



## Legislation Details (With Text)

<b>File #:</b>	220235	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	3/8/2022	<b>In control:</b>		Council	
<b>On agenda:</b>	3/24/2022	<b>Final action:</b>		3/24/2022	
<b>Title:</b>	Rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract. (CD-CPC-2021-00208)				
<b>Sponsors:</b>	Teresa Loar				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 220235 Fact Sheet, 2. 1604 staff report, 3. Authenticated Ordinance 220235				

Date	Ver.	Action By	Action	Result
3/24/2022	1	Council	Passed	Pass
3/23/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass, Debate	Pass
3/10/2022	1	Council	referred	

### ORDINANCE NO. 220235

Rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract. (CD-CPC-2021-00208)

#### 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 88-20A1316 rezoning an area of about 7.2 acres generally located at the northwest corner of N. Oak Trafficway and NE. 97th Street from District MPD (Master Planned Development) to District MPD (Master Planned Development) to amend a previously approved development plan, which also serves as preliminary plat to create five (5) lots and one (1) tract, said section to read as follows:

Section 88-20A1316. That an area legally described as:

#### TRACT 1

A tract of land in the Southwest Quarter of Section 35, Township 52 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jason S. Roudebush, P.L.S. 2002014092 as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 00°19'32" East,

on the East line of said Southwest Quarter, 831.13 feet; thence leaving said East line, North 89° 40'28" West, 50.00 feet a point on the Existing Westerly right-of-way line of North Oak Trafficway, as know established, also being the Northeast corner of QuikTrip Store 221R, a subdivision of land in said Kansas City, recorded as Instrument Number 2017031605 in Book I at Page 8.1 in Clay County Recorder of Deeds Office, also being the Point of Beginning of the tract of land to be herein described: thence leaving said Existing Westerly right-of-way line, Southwesterly on the Existing Northerly right-of-way line of N.E. 97th Street, as established by said QuikTrip Store 221R, along a curve to the right having an initial tangent bearing of South 00°19'32" West with a radius of 15.00 feet, a central angle of 89°59'55" and an arc distance of 23.56 feet; thence North 89°40'33" West, on said Existing Northerly right-of-way line, 287.67 feet to a point on the Easterly line of 97 at North Oak, a subdivision of land in said Kansas City recorded as Instrument Number 2021024642 in Book I at Page 136.4 in said Clay County Recorder of Deeds Office; thence North 00°19'49" East, on said Easterly line, 1,039.16 feet to the Northeast corner of said 97 at North Oak, also being a point on the Easterly line of Northland Cathedral, a subdivision of land in said Kansas City recorded as Instrument Number R42190 in Cabinet F at Sleeve 36 in said Clay County Recorder of Deeds Office; thence South 88°54'51" East, on said Easterly line, 302.61 feet to a point on said Existing Westerly right-of-way line; thence leaving said Easterly line, South 00°19'32" West, on said Existing Westerly right-of-way line, 1,020.14 feet to the point of beginning. Containing 313,818 square feet or 7.20 acres, more or less.

is hereby rezoned from District MPD (Master Planned Development) to District MPD (Master Planned Development), as shown outlined on a map marked Section 88-20A1316, 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 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 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.
2. 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 shall comply with all adopted lighting standards.
3. The developer shall dedicate additional right of way for North Oak Trafficway 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, 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.
4. 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.
5. 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

6. 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.
7. 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, whichever occurs first.
8. The developer must pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. The developer shall submit plans to the Land Development Division and obtain permits to construct sidewalks along the platted frontage, as shown on the approved street plans for N. Oak Trafficway and to a tie-in point with the existing sidewalks at N.E. 96th and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
15. The developer shall design and construct all interior streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks. Tract A must also be covered by a cross access easement to ensure the connection to the development located to the west of this property.
16. The developer shall work with staff on developing a design guideline to the overall development prior to approval of MPD final plans for each phase/lot.
17. 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.
18. 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.
19. The developer shall secure approval of a final development plan from the City Plan Commission prior to building permit.
20. That all signage shall conform to 88-445 and shall require a sign permit prior to installation.
21. That Ordinance No. 210364, including all conditions provided therein, shall remain in full force and effect.
22. That 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.
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 continue to work with staff on improving landscape for each lot upon submittal of MPD final plans.
25. The project will 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.
27. 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 -2013 § 8.7.2)

28. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting 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 B. 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.

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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