

ORDINANCE NO. 030003

Amending Chapter 80, Code of Ordinances, by adding a new section to be known as Section 80-11A0456, rezoning an area of approximately 67.99 acres generally bounded by N. Bennington Avenue on the west, N.E. Parvin Road on the south, a line approximately 150 feet south of the prolongation of N.E. 46th Street on the north, and a line generally 400 feet west of N. Corrington Avenue on the east from Districts R-2a/US (Two-Family Dwellings/Underground Space), R-5/US (High Apartments/Underground Space) and M-2a/US (Heavy Industry/Underground Space) to District PD/R-2a/R-5/M-2a/US (Planned District - Two-Family Dwellings/High Apartments/Heavy Industry/Underground Space), and approving a development plan for the same. (12875-PD-1)

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 80-11A0456, rezoning an area of approximately 67.99 acres generally bounded by N. Bennington Avenue on the west, N.E. Parvin Road on the south, a line approximately 150 feet south of the prolongation of N.E. 46th Street on the north, and a line generally 400 feet west of N. Corrington Avenue on the east from Districts R-2a/US (Two-Family Dwellings/Underground Space), R-5/US (High Apartments/Underground Space) and M-2a/US (Heavy Industry/Underground Space) to District PD/R-2a/R-5/M-2a/US (Planned District - Two-Family Dwellings/High Apartments/Heavy Industry/Underground Space), said section to read as follows:

Section 80-11A0456. That an area legally described as:

All of Lot 1 and 2 and all that part of Lot 9, Great Midwest Commerce Center District I, a subdivision of land in Kansas City and all that part of the Northeast and Southeast Quarter of Section 4, Township 50, Range 32, Kansas City, all being in Clay County, Missouri, being described as follows: Beginning at the southwest corner of the Northeast Quarter of said Section 4; thence North 0°31'38" East, along the west line of said Northeast Quarter, 663.64 feet to the northwest corner of the South One-Half of the Southwest Quarter of said Northeast Quarter; thence South 89°30'39" East, along the north line of said South One-Half, 1303.51 feet to the northeast corner of said South One-Half; thence North 0°38'06" East, along the west line of the East One-Half of said Northeast Quarter, 662.87 feet to the northwest corner of the Southeast Quarter of said Northeast Quarter; thence South 89°28'36" East, along the north line of the Southeast Quarter of said Northeast Quarter, 554.75 feet; thence South 0°44'34" West, 404.00 feet; thence North 89°15'26" West, 394.73 feet; thence South 0°44'34" West, 293.08 feet; thence South 89°15'26" East, 394.73 feet; thence South 0°44'34" West, 639.35 feet; thence South 89°14'14" East, 340.00 feet to the most northerly northwest corner of said Great Midwest Commerce

Center District I; thence South 0°45'46" West, along the west line of N. Corrington Avenue, as now established, 100.00 feet; thence North 89°14'14" West, 396.84 feet; thence South 64°59'41" West, 143.80 feet; thence North 89°14'14" West, 86.92 feet; thence South 64°59'41" West, 494.97 feet; thence North 25°00'19" West, 141.52 feet to a point on the northerly line of said Lot 9; thence South 64°59'41" West (Plat-South 65°00'00" West), along said northerly line, 387.64 feet; thence South 16°51'39" East, (Plat-South 16°51'20" East), along the westerly line of said Lot 9, 231.45 feet; thence South 64°15'04" East, (Plat-South 64°14'45" East), along said westerly line, 276.79 feet; thence South 3°03'57" East (Plat-South 3°03'38" East), along said westerly line 177.10 feet to the northwest corner of said Lot 1; thence South 66°03'58" East, along the north line of said Lot 1, 442.41 feet to the northeast corner thereof; thence South 75°31'37" East, along the northerly line of said Lot 2, 304.14 feet to the northeast corner of said Lot 2; thence South 23°56'07" West (Plat-South 23°56'26" West), along the easterly line of said Lot, 350.00 feet to the southeast corner thereof, said point being on the northerly right-of-way line of N.E. Parvin Road, as now established; thence North 66°03'53" West, (Plat-North 66°03'34" West), along said northerly right-of-way line, 688.53 feet; thence westerly, along said northerly right-of-way line, on a curve to the left, tangent to the last described course, having a radius of 2922.79 feet, an arc distance of 991.90 feet to its intersection with the easterly right-of-way line of N. Bennington Avenue, as now established; thence North 0°31'49" East, along said easterly right-of-way line, 150.00 feet; thence North 89°28'11" West, 25.00 feet to a point on the west line of said Southeast Quarter; thence North 0°31'49" East, along said west line, 851.84 feet to the point of beginning. Except that part on the west being used for road right-of-way. All lying above the top of Winterset ledge of Limestone Park. Containing 67.99 acres, more or less.

is hereby rezoned from bounded by N. Bennington Avenue on the west, N.E. Parvin Road on the south, a line approximately 150 feet south of the prolongation of N.E. 46th Street on the north, and a line generally 400 feet west of N. Corrington Avenue on the east from Districts R-2a/US (Two-Family Dwellings/Underground Space), R-5/US (High Apartments/Underground Space) and M-2a/US (Heavy Industry/Underground Space) to District PD/R-2a/R-5/M-2a/US (Planned District - Two-Family Dwellings/High Apartments/Heavy Industry/Underground Space), all as shown outlined on a map marked Section 80-11A0456, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the

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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, as amended, commonly known as the Subdivision Regulations.
2. That the developer submit plans for grading and siltation and erosion control to the City Engineer's Office for approval prior to the commencement of any construction activities.
3. That the developer submit an overall storm drainage study to the City Engineer's Office for approval for the entire development at the time the first final plat is submitted, with detailed storm drainage studies to be submitted for each phase of development at the time of final platting, and that the developer make any improvements as required by the City Engineer's Office.
4. That the developer secure a land disturbance permit from the Department of Public Works prior to beginning any construction, grading, clearing or grubbing activities, if the disturbed area exceeds one acre.
5. That the developer secure a land disturbance permit from the Missouri Department of Natural Resources.
6. That the developer submit a street name signage plan for the entire development to the Street Naming Committee for approval prior to submittal of the first final plat.
7. That the developer construct sidewalks on the north side of N.E. Parvin Road as required by the Department of Public Works.
8. That the developer dedicate additional right of way for N. Bennington Avenue as required by the Department of Public Works so as to provide

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a total of 30 feet of right of way as measured from the centerline of N. Bennington Avenue.

9. That the developer improve the east-half of N. Bennington Avenue to collector street standards as required by the Department of Public Works, including construction of curbs, gutter, and sidewalks and installation of streetlights.
10. That the developer provide adequate sight distance for N. Bennington Avenue at the western entrance to the proposed development as required by the Department of Public Works.
11. That the developer construct sidewalks along the frontage of all common tracts and all double-fronted lots prior to recording of a final plat containing any of the aforementioned parcels as required by the Department of Public Works.
12. That the developer receive the approval from the Board of Zoning Adjustment of a conditional use permit for all residential monument signs and a request for modification of the parking requirements for housing for the elderly for the 132-unit retirement center.
13. That the developer obtain grading consents, and all grading, temporary construction and drainage easements from abutting property owners prior to permits being issued for any public street improvements that would require the raising or lowering of the street grade.
14. That the developer secure a floodplain certificate from the Department of Codes Administration prior to beginning any construction activities in the floodplain.
15. That the developer extend sanitary and storm sewers as required by the Department of Public Works.
16. That the developer extend or enlarge water mains and provide easements as required by the Water Services Department.
17. That the developer install hard surface roads and provide for fire protection as required by the Fire Department prior to construction

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beyond foundations.

18. That the developer submit a geotechnical study to the Department of Codes Administration to determine the adequacy of the slope located north of the proposed retail development.
19. That the developer submit a street tree planting plan as part of all residential final plats and secure the approval of the City Forester for street trees planted on right of way in front of residential lots, with a copy to be submitted to the Department of City Development. The plan shall include size, type, species and placement of trees. The developer shall agree to plant in accordance with the plan approved by the City Forester.
20. That the developer submit a final plan for all phases of development (including walking trails, worship tower, and townhouses) to the City Plan Commission for approval, including plans for landscaping, private street construction, lighting, screening, building elevations, signage (including elevations), and grading.

A copy of said development plan is on file in the office of the City Clerk under Document No. 030003, 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.

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:

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Assistant City Attorney