

ORDINANCE NO. 170982

Approving an amendment to a previously approved preliminary plan in District MPD on approximately 35 acres generally located on the south side of E. 87th Street, and bounded by Interstate 435 on the east, E. Bannister Road on the south, and Bruce R. Watkins Drive (U.S. Highway 71) on the west, to allow for a parking lot addition. (10390-MPD-17)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved preliminary plan in District MPD (Master Planned District) on approximately 35 acres generally located on the south side of E. 87th Street, and bounded by Interstate 435 on the east, E. Bannister Road on the south, and Bruce R. Watkins Drive (U.S. Highway 71) on the west, and more specifically described as follows:

A tract of land in the Northwest Quarter and Southwest Quarter of Section 23, Township 48 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence South 87 degrees 02 minutes 45 seconds East, along the North line of said Southwest Quarter, 920.41 feet to a point on the East right-of-way line of Elmwood Avenue, as now established; thence North 13 degrees 28 minutes 32 seconds East, along said East right-of-way line, 71.68 feet to the Point of Beginning of the tract of land to be herein described; thence North 57 degrees 20 minutes 16 seconds East, continuing along said East right-of-way line, 41.58 feet to a point on the South right-of-way line of E. 87th Street, as now established; thence Easterly, along said South right-of-way line, on a curve to the left, having an initial tangent bearing of South 78 degrees 47 minutes 59 seconds East with a radius of 2,365.00 feet, a central angle of 13 degrees 57 minutes 16 seconds and an arc distance of 575.99 feet; thence North 87 degrees 14 minutes 45 seconds East, continuing along said South right-of-way line, 256.00 feet; thence Easterly, continuing along said South right-of-way line, on a curve to the right, having a common tangent with last described course with a radius of 2,235.00 feet, a central angle of 20 degrees 19 minutes 13 seconds and an arc distance of 792.65 feet; thence South 72 degrees 26 minutes 02 seconds East, continuing along said South right-of-way line, 24.64 feet; thence North 87 degrees 02 minutes 45 seconds West, 95.08 feet; thence South 14 degrees 50 minutes 58 seconds West, 26.72 feet; thence Southerly, along a curve to the left, being tangent to the last described course with a radius of 462.50 feet, a central angle of 31 degrees 55 minutes 53 seconds and an arc distance of 257.76 feet; thence Southerly, along a curve to the right, having a common tangent with the last described course with a radius of 537.50 feet, a central angle of 17 degrees 34 minutes 55 seconds and an arc

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distance of 164.94 feet; thence South 00 degrees 30 minutes 00 seconds West, 372.81 feet; thence North 89 degrees 30 minutes 00 seconds West, 1,706.92 feet to a point on the East right-of-way line of said Elmwood Avenue; thence Northerly, along said East right-of-way line, on a curve to the right, having an initial tangent bearing of North 03 degrees 37 minutes 15 seconds East with a radius of 1,935.00 feet, a central angle of 09 degrees 51 minutes 17 seconds and an arc distance of 332.82 feet; thence North 13 degrees 28 minutes 32 seconds East, continuing along said East right-of-way line, 599.57 feet to the point of beginning. Containing 1,522,724 square feet or 34.96 acres, more or less.

is hereby approved, subject to the following conditions:

1. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
2. 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.
3. 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.
4. The developer shall dedicate additional right of way for Elmwood Avenue as required by Chapter 88, as recommended by the Kansas City Transportation and Development Committee, so as to provide a minimum of 37.5 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by the Public Works Department and the Kansas City Transportation and Development Committee adjacent to this project.
5. 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, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
6. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would

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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.

7. The developer shall design and construct all interior public streets to City standards, as required by the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
8. The east half of Elmwood Avenue shall be improved to Public Works standards as required by Chapter 88, as recommended by Kansas City Transportation and Development Committee, consisting of a super-elevated roadway section including curbs, gutters, streetlights, relocating any utilities as may be necessary and adjusting vertical grades for the road, and obtaining required permits from the Land Development Division for said improvement or the developer shall enter into a Secured Deferral Agreement for the improvement prior to recording the plat. Completion of the Secured Deferral Agreement shall be when street improvements occur on the east side of the street, south of the proposed parcel.
9. The developer shall enter into a Secured Deferral Agreement for a half street improvement to Brighton Avenue as required by Chapter 88, south of the private drive as indicated on the Development Plan, prior to recording the Final Plat of Three Trails Commerce Center Second Plat. The Secured Deferral Agreement shall be, until mining operations allow for the full construction of Brighton Avenue to the southern property limits of this plat.
10. The developer shall construct temporary off-site cul-de-sacs and grant a City approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
11. The developer shall verify vertical and horizontal sight distance for the drive connection to public right-of-way and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
12. 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.
13. 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, identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND

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CURB revised 4/8/09" 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.

14. 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.
15. The owner/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.
16. 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 may be required.
17. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and future development tributary to the drainage area 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.
18. 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.

A copy of said amendment is on file in the office of the City Clerk with this ordinance and is made a part hereof.


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Section B. 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 Ordinance have been given and had.

I hereby certify that as required by Chapter 80, 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



Authenticated as Passed

  
Sh. James, Mayor

  
Marlyn Sanders, City Clerk

DEC 14 2017

Date Passed