

ORDINANCE NO. 060584

Rezoning an area of approximately 29 acres generally located on the east side of M-291 (N.E. Cookingham Drive) and on either side of N.E. 104th Street from Districts CP-2, PD/RA, R-5 and R-1aa to District CP-2, and approving a development plan for the same. (6056-CP-18)

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 80-11A0679, rezoning an area of approximately 29 acres generally located on the east side of M-291 (N.E. Cookingham Drive) and on either side of N.E. 104th Street from Districts CP-2 (Local Planned Business Center), PD/RA (Planned Development Overlay/Agricultural), R-5 (High Apartments) and R-1aa (One-Family Dwellings, Low Density) to District CP-2 (Local Planned Business Center), said section to read as follows:

Section 80-11A0679. That an area legally described as:

A tract of land in Sections 26 and 35, Township 52 North, Range 32 West in Kansas City, Clay County, Missouri, described as follows: Commencing at the Northeast corner of the Northeast Quarter of Section 35; thence North 89 degrees, 31 minutes, 51 seconds West, along the North line of the Northeast Quarter, 2633.14 feet, to the Northwest corner of the Northeast Quarter of Section 35; thence North 89 degrees, 32 minutes, 21 seconds West, along the North line of the Northwest Quarter, 811.26 feet, to the existing Easterly Right-Of-Way of Missouri Route 291; thence, South 23 degrees, 00 minutes, 32 seconds East, along the existing Right-Of-Way, 136.52 feet, to the point of beginning; thence North 66 degrees, 59 minutes, 28 seconds East, 26.00 feet; thence South 77 degrees, 14 minutes, 51 seconds East, 341.34 feet; thence South 86 degrees, 08 minutes, 24 seconds East, 87.19 feet; thence South 88 degrees, 56 minutes, 51 seconds East, 131.06 feet; thence North 65 degrees, 56 minutes, 59 seconds East, 60.00 feet, to a non-tangent curve to the right; thence along the curve, having an Initial Tangent Bearing of North 24 degrees, 03 minutes, 01 seconds West, a radius of 270.00 feet, and an arc length of 225.52 feet, to a point of tangency; thence North 23 degrees, 48 minutes, 25 seconds East, tangent to last curve, 19.45 feet; thence South 66 degrees, 11 minutes, 35 seconds East, 75.36 feet; thence North 82 degrees, 28 minutes, 10 seconds East, 294.59 feet; thence North 88 degrees, 04 minutes, 59 seconds East, 70.35 feet; thence South 86 degrees, 40 minutes, 43 seconds East, 217.62 feet; thence South 00 degrees, 28 minutes, 09 seconds West, 44.20 feet, to a non-tangent curve to the right; thence along the curve, having an Initial Tangent Bearing of North 79 degrees, 36 minutes, 10 seconds East, a radius of 740.00 feet, and an arc length of

ORDINANCE NO. 060584

140.34 feet, to a point of tangency; thence South 89 degrees, 31 minutes, 51 seconds East, tangent to last curve, 165.50 feet; thence South 00 degrees, 28 minutes, 09 seconds West, 80.00 feet; thence North 89 degrees, 31 minutes, 51 seconds West, 165.50 feet, to a curve to the left; thence along curve, tangent to last course, having a radius of 660.00 feet, and an arc length of 166.26 feet; thence South 00 degrees, 28 minutes, 09 seconds West, 297.43 feet; thence South 21 degrees, 27 minutes, 43 seconds East, 220.36 feet; thence South 66 degrees, 59 minutes, 28 seconds West, 236.07 feet; thence South 23 degrees, 00 minutes, 32 seconds East, 50.00 feet, to a non-tangent curve to the left; thence along the curve, having an Initial Tangent Bearing of South 66 degrees, 59 minutes, 28 seconds West, a radius of 15.00 feet, and an arc length of 23.56 feet; thence South 66 degrees, 59 minutes, 28 seconds West, non-tangent to last curve, 60.00 feet; thence South 23 degrees, 00 minutes, 32 seconds East, 238.05 feet, to a point of curvature; thence along a curve to the left, tangent to last course, having a radius of 330.00 feet, and an arc length of 30.52 feet, to a point of reverse curvature; thence along a curve to the right, tangent to last curve, having a radius of 15.00 feet, and an arc length of 20.05 feet, to a point of tangency; thence South 48 degrees, 17 minutes, 04 seconds West, tangent to last curve, 631.95 feet; thence South 66 degrees, 59 minutes, 28 seconds West, 137.72 feet, to a point on the existing Easterly Right-Of-Way of Missouri Route 291; thence, along the existing Right-Of-Way, the following seven courses: North 23 degrees, 00 minutes, 32 seconds West, 776.94 feet; North 66 degrees, 59 minutes, 28 seconds East, 5.00 feet; North 23 degrees, 00 minutes, 32 seconds West, 575.00 feet; North 66 degrees, 59 minutes, 28 seconds East, 5.00 feet; North 23 degrees, 00 minutes, 32 seconds West, 65.00 feet; South 66 degrees, 59 minutes, 28 seconds West, 10.00 feet; North 23 degrees, 00 minutes, 32 seconds West, 70.39 feet, to the point of beginning, containing 28.35 acres, more or less.

is hereby rezoned from Districts CP-2 (Local Planned Business Center), PD/RA (Planned Development Overlay/Agricultural), R-5 (High Apartments) and R-1aa (One-Family Dwellings, Low Density) to District CP-2 (Local Planned Business Center), all as shown outlined on a map marked Section 80-11A0679, 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.

ORDINANCE NO. 060584

2. That the developer submits a macro "overall" storm drainage study for the entire development to Development Services for approval at the time the first plat is submitted, with a micro "detailed" storm drainage study to be submitted for each phase at the time of final platting, and that the developer construct any necessary improvements as required by Development Services.
3. That the developer dedicate additional right of way for a secondary arterial as required by Development Services so as to provide a minimum of right of way as shown on development plans 6056-CP-18 and 6056-CUP-17 for N.E. 104th Street.
4. That the portion of N.E. 104th Street from M-291 to Phase A-1, as shown on the approved development plans, be constructed prior to approval of the first final plat for the residential development of Case No. 6056-CUP-17.
5. That the developer design and construct all interior streets to City standards as required by Development Services, including curb, gutter, storm sewers, streetlights, and sidewalks.
6. That temporary off-site cul-de-sacs be constructed as required by Development Services.
7. 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.
8. 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 shall be responsible for all costs associated with subordination activities.
9. That the developer secure permits to construct or reconstruct existing sidewalks, curb, gutter, 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, curb and gutter 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.
10. That the developer submit a street name signage plan for the entire development area for approval by the Street Naming Committee prior to submittal of the first final plat.

ORDINANCE NO. 060584

11. That the developer submit plans for grading, siltation, and erosion control to Development Services for approval and permitting prior to beginning any construction activities.
12. 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 exceeds one acre.
13. That the developer obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.
14. That the developer show the limits of the 100-year floodplain on the final plat.
15. That the developer show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year floodplain area on the final plat.
16. That the developer extend water mains as required by the Water Services Department.
17. That the developer extend sanitary sewers to ensure individual service is provided to all proposed lots and determine adequacy as required by Development Services.
18. That the developer provide a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by Development Services.
19. That the developer submit covenants, conditions and restrictions to the Law Department for approval for the maintenance of private open space and for fencing material and heights of fencing along M-291 and N.E. 104th Street, and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.
20. That the developer submit a final CP District site plan for review by the City Plan Commission including detailed information on landscaping and signage (including elevations). The landscaping plan shall identify adequate area for planting of trees and shrubs within the parking lot.

A copy of said development plan is on file in the office of the City Clerk under this ordinance, which is attached hereto and 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.

ORDINANCE NO. 060584

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