

ORDINANCE NO. 180050

Rezoning an area of approximately 104 acres generally bounded by N.W. Barry Road on the south, N. Wyandotte Street on the east and Highway 169 on the west, and extending about 350 feet north of Metro North Drive on the north, from Districts B3-2 and UR to District UR, and approving a development plan that allows for redevelopment of the existing Macy's building and construction of 900,000 square feet of mixed use commercial, hotel, theater, a golf entertainment complex and 150 residential units with 4,410 parking spaces, on 21 lots, in eleven (11) phases. (6460-UR-18)

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 88-20A1137, rezoning an area of approximately 104 acres bounded by N.W. Barry Road on the south, N. Wyandotte Street on the east and Highway 169 on the west, and extending about 350 feet north of Metro North Drive on the north, from Districts B3-2 (Community Business dash 2) and UR (Urban Redevelopment) to District UR (Urban Redevelopment), said section to read as follows:

Section 88-20A1137. That an area legally described as:

A tract of land located in the East half of the Northeast Quarter of Section 10 and the West half of the Northwest Quarter of Section 11, Township 51 North, Range 33 West of the 5th Principal Meridian, in Kansas City, Clay County, Missouri, more particularly described as follows:

Beginning at the Northwest Corner of the East half of the Northeast Quarter of said Section 10, Thence South 89 degrees 33 minutes 22 seconds East along the north line of the East half of the Northeast Quarter of said section 10, a distance of 169.67 feet; Thence South 00 degrees 41 minutes 09 seconds West, a distance of 355.01 feet; Thence South 89 degrees 29 minutes 04 seconds East, a distance of 150.02 feet; Thence along a non-tangential curve to the left, having an initial tangent bearing of South 26 degrees 13 minutes 33 seconds west, a radius of 50.00 feet, and an arc length of 201.95 feet; Thence South 89 degrees 29 minutes 04 seconds East, a distance of 909.60 feet to a point on the east line of the East half of the Northeast Quarter of Section 10; Thence continuing South 89 degrees 29 minutes 04 seconds East, a distance of 215.93 feet; Thence South 00 degrees 30 minutes 56 seconds West, a distance of 333.25 feet to a point on the Northerly right of way line of Metro North Drive; Thence South 89 degrees 29 minutes 04 seconds East along the Northerly Right-of-Way line of said Metro North Drive, a distance of 177.54 feet; Thence along a tangent curve to the right, being the Northerly Right-of-Way line of said Metro North Drive and the Easterly Right-of-Way line of North

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Wyandotte Avenue, having a radius of 320.00 feet and an arc length of 406.92 feet; Thence South 16 degrees 37 minutes 33 seconds East along the Easterly Right-of-Way line of said North Wyandotte Avenue, a distance of 545.90 feet; Thence along a tangent curve to the right, being the Easterly Right-of-Way line of said North Wyandotte Avenue, having a radius of 340.00 feet and an arc length of 101.72 feet; Thence South 00 degrees 30 minutes 56.0 seconds West, continuing along the Easterly Right-of-Way line of said North Wyandotte Avenue, a distance of 351.29 feet; Thence along a tangent curve to the right, being the Easterly Right-of-Way line of said North Wyandotte Avenue, having a radius of 240.00 feet and an arc length of 152.29 feet; Thence South 00 degrees 41 minutes 09 seconds West, a distance of 117.81 feet; Thence North 89 degrees 46 minutes 07 seconds West, a distance of 90.23 feet; Thence South 00 degrees 41 minutes 09 seconds West, a distance of 416.95 feet to a point on the Northerly Right-of-Way line of Northwest Barry Road; Thence North 89 degrees 46 minutes 07 seconds West along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 170.30 feet to the intersection of the Northerly Right-of-Way line of said Northwest Barry Road with the Easterly Right-of-Way line of said North Wyandotte Avenue; Thence South 85 degrees 05 minutes 35 seconds West, a distance of 111.66 feet to the intersection of the Northerly Right-of-Way line of said Northwest Barry Road with the Westerly Right-of-Way line of said North Wyandotte Avenue; Thence North 89 degrees 46 minutes 07 seconds West continuing along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 355.87 feet; Thence North 00 degrees 41 minutes 09 seconds East, a distance of 163.70 feet; Thence North 89 degrees 46 minutes 07 seconds West, a distance of 106.01 feet to a point on the west line of the West half of the Northwest Quarter of said Section 11; Thence South 00 degrees 41 minutes 09 seconds West along the west line of the West half of the Northwest Quarter of said Section 11, a distance of 163.70 feet to a point on Northerly Right-of-Way line of Northwest Barry Road; Thence North 89 degrees 29 minutes 04 seconds West along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 196.77 feet; Thence North 87 degrees 45 minutes 58 seconds West continuing along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 100.05 feet; Thence North 82 degrees 04 minutes 39 seconds West continuing along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 100.84 feet; Thence North 89 degrees 29 minutes 04 seconds West continuing along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 207.50 feet; Thence South 85 degrees 52 minutes 03 seconds West continuing along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 67.82 feet; Thence North 00 degrees 30 minutes 56 seconds East, a distance of 9.50 feet; Thence North 89 degrees 29 minutes 04 seconds West continuing along the Northerly Right-of-Way line of Northwest Barry Road, a distance of 589.90 feet; Thence North 05 degrees 38

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minutes 11 seconds West, a distance of 518.45 feet to a point on the West line of the East half of the Northeast Quarter of said section 10; Thence North 00 degrees 40 minutes 22 seconds East along the West line of the East half of the Northeast Quarter of said section 10, a distance of 2042.60 feet to the point of beginning. Containing 4,490,898 square feet or 103.097 acres, more or less.

is hereby rezoned from Districts B3-2 (Community Business dash 2) and UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A1137, 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 design guideline shall be revised to ensure that all service areas (including trash enclosures) be gated with decorative gates. The building materials should extend a minimum of 30 feet into the service areas. The developer shall provide detail on how service areas, loading docks and trash service are going to function. While this seems understandable in buildings I through M with the internal service area, it is less clear in the other commercial spaces.
2. The developer shall submit a street naming plan to the Development Management Division prior to issuance of a building permit. The street naming plan shall be approved prior to issuance of address for this UR plan.
3. The developer shall submit a street tree planting plan with final plats submittal. The developer shall also secure the approval of the City Forester for street trees planted in right-of-way in front of residential lots prior to mylar approval of this final plat.
4. The developer shall submit a final UR plan to the Director of City Planning and Development for approval including detailed information on landscaping, color building elevations, materials, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) prior to issuance of a building permit.
5. 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.
6. The developer shall submit a macro storm drainage study with the first

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plat or phase, from a Missouri-licensed civil engineer in accordance with requirements determined by the Water Services Department and the Land Development Division, including water quality BMP's, 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 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 dedicate additional right-of-way for N.E. Barry Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 60 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 Council approval.
8. 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, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
9. 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.
10. The developer shall design and construct all interior public streets to City standards, as required by the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
11. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.

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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 pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
14. 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, identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" 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.
15. 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. Wyandotte Avenue, and Metro North Drive, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
16. 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.
17. The owner/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.
18. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior

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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.

19. The developer shall provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures while continuing to ensure individual service is provided to all proposed lots as required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
20. The developer shall grant a BMP easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
21. 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.
22. The developer shall extend, relocate and abandon water and sewer mains as required by the Water Services Department.
23. The developer shall provide easements as required by the Water Services Department.
24. The developer shall not vacate existing easements until new water and sewer mains are in service.
25. The developer shall make all necessary improvements and/ or contributions as required by the submitted Traffic Impact Study (TIS) and as required by the Public Works Department.
26. The developer shall dedicate parkland or contribute \$37,662.28/ per acre (2017 fee) in lieu of parkland dedication for any new residential building in satisfaction of Chapter 88-408 of the Zoning and Development Code. The fees shall be paid before recording the plat. Money in lieu of parkland for 2016 shall be based on the following formula:

(150 multi-Family Units) X (2.0 persons per unit) X (0.006 acres per person) X (\$37,662.28 per acre)
27. If modifying the street tree plan the developer needs to submit street tree planting plan to City Forester for review and approval. The developer shall use approved species of trees located on the link below. Street trees-Link to the planting spec. is: <http://kcparks.org/services/natural-resources-management/>

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28. The developer shall continue to work with the Kansas City, Missouri Fire Department to strive towards maintaining optimum access within the internal drives.
29. Required Fire Department access roads are a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in clearance height. (IFC-2012: § 503.2.1)
30. Fire Department access roads which serve buildings greater than 30 feet tall shall provide an unobstructed width of twenty-six (26) feet for emergency aerial operations. (IFC-2012: § 503.2.2 & D105.2)
31. Fire Department access roads shall be provided prior to construction/demolition projects beginning. (IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5)
32. The developer shall meet the attached turning radius for Fire Department access roads. (IFC-2012: § 503.2.4)
33. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (IFC-2012: § 507.1)
34. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
35. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2012: § 3312.1; NFPA 241-2010: § 8.7.2)
36. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2012: § 507.5.1.1)

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.

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney