North 00°32'35" East,

along said previous Easterly right of way line, along a line that is 30.00 feet Easterly of and parallel with the West line of said Northeast Quarter, 150.00 feet to the previous intersection with the Northerly right of way line of NE Shoal Creek Parkway; thence South 89°31'42" East, along said Northerly line, 30.00 feet to the Point of Beginning of the tract of land to be herein described, said point also being the intersection of the of the existing Easterly right of way line of said N Oak Trafficway as established by Document E-14131, in Book 4276, at Page 539 with the existing Northerly right of way line of said NE Shoal Creek Parkway as established and shown on the subdivision plat of Karapat Acres, a subdivision of land in said Kansas City, established by Kansas City, Missouri Ordinance No. 50269, recorded May 11, 1979 in Book 18 at Page 27, said right of way noted on said subdivision plat as being established by Kansas City, Missouri Ordinance No. 48955, dated April 21, 1978 and approved October 31, 1978 by Resolution No. 19206; thence North 00°32'35" East, along said Easterly right of way line, 361.84 feet to a point on the Southeasterly right of way line of NE Karapat Drive as established by the General Warranty Deed, recorded August 11, 2003 as Document S14131, in Book 4276 at Page 539; thence Northeasterly along said Southeast right of way line, along a curve to the right being tangent to the last described course with a radius of 16.40 feet, a central angle of 90° 00'00" and an arc distance of 25.76 feet to a point on the Southeasterly right of way line of said NE Karapat Drive as established by said subdivision plat of Karapat Acres; thence South 89° 27'25" East, along said Southeasterly right of way line, 61.89 feet; thence Northeasterly along said Southeasterly right of way line, along a curve to the left being tangent to the last described course with a radius of 204.96 feet, a central angle of 69°45'48" and an arc distance of 249.56 feet; thence North 16°08'42" East, along said Southeasterly right of way line, 185.64 feet; thence North 20°46'47" East, along said Southeasterly right of way line, 24.95 feet (Plat - 24.92 feet) to a point on the Westerly prolongation of the South line of Lots 69, 70, 71, 72, 73 and 74, said Karapat Acres; thence South 89°39'45" East, along said Westerly prolongation and along the South line of said Lots, 446.54 feet (Plat - 447.85) to the Southeast corner of said Lot 69, said point also being on the West line of Lot 66, said Karapat Acres; thence South 00°32'35" West, along the West line of Lot 66, 65, 64, 63 and 62 said Karapat Acres and along the West line of Lots 200, 199, and 198, Woodridge Estate Fifth Plat, a subdivision of land in said Kansas City, established by Kansas City, Missouri Ordinance No. 64702, recorded November 15, 1989, as Document G 53150, in Book 24 at Page 92, 715.15 feet to the Southwest corner of said Lot 198, Woodridge Estates Fifth Plat, said point also being on the aforesaid Northerly right of way line of NE Shoal Creek Parkway; thence North 89°31'42" West, along said Northerly right of way line, 775.70 feet to the Point of Beginning. Containing 464,465 square feet or 10.663 acres, more or less.

is hereby rezoned from District B2-2 (Neighborhood Business 2) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88 -20A-1290, 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 which also serves as a preliminary plat, subject to the following conditions:

1. The City Council hereby grants the following deviations pursuant to Section 88-280-05, finding that the resulting development will provide a greater public benefit than normally expected if developed in accordance with strict compliance of the Zoning and Development Code:
  - a. A deviation of the requirements of Section 88-323-02-E to allow a waiver of less than 33% transparency on ground level façade facing Shoal Creek Parkway for a minimum of

21% façade transparency for the grocery store, 12% for the retail/office building and 9% for the fuel sales building, as shown on the elevations in the master planned development plan.

- b. A deviation of the requirements of Section 88-323-02-G to allow a retail building with gasoline or fuel sales of less than 5,500 square feet to allow a retail building with gasoline or fuel sales of 4,500 square feet, as shown on the master planned development plan.
  - c. A deviation of the requirements of Section 88-340-02-B to allow a drive-through facility (online grocery pick-up) to be located in the front yard within 150 feet of a parkway, as shown on the master planned development plan.
  - d. A deviation of the requirements of Section 88-420-09-B to allow less than 35 short-term bicycle parking spaces for the grocery store to allow for 24 short-term bicycle parking spaces.
2. 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.
  3. 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.
  4. The developer shall secure approval of a final development plan from the City Plan Commission prior to building permit.
  5. 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.
  6. The developer shall improve the south half of N.E. Karapat Drive to City standards as required by Chapter 88, including curbs, gutters, sidewalks, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining a required permit from the Land Development Division for said improvement prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
  7. 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.
  8. 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.
  9. 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.

10. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
11. 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.
12. 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 along North Oak Trafficway 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.
13. 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.
14. The developer shall integrate into the existing streetlight system any relocated existing 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.
15. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
16. Fire hydrant distribution shall follow IFC-2018 Table C102.1.
17. The developer shall comply with the parkway and boulevard standards unless specifically called out and approved by City Council as part of this plan.
18. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

19. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
20. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

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.

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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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Secretary, City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney