

ORDINANCE NO. 100057

Rezoning an area of approximately 4.2 acres generally located on the east side of N. Brighton Avenue from Missouri Highway 152 to N.E. Barry Road from Districts RA and R-1a to District C-1-p, and approving a preliminary development plan for the same. (14058-P)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 80, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning Ordinance, is hereby amended by enacting a new section to be known as Section 80-11A0862, rezoning an area of approximately 4.2 acres generally located on the east side of N. Brighton Avenue from Missouri Highway 152 to N.E. Barry Road from Districts RA (Agricultural) and R-1a (One family Dwellings, Medium Density) to District C-1-p (Neighborhood Retail Business - Limited District), said section to read as follows:

Section 80-11A0862. That an area legally described as:

A part of the Southeast Quarter of Section 8, Township 51, Range 32 West, in Kansas City, Clay County, Missouri, described as follows: Commencing at the Northwest Quarter of said Southeast Quarter; thence South 89 degrees 16 minutes 46 seconds East, along the North line of said Southeast Quarter, a distance of 156.46 feet; thence South 00 degrees 43 minutes 14 seconds West, a distance of 35.00 feet to a point on the Southerly Right-of-Way line of Northeast Barry Road, said point being the Point of Beginning of the tract of land herein to be described; thence South 89 degrees 16 minutes 46 seconds East, along the Southerly Right-of-Way line of said Northeast Barry Road, a distance of 209.87 feet; thence South 00 degrees 30 minutes 44 seconds West, along the Westerly line of CLAY HILL ADDITION, a subdivision of land in the City of Kansas City, Clay County, Missouri and its Northerly and Southerly prolongation thereof a distance of 650.00 feet to the Northerly Right-of-Way line of Missouri State Highway 152; thence North 89 degrees 16 minutes 46 seconds West, along the Northerly Right-of-Way line of said Missouri State Highway 152, a distance of 129.31 feet; thence continuing along the Northerly Right-of-Way line of said Missouri State Highway 152, North 80 degrees 33 minutes 42 seconds West, a distance of 60.54 feet; thence continuing along the Northerly Right-of-Way line of said Missouri State Highway 152, North 47 degrees 50 minutes 55 seconds West, a distance of 131.87 feet to the Easterly Right-of-Way line of North Brighton Avenue; thence North 01 degrees 22 minutes 53 seconds West, along the Easterly Right-of-Way line of said North Brighton Avenue, a distance of 460.24 feet; thence continuing along the Easterly Right-of-Way line of said North Brighton Avenue, North 45 degrees 29 minutes 10

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seconds East, a distance of 131.87 feet to the Point of Beginning. Said tract contains 4.18 acres, more or less.

is hereby rezoned from Districts RA (Agricultural) and R-1a (One family Dwellings, Medium Density) to District C-1-p (Neighborhood Retail Business - Limited District), all as shown outlined on a map marked Section 80-11A0862, 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 as an amendment to Section 80-11 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 66, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Subdivision Regulations.
2. That, at the time of whichever phase first occurs, the developer improve N. Brighton Avenue as shown on the development plan, including lane widening, center medians, striping and channelization, and construct both public street access points and temporary internal connection drive(s) as required by Development Services.
3. That the developer improve the south half of N.E. Barry Road to collector street standards as required by Development Services, including curb, gutter, sidewalks and streetlights with the development of Phase/Lot 1 as shown on the development plan.
4. That the developer secure permits for the removal of existing sidewalks and the construction of new 5 foot sidewalks and transitions along N. Brighton Avenue and N.E. Barry Road, for the length of the project as shown on the approved development plan as required by Development Services, with each phase, prior to issuance of a certificate of occupancy for any building permits within that phase.
5. That the developer submit a micro storm drainage study, including a BMP level of service analysis, to Development Services for review and acceptance for this phase when the first final plat is submitted, and that the developer secure permits to construct any improvements as required by Development Services prior to recording the plat.
6. That the developer subordinate to the City all private interest in the area of any right-of-way dedication, as required by Development Services, and that the developer be responsible for all costs associated with subordination activities now and in the future.

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7. That 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 within the planned boundary without the prior written consent of Development Services.
8. That the developer submit plans for grading, siltation, and erosion control to Development Services for review, acceptance, and permitting prior to beginning any construction activities, prior to recording the plat.
9. That the developer secure a site disturbance permit from Development Services prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more, prior to recording the plat.
10. That the developer secure permits to extend sanitary sewers to ensure individual service is provided to all proposed lots and determine adequacy as required by Development Services, prior to recording the plat.
11. That the developer secure permits to provide a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by Development Services, prior to recording the plat.
12. That the developer grant a BMP Easement to the City, as required by Development Services, with the final plat.
13. That the developer obtain the grading consents, and all grading, temporary construction and drainage/sewer easements from the abutting property owner prior to submitting any public improvements.
14. That the developer enter into a covenant agreement for the maintenance of any stormwater detention area tracts and privately maintained public storm sewers as required by Development Services, prior to recording the plat.
15. That the developer install hard surface roads and provide for fire protection as required by the Fire Department prior to construction beyond foundations.
16. That the developer extend/relocate water mains and grant exclusive easements as required by the Water Services Department.
17. That the developer submit a final plan to the City Plan Commission for approval, including detailed information on landscaping, lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) and building elevations (including similar materials on all elevations).

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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 Ordinance have been given and had.

I hereby certify that as required by Chapter 80, 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