



Legislation Text

File #: 240851, Version: 2

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240851

Sponsor: Director of City Planning and Development Department

COMMITTEE SUBSTITUTE

Rezoning an area of about 2.89 acres generally located at the southeast corner of N.E. Barry Road and Maple Woods College Road from District R-80 to District B2-2 and approving a development plan to allow for a mixed-use building. (CD-CPC-2024-00100 and CD-CPC-2024-00101).

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-1448, rezoning an area of about 2.89 acres generally located at the southeast corner of N.E. Barry Road and Maple Woods College Road from District R-80 (Residential 80) to District B2-2 (Neighborhood Business 2 (Dash 2)), and approving a development plan to allow for a mixed-use building, said section to read as follows:

Section 88-20A-1448. That an area legally described as:

WEST TRACT: A tract in the Southwest Quarter of the Northwest Quarter of Section 07, Township 51 North, Range 32 West in Kansas City, Clay County, Missouri, being more particularly described as follows, Surveyed and described on April 22, 2024 by John B. Young PLS- 2006016647; Commencing at the Northwest corner of said Northwest Quarter; Thence South 00°31'53" West along the West line of said Northwest Quarter, 1,588.58 feet; Thence South 89°28'07" East, 20.00 feet to the South Right-of-Way line of Highway 152 as established also being a point 226.90 feet right of centerline station 171+02.05 and being the Point of Beginning; Thence South 79°30'29" East along said South Right-of-Way line, 227.21 feet to a point 141.70 feet right of station 173+00; Thence South 61°28'04" East along said South Right-of-Way line, 131.26 feet to the West line of a 15 acre tract of land described in Book 343 at Page 310; Thence South 00°27'02" West along said West line, 204.85 feet to the North Right-of-Way line of Old Northeast Barry Road, as now established; Thence along said North Right-of-Way line the following four courses; Course one, thence North 83°40'48" West, 178.89 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 2829.79 feet and an arc length of 29.24 feet; Thence North 06°53'49" East, 5.00 feet; Thence on a curve to the right with an initial tangent bearing being North 83°06'11" West, having a radius of 2824.79 feet and an arc length of 134.71 feet to the East Right-of-Way line of College Connection, as now established; Thence North 00°31'53" East along said East Right-of-Way line, 261.55 feet to the Point of Beginning. Containing 84,589 square feet or 1.94 acres more or less.

EAST TRACT: A tract in the Southwest Quarter of the Northwest Quarter of Section 07,

Township 51 North, Range 32 West in Kansas City, Clay County, Missouri, being more particularly described as follows, Surveyed and described on April 22, 2024 by John B. Young PLS- 2006016647; Commencing at the Northwest corner of said Northwest Quarter; Thence South 00°31'53" West along the West line of said Northwest Quarter, 1,588.58 feet; Thence South 89°28'07" East, 20.00 feet to the South Right-of-Way line of Highway 152 as established also being a point 226.90 feet right of centerline station 171+02.05; Thence South 79°30'29" East along said South Right-of-Way line, 227.21 feet to a point 141.70 feet right of station 173+00; Thence South 61°28'04" East along said South Right-of-Way line, 131.26 feet to the West line of a 15 acre tract of land described in Book 343 at Page 310, also being the Point of Beginning; Thence South 61°28'04" East along said South Right-of-Way line, 220.16 feet (Deed, 218.46 feet), to a point 150.00 feet right of station 176+34.50; Thence South 49°22'03" East along said South Right-of-Way line, 213.85 feet (Deed, 215.32 feet) to the North Right-of-Way line of Old Northeast Barry Road, as now established; Thence North 83°40'48" West along said North Right-of-Way line, 359.51 feet (Deed, 358.17 feet) to said West line of a 15 acre tract of land; Thence North 00°27'02" East along said West line, 204.85 feet (Deed, 206.76 feet), to the Point of Beginning. Containing 41,565 square feet or 0.95 acres more or less is hereby rezoned from (insert existing district) to (insert proposed district), all as shown outlined on a map marked Section 88-20A (insert zoning section number), 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 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.
2. 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 issuance of certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.
3. Prior to issuance of the certificate of occupancy for each lot within the plat 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.
4. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
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. 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.
7. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
8. 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)
9. 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.
10. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
11. A required Fire Department access roads 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 gross axle weight of 85,000 pounds (IFC -2018: § 503.2.3) and shall provide fire lane signage on fire access drives. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
12. 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)
13. The developer shall be responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2024 acquisition rate of \$64,220.18 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
14. 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
15. 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.
16. 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.
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. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6” branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
 19. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
 20. The developer shall ensure that water and fire service lines shall meet current Water Services Department rules and regulations prior to a certificate of occupancy.
 21. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Kansas City Water Services Department, prior to issuance of any stream buffer permits.
 22. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department 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 may be required.
 23. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department 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.
 24. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Kansas City Water Services Department prior to issuance of any certificate of occupancy.
 25. The developer shall submit a final stream buffer plan to the Kansas City Water Services Department for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
 26. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
 27. That the developer shall submit a revised site plan amending the “Zoning Note” on the plan to state that the following uses, as defined in Chapter 88, Code of Ordinances, shall be prohibited:

1. Adult Media Store as defined in Section 88-805-04-A.2; and 2. College/University as defined in Section 88-805-03-B. Any amendment to the uses identified will require a major amendment to the approved development plan.

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 and development plan 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.

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney