



Legislation Text

File #: 250146

ORDINANCE NO. 250146

Approving a development plan on about 36 acres in Districts R-1.5, B2-2 and B4-3 generally located at N. Indiana Avenue and N.E. Barry Road to allow for residential and commercial development. (CD-CPC-2024-00184)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a development plan in Districts R-1.5(Residential 1.5), B2-2 (Neighborhood Business 2) and B4-3 Heavy Business/Commercial) generally located at N. Indiana Avenue and N.E. Barry Road, and more specifically described as follows:

All that part of the East 40 acres of the North half of the Northwest Quarter of Section 7, Township 51 North, Range 32 West, in Kansas City, Clay County, Missouri; being more particularly described as follows: Beginning at the North Quarter corner of said Section 7; thence South 00°38'45" West, along the East line of said Northwest Quarter, also the West Right-of-Way line of N Indiana Avenue, as now established, 820.80 feet to a point on the North Right-of-Way line of NE Barry Road, as now established; thence along said North Right-of-Way line the following six courses; thence North 89°22'33" West, 20.61 feet; thence South 13°38'43" West, 240.92 feet; thence North 89°14'06" West, 627.01 feet; thence South 00°29'27" West, 47.00 feet; thence North 89°30'33" West, 465.00 feet; thence South 84°46'49" West, 180.70 feet to the Southeast corner of Barr-E-Woods Apartments, a subdivision in said Kansas City, Clay County, Missouri; thence North 00°39'52" East, along the East line of said Barr-E-Woods Apartments, 1111.23 feet to a point on the South line of said , Pembroke Estates Third Plat. a subdivision in said Kansas City, Clay County, Missouri; thence South 89°46'08" East, on said South line and the South line of Lakeview Villas, a subdivision in said Kansas City, Clay County, Missouri, 1346.11 feet to the Point of Beginning. Contains 1,434,496 square feet or 32.932 acres more or less

is hereby approved, subject to the following conditions:

1. Ordinance No. 230320, including all conditions provided therein, shall remain in full force and effect.
2. The developer shall secure approval of a project plan from the City Plan Commission, except for Lot 7C and Lot 6C prior to a building permit.

3. Prior to a certificate of occupancy the applicant shall plat Lot 7C in accordance with the Zoning and Development Code.
4. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018:§ 503.2.4)
5. Required Fire Department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
6. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
7. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed)
8. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
9. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC-2018: § 503.2.5)
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. 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.
12. The developer shall add reinforcement to the exterior doors of the residential units for added safety. Items such as steel braces to reinforce wooden door frames or metal door frames have been proven to lower the risk of crimes.
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 2019 acquisition rate of \$39,617.49 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
14. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.

15. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
16. 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.
17. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
18. 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.
19. 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.
20. 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.
21. 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.
22. No water service tap permits will be issued until the public water main is released for taps.
23. The developer shall ensure that water and fire service lines should meet current Kansas City Water Services Department rules and regulations, prior to any certificate of occupancy.
24. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

25. The developer shall submit plans for the public water main extensions for review and contract (permit) approval per the Kansas City Water Services Department rules and regulations prior to a building permit issuance.
26. 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.
27. The developer shall submit a micro storm drainage study prior to the issuance of any building permit for Lot 7C.
28. 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.
29. 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.
30. 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 as may be required.
31. 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 Kansas City Water Services Department, prior to recording the plat or issuance of a building permit, whichever occurs first.
32. The developer shall grant a BMP and/or surface drainage easements to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
33. The developer shall submit covenants, conditions and restrictions to the Kansas City Water Services Department for approval by the Law Department for the maintenance of private open space and enter into a covenant agreement for the maintenance of any storm water detention area tracts, prior to recording the plat.

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 B. 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.



Authenticated as Passed


Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

FEB 27 2025

Date Passed



Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:



Sarah Baxter
Senior Associate City Attorney