

ORDINANCE NO. 140583

Rezoning an 80 acre tract of land generally bordered by the Missouri River on the north and west, I-29 to the east and railroad tracks (KCS/ I&MRL/ UP & BNSF) to the south, from District M1-5 to MPD, and approving a development plan which also serves as a preliminary plat, to allow for the a mixed use development in two phases within 13 parcels. (14462-MPD)

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 88-20A0967, rezoning an approximately 80 acre tract of land generally bordered by the Missouri River on the north and west, I-29 to the east and railroad tracks (KCS/ I&MRL/ UP & BNSF) to the south, from District M1-5 (Manufacturing 1 dash 5) to MPD (Master Planned District), said section to read as follows:

Section 88-20A885. That an area legally described as:

All that part of the NE 1/4 of Section 32 and the NW 1/4 of Section 33, in Township 50 North, Range 33 West, Kansas City, Jackson County, Missouri, being generally located northerly and easterly of the northerly right-of-way line of the Burlington Northern and San Francisco Railroad (BNSF RR), southerly of the Missouri River levee property and westerly of the westerly right-of-way line of Interstate Highway I-29/35/US 71, being described as follows: Commencing at the SE corner of said NE 1/4 of Section 32; thence North 02 degrees 17 minutes 26 seconds East, along the common line between said Sections 32 and 33, 626.40 feet to the northerly right-of-way line of said BNSF RR and the point of beginning of the tract of land herein described; thence South 86 degrees 00 minutes 08 seconds West, along said northerly right-of-way line, 35.30 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the left, tangent to the last described course, with a radius of 2914.94 feet, a central angle of 3 degrees 31 minutes 34 seconds, an arc distance of 179.39 feet; thence South 62 degrees 28 minutes 34 seconds West, continuing along said northerly right-of-way line, 716.01 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the right, tangent to the last described course, with a radius of 409.28 feet, a central angle of 22 degrees 05 minutes 01 seconds, an arc distance of 157.75 feet; thence South 78 degrees 35 minutes 42 seconds West, continuing along said northerly right-of-way line, 1092.04 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the right, tangent to the last described course, with a radius of 578.80 feet, a central angle of 66 degrees 02 minutes 17 seconds, an arc distance of 667.11 feet; thence North 78 degrees 28 minutes 12 seconds East, continuing along said northerly right-of-way line, 3.04 feet; thence northwesterly, continuing along said northerly right-of-way line, on a curve to the right, with an initial tangent bearing of North 44 degrees 02 minutes 56 seconds West, a radius of 444.28 feet, a central angle of 12 degrees 06 minutes 47 seconds, an arc

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distance of 93.93 feet, to said southerly line of the Missouri River levee property; thence North 61 degrees 08 minutes 23 seconds East, along said southerly line, 1208.01 feet; thence North 79 degrees 31 minutes 07 seconds East, continuing along said southerly line, 210.92 feet; thence North 45 degrees 59 minutes 42 seconds East, continuing along said southerly line, 258.82 feet; thence South 88 degrees 36 minutes 12 seconds East, continuing along said southerly line, 173.91 feet; thence North 60 degrees 59 minutes 52 seconds East, continuing along said southerly line, 133.00 feet; thence North 7 degrees 03 minutes 44 seconds East, continuing along said southerly line, 113.81 feet; thence North 61 degrees 11 minutes 54 seconds East, continuing along said southerly line, 1142.11 feet; thence North 82 degrees 47 minutes 57 seconds East, continuing along said southerly line, 102.11 feet; thence South 15 degrees 00 minutes 26 seconds East, continuing along said southerly line, 40.27 feet; thence North 75 degrees 31 minutes 52 seconds East, continuing along said southerly line, 111.57 feet; thence North 12 degrees 42 minutes 22 seconds West, continuing along said southerly line, 110.22 feet; thence North 61 degrees 29 minutes 57 seconds East, continuing along said southerly line, 688.25 feet, to said westerly right-of-way line; thence South 19 degrees 45 minutes 19 seconds East, along said westerly right-of-way line, 64.97 feet; thence South 5 degrees 25 minutes 58 seconds East, continuing along said westerly right-of-way line, 293.02 feet; thence South 00 degrees 11 minutes 29 seconds West, continuing along said westerly right-of-way line, 201.18 feet; thence South 74 degrees 41 minutes 16 seconds West, continuing along said westerly right-of-way line, 192.31 feet; thence South 66 degrees 16 minutes 07 seconds West, continuing along said westerly right-of-way line, 194.04 feet; thence South 38 degrees 33 minutes 17 seconds West, continuing along said westerly right-of-way line, 297.35 feet; thence South 51 degrees 26 minutes 43 seconds East, continuing along said westerly right-of-way line, 148.11 feet; thence North 39 degrees 40 minutes 48 seconds East, continuing along said westerly right-of-way line, 248.48 feet; thence North 87 degrees 34 minutes 34 seconds East, continuing along said westerly right-of-way line, 190.52 feet; thence South 31 degrees 18 minutes 54 seconds East, continuing along said westerly right-of-way line, 178.01 feet; thence South 22 degrees 11 minutes 24 seconds East, continuing along said westerly right-of-way line, 266.30 feet, to said northerly right-of-way line of the Burlington Northern and San Francisco Railroad (BNSF RR); thence South 74 degrees 52 minutes 29 seconds West, along said northerly right-of-way line, 198.28 feet, to a point of curvature; thence continuing along said northerly right-of-way line, on a curve to the left, tangent to the last described course, with a radius of 1492.69 feet, a central angle of 8 degrees 52 minutes 21 seconds, an arc distance of 231.15 feet; thence South 66 degrees 00 minutes 08 seconds West, continuing along said northerly right-of-way line, 920.82 feet, to the point of beginning, containing 78.67 acres more or less.

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is hereby rezoned from District M1-5 (Manufacturing 1 dash 5) to MPD (Master Planned District), all as shown outlined on a map marked Section 88-20A0967, 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. That the developer cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended.
2. That the developer submit a detailed macro/micro storm drainage study to Development Services, in general compliance with adopted standards, including a BMP level of service analysis, the outflow must not exceed the existing system capacity (the existing system was designed for two year storm) and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
3. That the developer integrate into the existing streetlight system any relocated existing 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.
4. That the owner/developer submit plans for grading, siltation, and erosion control to the Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
5. That the owner/developer secure a site disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
6. That the owner/developer verify adequate capacity of the existing sewer system as required by the Land Development Division for the amended use of the property prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
7. That the developer provide a covenant to maintain for the private stormwater management in the public ROW and for the detention tracts.
8. That the developer secure permits to extend sanitary and storm water conveyance systems to serve the development and determine adequacy of receiving systems as

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required by the Land Development Division, prior to recording the plat or prior to issuance of a building permit, whichever occurs first.

9. That the owner/developer grant on City approved forms, surface drainage easement, BMP Easement to the City, as required by Chapter 88 and the Land Development Division, prior to recording the plat or prior to issuance of a building permit, whichever occurs first.
10. That the developer dedicate right of way (Gillis Street, the Commons, Troost Avenue, Forest Avenue, Tracy Avenue and Lydia Avenue) per the sections shown on the development plan, and ensure right of way dedication is adequate for any proposed road improvements as required by the Land Development Division adjacent to this project.
11. That the developer dedicate additional right of way (Front Street / Grand Boulevard) 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, and ensure right of way dedication is adequate for any proposed road improvements as required by the Land Development Division adjacent to this project.
12. That all streets be constructed per the proposed sections in this MPD including curbs, gutters, sidewalks, streetlights prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
13. That the developer grant a Noise and Aviation Easement to the City as required by the Land Development Division, prior to recording the plat.
14. That the developer obtain the executed and recorded grading consents and all 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. That the developer 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 that the owner/developer be responsible for all costs associated with subordination activities now and in the future.
16. That the developer petition for the vacation of the north-south street as shown on the development plan and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
17. That the developer show the limits of the 100-year floodplain on the plans and the final plat, as required by the Land Development Division.

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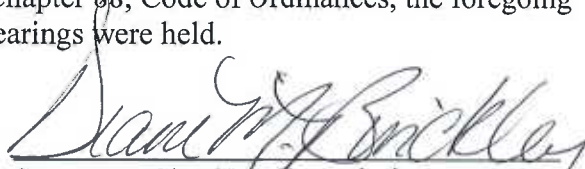
18. That the developer show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year floodplain area on any plat and plan, as required by the Land Development Division.
19. That the developer work with MoDOT and the City of Kansas City to convey a portion of Grand Boulevard to the City of Kansas City so that the intersection of Grand Boulevard and Lydia Avenue is completely within City jurisdiction.
20. That prior to each phase after Phase 1, the developer submit a traffic study update to the Public Works Department for review and approval using specific detailed land uses, and that the developer construct any improvements as required by the Public Works Department based on the approved updated traffic impact study for each phase.
21. That prior to ordinance the developer shall update the traffic study as required by the Public Works Department so as to establish an overall trip budget for the full build-out of the development.
22. That the development is within the area where the Charles B. Wheeler Downtown Airport height zoning restrictions apply and no structure in this area should be constructed which exceeds these restrictions.
23. That the developer extend water mains as required by Water Services Department.
24. That the developer provide water and sewer easements as required by Water Services Department.
25. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code.
26. That the developer submit a final MPD Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including plan information, property uses, setback distances, lighting (with a photometric study), landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section, streetscaping, signage (including elevations), and architectural characteristics.

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.


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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 Ordinance 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:

  
M. Margaret Sheahan Moran  
Assistant City Attorney



Authenticated as Passed

  
Sly James, Mayor

  
Marilyn Sanders, City Clerk

JUL 31 2014

Date Passed