



Legislation Text

File #: 230941, Version: 3

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230941, AS AMENDED

Sponsor: Councilpersons Wes Rogers and Lindsay French

Approving a major amendment to a Master Planned Development to allow for vehicle storage and approximately 3,000 parking spaces in District MPD on approximately 36 acres generally located north of Highway 210, west of Searcy Creek Parkway and east of North Brighton Avenue. (CD-CPC-2023-00151)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. Approving a major amendment to a Master Planned Development to allow for vehicle storage of approximately 3,000 parking spaces in district MPD on approximately 36 acres generally located north of Highway 210, west of Searcy Creek Parkway and east of North Brighton Avenue. (CD-CPC-2023-00151), said section to read as follows:

Section 88-20A-1416. That an area legally described as:

A tract of land located in the Southeast Quarter of Section 8, Township 50 North, Range 32 West, in Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the northwest corner of said Southeast Quarter; thence South 89°37'47" East, along the north line of said Southeast Quarter, 30.00 feet to a point on the east right-of-way line of N. Brighton Avenue, as now established, said point also being the point of beginning; thence South 89°37'47" East, along said north line, 930.00 feet to a point on the west right-of-way line of Searcy Creek Parkway, as now established; thence South 07°23'18" East, along said west right-of-way line, 1405.34 feet to a point on the north right-of-way line of 210 Highway, as now established; thence along said north right-of-way line the following six courses; thence South 81°51'19" West, 78.65 feet; thence South 79°35'00" West, 529.86 feet; thence South 66°38'52" West, 518.97 feet; thence on a curve to the right, having an initial tangent bearing North 12°31'00" West, a radius of 1352.41 feet and an arc length of 193.46 feet; thence North 04°19'10" West, 195.10 feet; thence South 85°40'50" West, 16.34 feet to a point on the east right-of-way line of said N. Brighton Avenue; thence along said east right-of-way line the following six courses; thence North 01°02'14" East, 117.17 feet; thence North 09°54'47" East, 24.57 feet; thence on a curve to the left, tangent to the last described course, having a radius of 2430.00 feet and an arc length of 564.78 feet; thence North 03°24'12" West, 215.46 feet; thence on a curve to the right, tangent to the last described course, having a radius of 2970.00 feet and an arc length of 228.23 feet; thence North 01°02'14" East, 180.69 feet to the point of beginning.

is hereby rezoned from District MPD (Master Plan Development) to District MPD (Master Planned Development), as shown outlined on a map marked Section 88-20A-1416, 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 MPD preliminary development plan for the area legally described above is hereby approved, subject to the following conditions:

1. 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.
2. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
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 secure approval of an MPD final plan from the City Plan Commission prior to building permit.
5. 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.
6. Condition Nos 23, 24, 25, 26, 35, and 36 of Committee Substitute for Ordinance No. 210398, As Amended, shall remain in full force and effect.
7. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
8. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
9. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to a certificate of occupancy.
10. That the City Council hereby grants the following deviations pursuant to Section 88-280-05-A:
 - (a) A deviation to the number of bicycle parking spaces required by Section 88-420-09-B-a to provide 3 short-term bicycle parking spaces instead of the required 317 short-term bicycle parking spaces.

- (b) A deviation to Section 88-450-03-B-2 requiring at least one connection to all adjacent properties. The developer will not provide a connection to the adjacent properties.
 - (c) A deviation to Section 88-375-02-1 requiring all vehicle storage areas on the property must be located 500 feet from any R district along the west, north, east and south sides of the property. The developer will require a 500 foot deviation along the west, north, east and south sides.
 - (d) A deviation to Section 88-450-03-B-1 requiring that pedestrian circulation systems connect all adjacent public rights-of-way to the main building.
 - (e) A deviation to Section 88-425-06-E-1 requiring one (1) tree per five (5) parking spaces for the interior landscaping of parking lots to permit 368 trees instead of the required 634 trees.
 - (f) A deviation to Section 88-425-06-E-2 requiring one (1) shrub per parking space for the interior landscaping of parking lot to permit 702 shrubs instead of the required 3,169 shrubs.
11. No electric vehicles shall be stored on this site. Should the property owner decide to place electric vehicles on the subject property, approval of a minor amendment to the approved MPD prior to the placement of electric vehicles on the site will be required.
 12. The developer shall apply for and receive approval of any necessary permit as required by the Missouri Department of Transportation (MoDOT).
 13. Should the Missouri Department of Transportation request that the access point be moved to any adjoining street, the applicant shall be required to apply for and receive approval of a major amendment to the MPD prior to the issuance of any permits.
 14. 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 issuance of a building permit.
 15. The developer shall dedicate additional right-of-way for N. Brighton Avenue as required by the adopted Major Street Plan and as shown on the MPD development plan so as to provide a minimum of 50 feet of right-of-way as measured from the centerline as shown on the MPD development plan.
 16. The developer shall submit a macro storm drainage study with the building permit 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 prior to building permit 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 issuance of a building permit as required by the Land Development

Division.

17. 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.
18. The developer shall submit a streetscape plan for approval and permitting to the Land Development Division showing the streetscape improvements in the public right-of-way, the construction of ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired, and a street tree planting plan in compliance with 88-425-03 for review by the Parks and Recreation Department, Land Development Division, and Development Management Division prior to a building permit.
19. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Missouri Department of Transportation 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.
20. 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.
21. 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 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.
22. 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)
23. 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
24. The developer shall ensure that water and fire service lines meet current Water Services Department rules and regulations prior to a certificate of occupancy.
25. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

26. The developer shall grant a BMP and/or surface drainage easements to the City as required by the Land Development Division and Kansas City Water Services Department prior to issuance of any building permits.
27. In lieu of extending sidewalks along the east side of N. Brighton Avenue as shown on the development plan, the Developer shall enter into a Cooperative Agreement with the City at the time of building permit whereby the Developer agrees to contribute \$55,000.00 to the City for the City to use for the construction of a trail along Searcy Creek Parkway.”

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:

Sarah Baxter
Senior Associate City Attorney