

ORDINANCE NO. 080364

Approving an amendment to a previously approved preliminary plan in District CP-2 (Local Planned Business Center) on approximately an 11 acre tract of land generally located on the south side of N.E. Parvin Road and on both sides of N. Jackson Avenue, for the purpose of deleting an approximately 6 acre tract of land from said preliminary plan. (7503-CP-7)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved preliminary plan in District CP-2 (Local Planned Business Center) on approximately a an 11 acre tract of land generally located on the south side of N.E. Parvin Road and on both sides of N. Jackson Avenue, and more specifically described as follows:

TRACT 1: A tract of land in the Northeast Quarter of Section 7, Township 50, Range 32, and the Northwest Quarter of Section 8, Township 50, Range 32, in Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at a point on the East line of the Northwest Quarter of said Section 7, said point being 312.07 feet South, as measured along said East line, from the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 7, being also a point on the Southerly right-of-way line of Parvin Road, as now established; said point being also a point in the Southerly line of a parcel of land known as Tract 50 and 49 in a Condemnation Suit Case No. 34973 of the Circuit Court of Clay County, Seventh Judicial Circuit of Missouri, filed June 3, 1968; thence South 36 degrees 32 minutes 39 seconds East along said south right-of-way line of Parvin Road, as now established, being also the south line of said Condemnation Suit, a distance of 51.73 feet; thence north 89 degrees 33 minutes 03 seconds east along said south right-of-way and Condemnation line, a distance of 27.08 feet; thence South 0 degrees 51 minutes 43 seconds West parallel to and 58.5 feet from the West line of the Northwest Quarter of said Section 8, 513.17 feet; thence North 89 degrees 25 minutes 20 seconds west 200.0 feet; thence south 0 degrees 51 minutes 43 seconds west parallel to the east line of the Northeast Quarter of said Section 7, 89.15 feet; thence Northwesterly on a curve to the right having a radius of 375.0 feet, an arc distance of 228.38 feet; thence North tangent to the last described curve, 190.0 feet; thence West at right angles to the last described course 75.0 feet; thence North 22 degrees 59 minutes 06 seconds West 245.09 feet to a point on the Easterly right-of-way line of Missouri State Highway Route No. 269 (Chouteau Trafficway) as now established; thence North 0 degrees 43 minutes 10 seconds east along said Easterly right-of-way line 82.15 feet to its intersection with the South right-of-way line of the above mentioned Parvin Road, said point being also in the South line of Tract 49 of said Condemnation Suit Case No. 34973; thence North 52 degrees 42 minutes 26 seconds East along said South Condemnation line, a distance of 69.55

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feet by survey (67.67 feet by deed) to a point in the Southerly right-of-way of said Parvin Road; thence South 76 degrees 01 minutes 30 seconds East along the Southerly line of said Condemnation Suit and Parvin Road, a distance of 315.00 feet; thence South 36 degrees 32 minutes 39 seconds East continuing along said South right-of-way line and Condemnation line 45.78 feet to a East line of the Northeast Quarter of said Section 7, and the point of beginning.

TRACT 2: A tract of land in the Northwest Quarter of Section 8, Township 50, Range 32, in Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at the Northwest corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 8; thence South 89 degrees 31 minutes 02 seconds East along the North line of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 8, 58.5 feet; thence South 0 degrees, 51degrees, 51 minutes, 43 seconds West and parallel to the West line of said Northwest  $\frac{1}{4}$  352.93 feet (352.83 feet deeded) to the true point of beginning of the tract to be herein described, said point being also a point on the Southerly right of way line of Parvin Road, as now established; thence North 89 degrees 33 minutes 03 seconds East along said right of way 22.92 feet; thence North 47 degrees, 48 minutes, 36 seconds east along said right of way line 63.63 feet; thence Northeasterly along said right of way line 63.63 feet; thence Northeasterly along said right of way line on a curve to a left having a radius of 676.62 feet, an arc distance of 582.14 feet; thence South 0 degrees 52 minutes 45 seconds, west 767.15 feet; thence South 85 degrees 02 minutes 55 seconds west 622.74, thence North 0 degrees 51 minutes 43 seconds east parallel to the West line of the Northwest  $\frac{1}{4}$  of said Section 8, 661.35 feet to the point of beginning.

EXCEPT a tract of land located in the Southwest Quarter of the Northwest Quarter of Section 8, Township 50 North, Range 32 West of the 5th Principal Meridian, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 00 degrees 56 minutes 45 seconds East along the West line of the Southwest Quarter of said Northwest Quarter a distance of 590.94 feet; thence South 89 degrees 03 minutes 15 seconds East a distance of 58.5 feet to the Point of Beginning of the tract of land to be described; thence continuing South 89 degrees 03 minutes 15 seconds East a distance of 618.62 feet; thence South 00 degrees 42 minutes 25 seconds West a distance of 220.35 feet; thence South 85 degrees 07 minutes 57 seconds West a distance of 622.74 feet; thence North 00 degrees 56 minutes 45 seconds East a distance of 283.42 feet to the Point of beginning; EXCEPT that part in roads, if any.

AND EXCEPT all that portion located in Section 7, Township 50, Range 32, in Kansas City, Clay County, Missouri.

for the purpose of deleting therefrom an approximately 6 acre tract of land, more

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specifically described as follows:

TRACT 2: A tract of land in the Northwest Quarter of Section 8, Township 50, Range 32, in Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at the Northwest corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 8; thence South 89 degrees 31 minutes 02 seconds East along the North line of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 8, 58.5 feet; thence South 0 degrees, 51degrees, 51 minutes, 43 seconds West and parallel to the West line of said Northwest  $\frac{1}{4}$  352.93 feet (352.83 feet deeded) to the true point of beginning of the tract to be herein described, said point being also a point on the Southerly right of way line of Parvin Road, as now established; thence North 89 degrees 33 minutes 03 seconds East along said right of way 22.92 feet; thence North 47 degrees, 48 minutes, 36 seconds east along said right of way line 63.63 feet; thence Northeasterly along said right of way line 63.63 feet; thence Northeasterly along said right of way line on a curve to a left having a radius of 676.62 feet, an arc distance of 582.14 feet; thence South 0 degrees 52 minutes 45 seconds, west 767.15 feet; thence South 85 degrees 02 minutes 55 seconds west 622.74, thence North 0 degrees 51 minutes 43 seconds east parallel to the West line of the Northwest  $\frac{1}{4}$  of said Section 8, 661.35 feet to the point of beginning.

EXCEPT a tract of land located in the Southwest Quarter of the Northwest Quarter of Section 8, Township 50 North, Range 32 West of the 5th Principal Meridian, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 00 degrees 56 minutes 45 seconds East along the West line of the Southwest Quarter of said Northwest Quarter a distance of 590.94 feet; thence South 89 degrees 03 minutes 15 seconds East a distance of 58.5 feet to the Point of Beginning of the tract of land to be described; thence continuing South 89 degrees 03 minutes 15 seconds East a distance of 618.62 feet; thence South 00 degrees 42 minutes 25 seconds West a distance of 220.35 feet; thence South 85 degrees 07 minutes 57 seconds West a distance of 622.74 feet; thence North 00 degrees 56 minutes 45 seconds East a distance of 283.42 feet to the Point of beginning; EXCEPT that part in roads, if any.

AND EXCEPT all that portion located in Section 7, Township 50, Range 32, in Kansas City, Clay County, Missouri.

and that the plan for the remaining tract of land of approximately 4.47 acres, more specifically described as follows:

TRACT 1: A tract of land in the Northeast Quarter of Section 7, Township 50, Range 32, and the Northwest Quarter of Section 8, Township 50, Range 32, in Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at a point on the East line of

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the Northwest Quarter of said Section 7, said point being 312.07 feet South, as measured along said East line, from the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 7, being also a point on the Southerly right-of-way line of Parvin Road, as now established; said point being also a point in the Southerly line of a parcel of land known as Tract 50 and 49 in a Condemnation Suit Case No. 34973 of the Circuit Court of Clay County, Seventh Judicial Circuit of Missouri, filed June 3, 1968; thence South 36 degrees 32 minutes 39 seconds East along said south right-of-way line of Parvin Road, as now established, being also the south line of said Condemnation Suit, a distance of 51.73 feet; thence north 89 degrees 33 minutes 03 seconds east along said south right-of-way and Condemnation line, a distance of 27.08 feet; thence South 0 degrees 51 minutes 43 seconds West parallel to and 58.5 feet from the West line of the Northwest Quarter of said Section 8, 513.17 feet; thence North 89 degrees 25 minutes 20 seconds west 200.0 feet; thence south 0 degrees 51 minutes 43 seconds west parallel to the east line of the Northeast Quarter of said Section 7, 89.15 feet; thence Northwesterly on a curve to the right having a radius of 375.0 feet, an arc distance of 228.38 feet; thence North tangent to the last described curve, 190.0 feet; thence West at right angles to the last described course 75.0 feet; thence North 22 degrees 59 minutes 06 seconds West 245.09 feet to a point on the Easterly right-of-way line of Missouri State Highway Route No. 269 (Chouteau Trafficway) as now established; thence North 0 degrees 43 minutes 10 seconds east along said Easterly right-of-way line 82.15 feet to its intersection with the South right-of-way line of the above mentioned Parvin Road, said point being also in the South line of Tract 49 of said Condemnation Suit Case No. 34973; thence North 52 degrees 42 minutes 26 seconds East along said South Condemnation line, a distance of 69.55 feet by survey (67.67 feet by deed) to a point in the Southerly right-of-way of said Parvin Road; thence South 76 degrees 01 minutes 30 seconds East along the Southerly line of said Condemnation Suit and Parvin Road, a distance of 315.00 feet; thence South 36 degrees 32 minutes 39 seconds East continuing along said South right-of-way line and Condemnation line 45.78 feet to a East line of the Northeast Quarter of said Section 7, and the point of beginning.

is hereby approved, subject to the following conditions:

1. That the developer submit a traffic study at the time of the final plan for Phase III (southwest corner of NE. Parvin Road and N. Jackson Avenue) and make such improvements as recommended by the traffic study as required by Public Works Department.
2. That the developer construct all driveways to meet the City's intersection sight distance standards.

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3. That the developer dedicate additional right of way for N. Jackson Avenue as required by Development Services so as to provide a total of 60 feet of right of way for N. Jackson Avenue.
4. That the developer improve N. Jackson Avenue to collector street standards as required by Development Services, including construction of curb, gutter and sidewalks and installation of streetlights.
5. That the developer dedicate additional right of way for primary arterial with a bike lane as required by Development Services so as to provide a minimum of 56 feet of right of way as measured from the centerline of N.E. Parvin Road.
6. 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.
7. That the developer submit plans for grading and siltation and erosion control to Development Services for approval prior to beginning any construction activities.
8. That the developer secure a land disturbance permit from Development Services prior to beginning any construction, grading, clearing or grubbing activities, if the disturbed area equals or exceeds one acre.
9. That the developer secure a floodplain certificate if any grading is to occur within a floodplain as required by Development Services.
10. That the developer extend water mains as required by the Water Services Department.
11. That the developer extend sanitary sewers as required by Development Services.
12. That the developer install hard surface roads and provide for fire protection as required by the Fire Department prior to construction beyond foundations.
13. That the developer submit an update to the previously accepted macro storm drainage study for the overall development to address the development amendments along with a detailed Micro study for review and acceptance prior to clearance of the next plat and make necessary improvements as required by Development Services.
14. 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

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that the developer be responsible for all costs associated with subordination activities.

15. That the developer secure permits to construct new, repair existing or reconstruct sidewalks, curbs, gutters, storm sewers, and streetlights as necessary along all development street frontages, or submit a letter from a Missouri licensed civil engineer stating that the sidewalks, curbs, and gutters are in a good state of repair and meet the requirements set forth in Chapters 56 and 64, Code of Ordinances, as required by Development Services, prior to recording the plat.
16. That the developer submit covenants, conditions and restrictions to Development Services for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.
17. That the developer submit a final plan to the City Plan Commission for approval, including plans for grading, building elevations, landscaping, screening, berming, signage, lighting and photometric study showing zero footcandles at the lot lines.

A copy of said amendment 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 80, 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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M. Margaret Sheahan Moran  
Assistant City Attorney