



Legislation Details (With Text)

**File #:** 210843      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 9/13/2021      **In control:** Council

**On agenda:** 9/23/2021      **Final action:** 9/23/2021

**Title:** Rezoning an area on about 1 acre generally located at the northwest corner of Winner Road and Wallace Avenue from District R-2.5 to District B3-2, and approving a development plan which also serves as a special use permit to allow for a convenience store with fuel sales. (CD-CPC-2020-00108 and CD-CPC-2020-00133)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fact Sheet for Rezoning, 2. Fact Sheet for Development Plan, 3. Staff Report, 4. Revised Plan Set, 5. Ordinance Request for Rezoning, 6. Ordinance Request for Development Plan, 7. Authenticated Ordinance 210843

Date	Ver.	Action By	Action	Result
9/23/2021	1	Council	Passed	Pass
9/22/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass

ORDINANCE NO. 210843

Rezoning an area on about 1 acre generally located at the northwest corner of Winner Road and Wallace Avenue from District R-2.5 to District B3-2, and approving a development plan which also serves as a special use permit to allow for a convenience store with fuel sales. (CD-CPC-2020-00108 and CD-CPC-2020-00133)

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-1299, rezoning an area of approximately 1 acre generally located at the northwest corner of Winner Road and Wallace Avenue from District R-2.5 (Residential 2.5) to District B3-2 (Community Business dash 2), and approving a development plan which also serves as a special use permit, said section to read as follows:

Section 88-20A-1299. That an area legally described as:

460 Wallace / Lot 18 Blk 26 Washington

463 Donnelly Ave / Lots 19 & 20 & s 16.66 ft of Lot 21 Blk 26 Washington

456 Wallace / Lot 17 Blk 26 Washington

455 Donnelly / n 33 1-3 ft Lot 21 Blk 26 Washington

is hereby rezoned from District R-2.5 (Residential 2.5) to District B3-2 (Community Business dash 2), all as

shown outlined on a map marked Section 88-20A-1299, 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 which also serves as a special use permit to allow for a convenience store with fuel sales for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall obtain a variance to allow for the proposed monument sign along Winner Road to comply with the maximum height requirement of 6 feet.
2. The stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.
3. The developer shall submit a complete design package for review and approval by the Fire Department and the City Planning and Development Department prior to installation of an automatic fire sprinkler system.
4. The dining room shall have required number of exits per Chapter 10 of International building code.
5. The developer shall provide a lot combination.
6. The developer shall submit water main extension 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. Water main extension is required between Donnelly Avenue and Wallace Avenue.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The developer shall submit plans to 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.
  13. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
  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 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.
  16. 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.
  17. No access will be permitted off of U.S. 24 Highway at this location. All access will need to come off Donnelly Avenue and Wallace Avenue.
  18. The access on Donnelly Avenue and Wallace Avenue shall be moved as far north as possible. Corner clearance should be 220 feet from the nearest through lane of U.S. 24 Highway.
  19. The curb line along U.S. 24 Highway between Wallace Avenue and Donnelly Avenue shall be replaced with a minimum 6 inch barrier curb to prevent parallel parking along U.S. 24 Highway.
  20. The developer shall submit a traffic study.

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.

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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:

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Sarah Baxter  
Assistant City Attorney