

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

Rezoning an approximately 36 acre tract of land generally located between N. Brighton Avenue on the west, Searcy Creek Parkway on the east, Missouri Highway 210 on the south and N.E. 36th Street on the north, from District R-6 to District MPD, and approving a MPD Development Plan that serves as a preliminary plat for the development of light industrial uses related to the Brighton Industrial Park. (CD-CPC-2021-00049)

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-1279, rezoning an approximately 36 acre tract of land generally located between N. Brighton Avenue on the west, Searcy Creek Parkway on the east, Missouri Highway 210 on the south and N.E. 36th Street on the north, from District R-6 (Residential-6) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A-1279. 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 degrees 37 minutes 47 seconds 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 degrees 37 minutes 47 seconds 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 degrees 23 minutes 18 seconds 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 degrees 51 minutes 19 seconds West, 78.65 feet; thence South 79 degrees 35 minutes 00 seconds West, 529.86 feet; thence South 66 degrees 38 minutes 52 seconds West, 518.97 feet; thence on a curve to the right, having an initial tangent bearing North 12 degrees 31 minutes 00 seconds West, a radius of 1352.41 feet and an arc length of 193.46 feet; thence North 04 degrees 19 minutes 10 seconds West, 195.10 feet; thence South 85 degrees 40 minutes 50 seconds 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 degrees 02 minutes 14 seconds East, 117.17 feet; thence North 09 degrees 54 minutes 47 seconds 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 degrees 24

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

minutes 12 seconds 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 degrees 02 minutes 14 seconds East, 180.69 feet to the point of beginning. Contains 1,560,560 square feet or 35.83 acres more or less.

is hereby rezoned from District R-6 (Residential-6) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88 -20A-1279, 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-D to allow less than 33% transparency on ground level façade facing Searcy Creek Parkway for a minimum of 8% façade transparency, as shown on the elevations in the Master Planned Development Plan.
  - b. A deviation of the requirements of Section 88-323-02-B to allow more than 30% of the frontage along Searcy Creek Parkway to allow up to 90% of the frontage be used for vehicular use area for the parking and circulation drive as shown on the Master Development Plan.
  - c. A deviation of the requirements of Section 88-323-02-I to allow vehicular use for the parking to be set back less than 75 feet to allow for a minimum setback of 10 feet from Searcy Creek Parkway and to allow the circulation drive, as shown on the Master Planned Development Plan.
  - d. A deviation of the requirements of Section 88-425-05-D to allow a buffer strip of less than 30 feet along Searcy Creek Parkway with a minimum width of 10 feet and with the proposed landscaping, as shown on the Master Planned Development Plan.
2. The elevations are approved and meet the requirements of Section 88-323-02-E(3).

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

3. Uses approved as part of the Master Planned Development (MPD) Zoning District shall be those permitted, conditional, and special uses consistent with those allowed within the M1 zoning district. However, limiting heavy equipment sales/rental use to indoor only, and prohibiting the following uses: Pawn Shop, Short Term Loan Establishment, Outdoor Retail Sales (A and B), Motor vehicle repair (general), and Vehicle storage/towing.
4. 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 certificate of occupancy.
5. The developer shall secure approval of a MPD Final Development Plan from the City Plan Commission prior to building permit. The MPD Final Development Plan shall include:
  - a. Installation of Overhead Clearance Bars at the maximum height of eight feet (8') over the northernmost entrance/exit drive on N. Brighton Avenue to the site so that the northernmost drive can only be used for entering and exiting by employees accessing the site;
  - b. installation of additional evergreen trees along the north side of the property to buffer the view of the adjacent property owners to the north; and
  - c. installation of a solid wood fence along the north side of the property should the adjacent property owners to the north request a fence.
6. The developer shall obtain any necessary permits from MoDOT.
7. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping and street trees required of the approved plan has been installed in accordance with the plan and is healthy prior to certificate of occupancy.
8. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would 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.
9. 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.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

10. 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, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
11. 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.
12. 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.
13. The developer shall submit construction plans in compliance with adopted standards for all improvements and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat/minor subdivision plat.
14. The developer shall dedicate additional right-of-way for North Brighton Avenue as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan.
15. 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.
16. 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.
17. 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, prior to issuance of any construction permits within said right-of-way, and that the developer shall be responsible for all costs associated with subordination activities now and in the future.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

18. 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, prior to recording the plat or issuance of a building permit, whichever occurs first.
19. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
20. 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.
21. 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.
22. The developer shall submit a macro storm drainage study with the plat 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. 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 recording the plat or prior to issuance of a building permit, whichever occurs first, as required by the Land Development Division.
23. Required Fire Department access roads are a minimum unobstructed width of twenty (20) feet and 13 feet 6 inches clearance height. Check with

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

Streets and Traffic (Kansas City, Missouri Public Works) or Missouri Department of Transportation (MODOT) that may have street planning regulations that supersede the Fire Code. (IFC-2018: § 503.2.1)

24. 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)
25. Required Fire Department access roads are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
26. The turning radius for Fire Department access roads is 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
27. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access. (IFC-2018: § D104.2)
28. 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).
29. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
30. 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)
31. The building's FDC shall be immediately recognizable from the street or nearest point of Fire Department access. (IFC-2018 §912.2.1).
32. Fire hydrant distribution shall follow IFC-2018 Table C102.1
33. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way
34. The developer shall remove a portion of the existing median on N. Brighton Avenue and construct a southbound left turn lane at Proposed Driveway 3, with 150 foot storage plus taper, prior to certificate of occupancy.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210398, AS AMENDED

- 35. The developer will need a fire flow analysis to ensure there is enough water pressure to serve development.
- 36. The development shall follow the KCMO Rules and Regulations for domestic water and fire service lines.
- 37. The developer shall receive Park Board approval for the grading work, clearing of trees and median/curb cut in Parks jurisdictions right of way prior to beginning work.


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 and legality:

  
for Sarah Baxter  
Assistant City Attorney



Authenticated as Passed

  
Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

MAY 20 2021

Date Passed