

ORDINANCE NO. 090091

Approving an amendment to a previously approved preliminary plan in District CP-1 (Neighborhood Planned Business Center) on a 10.64 acre tract of land generally located at the southwest corner of N.W. Barry Road and N. St. Clair Avenue. (5905-CP-45)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved preliminary plan in District CP-1 (Neighborhood Planned Business Center) on a 10.64 acre tract of land generally located at the southwest corner of N.W. Barry Road and N. St. Clair Avenue, and more specifically described as follows:

A tract of land in the Southeast Quarter of Section 7, Township 51, Range 33, and a replat of Tract A, Embassy Park - Hy-Vee, a subdivision of land in Kansas City, Platte County, Missouri, being bounded and described as follows: Commencing at the northwest corner of said Southeast Quarter; thence South 0° 34'26" West, along the west line of said Southeast Quarter, 50.00 feet to the true point of beginning of the tract to be herein described, said point being also a point on the south right-of-way line of N.W. Barry Road, as now established; thence South 89 ° 01'33" East, along said south line, 591.86 feet to a point on the westerly right of way line of N. St. Clair Avenue, as now established; thence easterly and southerly, along said westerly right-of-way line, on a curve to the right, tangent to the last described course, having a radius of 25.00 feet, an arc distance of 39.27 feet; thence South 0 ° 58'27" West, along said westerly right-of-way line, 75.00 feet; thence southerly, along said westerly right-of-way line, on a curve to the left, tangent to the last described course, having a radius of 395.00 feet, an arc distance of 168.23 feet; thence South 23 ° 25'43" East, along said west line, 99.23 feet; thence southerly, along said westerly right-of-way line, on a curve to the right, tangent to the last described course, having a radius of 380.00 feet, an arc distance of 385.82 feet; thence South 34 ° 44'39" West, along said westerly right-of-way line, 98.92 feet; thence North 48 ° 18'04" West, 209.90 feet; thence South 89 ° 53'43" West, 282.49 feet; thence North 57 ° 39'56" West, 38.42 feet; thence North 89 ° 26'05" West, 129.11 feet to a point on the west line of said Southeast Quarter; thence North 0 ° 34'26" East, along said west line, 653.32 feet to the true point of beginning. Containing 10.64 acres, more or less.

is hereby approved, subject to the following conditions:

1. 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 approval and issuance of any building permits, and

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that the developer construct any improvements as required by Development Services prior to issuance of any certificate of occupancy.

2. That the developer submit a letter from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters. The letter must identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along St. Clair Avenue, as required by Development Services, prior to issuance of any certificate of occupancy.
3. 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.
4. 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.
5. That the developer grant a BMP Easement on Lot 6 to the City as required by Development Services, prior to issuance of any certificate of occupancy.
6. That the developer submit a final plan for each phase to the City Plan Commission for approval, including detailed information on landscaping per staff approval (including canopy shade trees a maximum of 40 feet on center along Tract A), signage (including elevations), lighting (including a photometric study showing zero footcandles at the preliminary plan boundary and no direct illumination beyond the preliminary plan boundary) and building elevations, with dumpster enclosures of materials to match the building served.

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 have been given and hearings have been held as required by the Zoning Ordinance.

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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