



## Legislation Details (With Text)

<b>File #:</b>	210984	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed		
<b>File created:</b>	10/22/2021	<b>In control:</b>	Council		
<b>On agenda:</b>	11/4/2021	<b>Final action:</b>	11/4/2021		
<b>Title:</b>	Rezoning an approximately nine acre tract of land generally located at the southeast corner of Highway 150 and Prospect Avenue from District R-80 to District M1-1, and approving a development plan that serves as a preliminary plat in order to allow uses of warehousing, wholesaling, and storage. (CD-CPC-2021-00113 and CD-CPC-2021-00114)				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Fact Sheet\_00113, 2. Fact Sheet\_00114, 3. 05.1\_05.2\_05.3\_05.4\_05.5\_CD-CPC-2021-00112\_00113\_00114\_CD-SUP-2021-00066\_CLD-FnPlat-2021-00026\_Staff Report, 4. NPD Plan Set, 5. Map 88-20A-1302, 6. Legal Description, 7. PPT, 8. Authenticated Ordinance 210984

Date	Ver.	Action By	Action	Result
11/4/2021	1	Council	Passed	Pass
11/3/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
10/28/2021	1	Council		

### ORDINANCE NO. 210984

Rezoning an approximately nine acre tract of land generally located at the southeast corner of Highway 150 and Prospect Avenue from District R-80 to District M1-1, and approving a development plan that serves as a preliminary plat in order to allow uses of warehousing, wholesaling, and storage. (CD-CPC-2021-00113 and CD-CPC-2021-00114)

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-1302, rezoning an approximately nine acre tract of land generally located at the southeast corner of Highway 150 and Prospect Avenue from District R-80 (Residential 80) to District M1-1 (Manufacturing 1 dash 1), said section to read as follows:

Section 88-20A-1302. That an area legally described as:

All that part of the Northwest Quarter of Section 34, Township 47 North, Range 33 West, in the City of Kansas City, Jackson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 34; thence S 3° 21'37" W, along the West line of the Northwest Quarter of said Section 34, a distance of 240.00 feet; thence S 86°30'06" E, a distance of 72.06 feet to a point on the South right-of-way line of 150 Highway, as now established, said point also being the point of beginning; thence S 86°

24'28" E, along the South right-of-way line of said 150 Highway, a distance of 352.95 feet; thence S 3°21'37" W, a distance of 1024.36 feet; thence N 86°30'06" W, a distance of 405.00 feet to a point on the Easterly right-of-way line of Prospect Avenue, as now established; thence along the Easterly right-of-way line of said Prospect Avenue, for the following three (3) courses; thence N 3°21'37" E, a distance of 772.86 feet; thence S 86°38'23" E, a distance of 19.38 feet; thence N 3°21'28" E, a distance of 240.57 feet to a point on the Southerly right-of-way line of said 150 Highway; thence along the Southerly right-of-way line of said 150 Highway, for the following two (2) courses; thence S 84°04'25" E, a distance of 0.65 feet; thence N 73°45'15" E, a distance of 34.01 feet to the point of beginning, containing 9.4106 acres, more or less, of unplatted land.

is hereby rezoned from District R-80 (Residential 80) to District M1-1 (Manufacturing 1 dash 1), all as shown outlined on a map marked Section 88-20A-1302, 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 that will also serve as a preliminary plat for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall provide engineer, design and calculations for material holding areas due to loading and surcharge.
2. The proposed building without direct connection to utilities required per code shall only be granted as a temporary structure for no longer than one year from the date the special use permit is granted. A future permanent building when proposed shall comply with the building code and are subject to the City's permitting process.
3. 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 the developer shall be responsible for all costs associated with subordination activities now and in the future.
4. The developer shall secure permits to extend public 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.
5. The developer shall dedicate additional right-of-way for Prospect Avenue as required by the adopted major street plan so as to provide a minimum of 40 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 prior to City Plan Commission approval.
6. 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.
7. 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.

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 submit documentation verifying the compliance of the proposed septic system with current City building codes as part of the building plan review. If the proposed septic system cannot meet either the building code or Missouri Department of Natural Resources (MDNR) requirements, the developer shall be responsible for providing sewer service by other means which may require the extension of a public sanitary sewer main.
10. 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.
11. 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.
12. 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.
13. 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.
14. The developer shall submit a macro storm drainage study with the first plat or phase, 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.
15. 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.
16. 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.
17. All proposed signage shall comply with 88-445 and is subject to permits.

18. The developer shall revise the fence materials used for areas abutting the public streets to either vinyl coated chain-link or wrought iron or other similar decorative metal fencing as required by 88-425-09-B prior to issuance of permits.
19. For any construction work in MoDOT right-of-way, pull all necessary permits from MoDOT.
20. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
21. The developer shall show screening of outdoor display areas, storage areas and/or work areas in compliance with 88-425-09. The storage bins shall be at least 6-foot tall and screened by berming and landscape.
22. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
23. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.
24. 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 a certificate of occupancy.
25. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
26. Fire hydrant distribution shall follow IFC-2018 Table C102.1. 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)
27. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided. (IFC-2018 § 503.6)
28. The developer shall ensure the cross-road culvert under Prospect Avenue, near the southwest corner of the subject site, which receives stormwater runoff from the subject site and conveys it downstream, meets adopted APWA 5600 design criteria, in that it provides appropriate level of service for Prospect Avenue and has adequate energy dissipation at its outlet, prior to issuance of any construction permits for the site.
29. A full flow fire meter will be required and existing service and meter must be killed.
30. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations.
31. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.

32. The developer shall submit fire hydrant installation plans prepared by a registered professional engineer in Missouri to the water main extension desk for review, acceptance and contracts per the Kansas City water rules and regulations for water main extensions and relocations.
33. If a pre-manufactured building is considered for the future building, developer shall provide a Missouri Public Commission approved package.

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