

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 090963

Rezoning an area of approximately 6.5 acres generally located on the south side of E. 8th Street between Tracy Avenue and The Paseo, and on both sides of Lydia Avenue a distance of approximately 220 feet north of E. 8th Street, from Districts C-3a2, M-1 and M-1-p to District URD, and approving a preliminary development plan for the same.

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 80-11A0855, rezoning an area of 6.5 acres generally located on the south side of E. 8th Street between Tracy Avenue and The Paseo, and on both sides of Lydia Avenue a distance of approximately 220 feet north of E. 8th Street, from Districts C-3a2 (Intermediate Business, High Buildings), M-1 (Light Industry) and M-1-p (Light Industry - Limited District) to District URD (Urban Redevelopment District), said section to read as follows:

Section 80-11A0855. That an area legally described as:

A tract of land lying in the Northwest Quarter of Section 4, Township 49 North, Range 33 West, Kansas City, Jackson County, Missouri, more particularly described as follows: Beginning at the southeast corner of Lot 12, Matthew's and Hill's Subdivision of Land 11, Ranson and Talley's Addition, a subdivision in Kansas City, Jackson County, Missouri; thence North 87 degrees 28 minutes 03 seconds West along the north right-of-way line of 9th Street a distance of 516.07 feet to the southwest corner of Lot 1 in said Matthew's and Hill's Subdivision of Land 11, Ranson and Talley's Addition; thence North 02 degrees 12 minutes 04 seconds East along the east right-of-way line of Tracy Avenue, a distance of 281.54 feet to the northwest corner of Lot 1 of said Craig's Subdivision, a subdivision in Kansas City, Jackson County, Missouri; thence South 87 degrees 25 minutes 39 seconds East along the south right-of-way line of 8th Street, a distance of 314.03 feet to the southerly extension of the west line of Lot 12, Linnvale, a subdivision in Kansas City, Jackson County, Missouri; thence North 02 degrees 02 minutes 50 seconds East along said southerly extension and along the west line of said Lot 12, a distance of 184.35 feet to the northwest corner of said Lot 12; thence South 87 degrees 27 minutes 37 seconds East along the north lines of Lot 12 through Lot 15 of said Linnvale, a distance of 90.79 feet to the southerly extension of the west line of Lot 20 of said Linnvale; thence North 02 degrees 09 minutes 21 seconds East along the southerly extension of the west line of said Lot 20 and along the west line of Lot 20 and Lot 21 of said Linnvale, a distance of 69.29 feet to the northwest corner of said Lot 21; thence South 87 degrees 27 minutes 01 seconds East along the north line of said Lot 21 and along the easterly extension of the north line of said Lot 21, a distance of 161.22 feet to the east right-of-way line of Lydia Avenue; thence North 02 degrees 08 minutes 23 seconds East along the east right-of-way line of Lydia Avenue, a distance of 28.71 feet to the south line of a 20.00 feet

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wide alley; thence South 87 degrees 35 minutes 27 seconds East along the south line of said alley, a distance of 154.98 feet to the northeast corner of a parcel of land recorded in Document No. 2004K0006268; thence South 02 degrees 08 minutes 23 seconds West along the east line of said parcel of land and along the southerly extension of said east line, a distance of 282.41 feet to the south right-of-way line of 8th Street; thence South 87 degrees 32 minutes 56 seconds East along the south right-of-way line of 8th Street, a distance of 129.32 feet to the west right-of-way line of the Paseo Boulevard; thence South 02 degrees 08 minutes 07 seconds West along the west right-of-way line of the Paseo Boulevard, a distance of 246.65 feet to the north right-of-way line of 9th Street; thence North 87 degrees 51 minutes 20 seconds West along the north right-of-way line of 9th Street and along the westerly extension of the north right-of-way line of 9th Street, a distance of 334.33 feet to the west right-of-way line of Lydia Avenue; thence South 02 degrees 07 minutes 44 seconds West along said west right-of-way line a distance of 32.81 feet to the point of beginning, containing 6.49 acres.

is hereby rezoned from Districts C-3a2 (Intermediate Business, High Buildings), M-1 (Light Industry) and M-1-p (Light Industry - Limited District) to District URD (Urban Redevelopment District), all as shown outlined on a map marked Section 80-11A0855, 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 submit a detailed micro storm drainage study, in general compliance with adopted standards, including a BMP level of service analysis, prior to approval and issuance of any building permits, and that the developer construct any improvements as required by Development Services prior to issuance of any certificate of occupancy.
2. That the developer dedicate right of way for a collector street by the general warranty deed process, as required by Development Services so as to provide a total of 30 feet of right of way as measured from the centerline of 9th Street prior to issuance of any certificate of occupancy for any structure in Phase 2 as shown on the development plan.
3. 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

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as necessary along all development street frontages, as required by Development Services, prior to issuance of any certificate of occupancy.

4. 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.
5. 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.
6. That the developer grant a BMP Easement to the City, as required by Development Services, prior to issuance of any certificate of occupancy.
7. That the developer provide for fire protection as required by the Fire Department prior to construction beyond foundations.
8. That the developer modify the secondary arterial standards for E. 9th Street to allow for a total of 30 feet of right of way north of centerline.
9. That the developer submit a final plan to the Director of the City Development Department for approval, including detailed information on landscaping, lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line), fencing and building elevations.

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 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:

M. Margaret Sheahan Moran
Assistant City Attorney