



Legislation Details (With Text)

File #: 230320 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 4/6/2023 **In control:** Council
On agenda: 5/4/2023 **Final action:** 5/4/2023
Title: Sponsor: Councilmember Heather Hall

Amending Committee Substitute for Ordinance No. 200182, passed on March 5, 2020, by repealing Conditions 3, 4, 6 and 33 contained in Section B of the Ordinance, which required the developer to install a traffic signal at the intersection of N.E. Barry Road and N. Indiana Avenue, make other related intersection improvements, and install a southbound right turn lane to westbound Highway 152 on ramp prior to the issuance of a certificate of occupancy for Phase 1 of Staley Corners East; and amending Committee Substitute for Ordinance No. 200183, passed on March 26, 2020, by repealing Condition 4 contained in Section B of the Ordinance to remove the requirement for the construction of a second northbound left turn lane on N. Indiana Avenue at its intersection with N.E. Barry Road.

Sponsors: Heather Hall, Dan Fowler, Kevin O'Neill, Teresa Loar

Indexes:

Code sections:

Attachments: 1. Docket Memo 230320, 2. 230320 Docket Memo, 3. 230320.Authenticated Ordinance

Date	Ver.	Action By	Action	Result
5/4/2023	1	Council	Passed	Pass
4/26/2023	1	Transportation, Infrastructure and Operations Committee		
4/6/2023	1	Council	referred	

ORDINANCE NO. 230320

Sponsor: Councilmember Heather Hall

Amending Committee Substitute for Ordinance No. 200182, passed on March 5, 2020, by repealing Conditions 3, 4, 6 and 33 contained in Section B of the Ordinance, which required the developer to install a traffic signal at the intersection of N.E. Barry Road and N. Indiana Avenue, make other related intersection improvements, and install a southbound right turn lane to westbound Highway 152 on ramp prior to the issuance of a certificate of occupancy for Phase 1 of Staley Corners East; and amending Committee Substitute for Ordinance No. 200183, passed on March 26, 2020, by repealing Condition 4 contained in Section B of the Ordinance to remove the requirement for the construction of a second northbound left turn lane on N. Indiana Avenue at its intersection with N.E. Barry Road.

WHEREAS, on March 5, 2020, the City Council passed Committee Substitute for Ordinance No. 200182 ("Ordinance I"), which rezoned the property located at the northeast corner of N.E. Barry Road and N. Indiana Avenue to District R-1.5 and B2-2 and approved a development plan on about 27.15 acres that also served as the preliminary plat to allow for the construction of a residential and commercial development known as "Staley Corners East"; and

WHEREAS, on March 26, 2020, the City Council also passed Committee Substitute for Ordinance No.

200183 (“Ordinance II”), which rezoned the property located at the northwest corner of N.E. Barry Road and N. Indiana Avenue to District R-1.5, B2-2 and B4-3 and approved a development plan on about 33 acres that also served as the preliminary plat to allow for the construction of a residential and commercial development known as “Staley Corners West”; and

WHEREAS, Ordinance I was amended by Ordinance No. 200931, passed on November 5, 2020, to revise Condition No. 2 of the Ordinance and Ordinance II was amended by Ordinance No. 200932 passed on November 5, 2020, to revised Condition No. 2 of Ordinance II; and

WHEREAS, since the time of original approvals only grading has occurred on the property; and

WHEREAS, Condition Nos. 3, 4, 6 and 33 of Ordinance I required that the developer install a traffic signal at the intersection of N.E. Barry Road and N. Indiana Avenue, make certain intersection improvements to accommodate the traffic signal prior to the issuance of a certificate of occupancy for Phase 1 of Staley Corners East and install a southbound right turn lane to westbound Highway 152 on ramp; and

WHEREAS, Condition No. 4 of Ordinance II required that the developer construct a second northbound left turn lane on N. Indiana Avenue at its intersection with N.E. Barry Road; and

WHEREAS, it has become apparent since Ordinance I and Ordinance II were enacted that these improvements are not required because of the Staley Corners East and Staley Corner West developments but due to natural growth in the area, especially due to the residential growth in the areas north of Staley Corners East and Staley Corners West;

WHEREAS, the City Council desires to remove Conditions . 3, 4, 6 and 33 from the Staley Corners East development plan approval and remove Condition No. 4 from the Staley Corners West development plan approval due to the unfair burden placed on Staley Corners East and Staley Corners West; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Committee Substitute for Ordinance No. 200182, passed March 5, 2020, is hereby amended by repealing Conditions 3, 4, 6 and 33 contained in Section B.

Section B. That all other sections and conditions of Committee Substitute for Ordinance No. 200182 and Ordinance No. 200931 not repealed shall remain in full force and effect.

Section C. That Committee Substitute for Ordinance No. 200183, passed March 26, 2020, is hereby amended by repealing Condition No. 4 contained in Section B.

Section D. That all other sections and conditions of Committee Substitute for Ordinance No. 2001823 and Ordinance No. 200932 not repealed remain in full force and effect.

Approved as to form:

Sarah Baxter
Senior Associate City Attorney