

ORDINANCE NO. 200695

Rezoning about 5 acres generally located at the southwest corner of E. U.S. 40 Highway and Noland Road from District B2-2 to District UR, for the purpose of approving an amended UR Plan on 38 acres to allow for the adaptive reuse of a blighted shopping center for light industrial for the Bennett Packaging Corporate Campus. (CD-CPC-2019-00198).

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 88-20A1250, rezoning an area of approximately 5 acres generally located at the southwest corner of E. U.S. 40 Highway and Noland Road from District B2-2 (Neighborhood Business 2) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A1250. That an area legally described as:

**5 acres to be rezoned to UR**

A parcel of land lying and situated in the Southwest Quarter of Section 26, Township 49 North, Range 32 West of the Fifth Principal Meridian, in Kansas City, Jackson County, Missouri, said Parcel being more particularly described as follows:

(For course orientation the bearings in this description are based on the East line of Tract I, Plaza 40 Shopping Center - Phase 1 having a bearing of South 02 degrees 07 minutes 36 seconds West, as determined by Global Positioning Systems observations and referenced to the Missouri State Plane Coordinate System, West Zone, NAD83.)

Commencing at the Northeast corner of Tract I, Plaza 40 Shopping Center – Phase 1, a subdivision in said Jackson County, monumented by a found cotton gin spindle; Thence South 02 degrees 07 minutes 36 seconds West, 383.94 feet, on the East line of said Tract I; Thence North 88 degrees 09 minutes 10 seconds West, 1479.26 feet, along a line lying  $\pm 3.5$  feet Northerly of the face of a larger manufacturing building, also being  $\pm 1$  foot South of an existing 15 foot storm sewer easement, to the West line of Tract V, Plaza 40 Shopping Center - Phase 2, a subdivision of land in said Jackson County, and the point of beginning of said Parcel herein described; thence South 02 degrees 07 minutes 36 seconds West 282.51 feet, on said West line; thence North 87 degrees 52 minutes 24 seconds West, 147.78 feet, on said West line; thence South 02 degrees 07 minutes 36 seconds West, 369.16 feet, on said West line, to its intersection with the East Right-of-Way line of Missouri Pacific Railroad; thence North 12 degrees 57 minutes 37 seconds West, 627.77 feet, on said East Right-of-

Way line; thence South 77 degrees 05 minutes 18 seconds West, 7.30 feet, on said East Right-of-Way line; thence North 02 degrees 57 minutes 49 seconds West, 415.88 feet, on said East Right-of Way line, to its intersection with the corporate city limits line of Kansas City, Missouri; thence South 87 degrees 03 minutes 19 seconds East, 355.16 feet, on said city limits line, to said West line of Tract V, Plaza 40 Shopping Center - Phase 2; Thence South 02° 07' 36" West, 361.74 feet, on said West line, to the point of beginning, said Parcel containing 5.11 acres more or less.

**38 acres Overall UR Development Plan**

A parcel of land lying and situated in the Southwest Quarter of Section 26, Township 49 North, Range 32 West of the Fifth Principal Meridian, in Kansas City, Jackson County, Missouri, said Parcel being more particularly described as follows:

(For course orientation the bearings in this description are based on the East line of Tract I, Plaza 40 Shopping Center - Phase 1 having a bearing of South 02 degrees 07 minutes 36 seconds West, as determined by Global Positioning Systems observations and referenced to the Missouri State Plane Coordinate System, West Zone, NAD83.)

Commencing at the Northeast corner of Tract I, Plaza 40 Shopping Center - Phase 1, a subdivision in said Jackson County, monumented by a found cotton gin spindle; thence South 02 degrees 07 minutes 36 seconds West, 50.54 feet, on the East line of said Tract I, to its intersection with the corporate city limits line of Kansas City, Missouri, and the point of beginning of said Parcel herein described; thence continuing South 02 degrees 07 minutes 36 seconds West, 598.56 feet, to the beginning of a tangent curve concave to the East, having a radius of 995.40 feet; thence Southerly and Southeasterly on said curve, to the left, an arc length of 180.85 feet, said curve having a chord bearing South 03 degrees 04 minutes 40 seconds East, and a chord distance of 180.60 feet, to the Southeast corner of said Tract I, Plaza 40 Shopping Center - Phase 1, said corner monumented by a found 1/2-inch reinforcing rod; thence North 87 degrees 04 minutes 37 seconds West, 675.69 feet, on the South line of said Tract I, Plaza 40 Shopping Center - Phase 1, to the Southwest corner of said Tract I, Plaza 40 Shopping Center - Phase 1; thence South 02 degrees 20 minutes 17 seconds West, 247.02 feet, on the East line of Tract V, Plaza 40 Shopping Center - Phase 2, to the Southeast corner of said Tract V, Plaza 40 Shopping Center - Phase 2; thence North 87 degrees 02 minutes 56 seconds West, 964.31 feet, on the South line of said Tract V, Plaza 40 Shopping Center - Phase 2, to its intersection with the East Right-of-Way line of Missouri Pacific Railroad; thence North 12 degrees 57 minutes 37 seconds West, 638.00 feet, on said East Right-of-Way line; thence South 77 degrees 05 minutes 18 seconds West, 7.30 feet, on said East Right-of-Way line; thence North 02 degrees 57 degrees 49 minutes

West, 415.88 feet, on said East Right-of Way line, to its intersection with said corporate city limits line of Kansas City, Missouri; thence South 87 degrees 03 minutes 19 seconds East, 1834.56 feet, on said city limits line, to the point of beginning, said Parcel containing 37.50 acres more or less.

is hereby rezoned from District B2-2 (Neighborhood Business 2) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A1250, 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 a Final UR Plan to the Director of City Planning and Development for approval, indicating plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero footcandles at the property lines prior to issuance of a building permit.
2. 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.
3. The developer shall submit a street tree planting plan to the City Forester with a copy to the Development Management Division. The street tree planting plan shall be approved by the City Forester prior to Mylar approval. A copy of the approved plan shall be submitted to the Development Management Division prior to Mylar approval.
4. 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 for Phase II 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.
5. 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.
6. Unless satisfied by the submittal of a drainage letter supporting an exemption, the developer shall submit a macro storm drainage study with

the first plat or Phase II, 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, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. 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.

7. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
8. 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 for Phases II through V.
9. 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 for Phase II, whichever occurs first.
10. Prior to the issuance of a building permit for Phases II through V, 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. Prior to the issuance of a building permit for Phases II through V, the developer shall plat the detention basin that serves multiple lots in a tract and provide a Covenant to Maintain Storm Water Detention Facilities.
12. The developer shall 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.
13. 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. There is an existing detention basin that serves the area. When a detention basin serves multiple lots it must be platted in a tract and have a "Covenant to Maintain Storm Water Detention Facilities".

14. The developer shall provide acceptable easements and secure permits to relocate sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit for Phases II through V, whichever occurs first.
15. Prior to the issuance of a building permit for Phase II through V, 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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
17. 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.
18. Stormwater management facilities, such as detention basins, BMPs, engineered surface water conveyance paths outside of right-of-way, which serve multiple lots or tracts, shall be privately maintained, located on separate tract(s), and covered by maintenance covenant(s) to be administered through the platting process.
19. Prior to issuance of any construction permits for Phases II through V, the developer shall submit, for review and acceptance, a macro storm drainage study, sealed by a Missouri licensed civil engineer, for the entire development area, showing compliance with the latest adopted version of APWA 5600 standards in effect at the time of submission, including water quality BMPs per the latest adopted version of the MARC BMP Manual, and submit a micro storm drainage study with each subsequent phase of development showing compliance with the approved macro and adopted standards. The developer shall construct improvements necessary to mitigate impacts from rate, volume (10% and 1% storms at a minimum), and quality of stormwater runoff from each proposed phase.




- 20. The developer shall submit water main relocation drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City Water Rules and Regulations for Water main extensions and Relocations.
- 21. The developer shall ensure that domestic water and fire service lines must be brought in compliance with current Kansas City, Missouri Rules and Regulations for Water service lines.
- 22. The project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (IFC-2012: § 507.1).
- 23. The project will follow the fire hydrant distribution provisions found in Table C105.1 Appendix C of the International Fire Code 2012.
- 24. 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.

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.

  
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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  
SEP 17 2020  
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Date Passed