

ORDINANCE NO. 060002

Approving an amendment to a previously approved preliminary plan in District CP-2 on approximately a 4.0 acre tract of land generally located at the northwest corner of N Antioch Road and I-35 by allowing for the reconstruction of a restaurant building. (7201-CP-10)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That an amendment to a previously approved preliminary plan in District CP-2 (Local Planned Business Center) on an approximately 4.0 acre tract of land generally located at the northwest corner of N Antioch Road and I-35, and more specifically described as follows:

Lots 1, 2, 3 and 12, Brookwood Heights as recorded, except for the N 5.00 feet of said Lot 3 conveyed to the City of Kansas City, Missouri for new 44th Street Terrace right of way purposes in ordinance 46937, and the W 125.00 feet of Lot 12; plus Lots 1, 4 and the E 75.00 feet of Lot 5 of Brookwood Extension, except that part of conveyed to the state of Missouri for highway right of way; and vacated NE 44th Street lying N of and adjacent to said Lots 1, 4 and 5, Brookwood Extension.

is hereby approved, subject to the following conditions:

1. That the developer enter into a deferral agreement or revise the existing deferral agreement as provided for in Ordinance No. 990724, to improve the southern half of N.E. 44th Terrace to residential street standards including curb, gutter, sidewalk and streetlights as required by Development Services.
2. That the developer submit a detailed micro storm drainage study, consisting at a minimum of a letter from a Missouri Licensed Civil Engineer stating that the proposed improvements will not alter or increase historical runoff conditions for the site, to Development Services prior to approval and issuance of any building permits, and that the developer construct any improvements as required by Development Services.
3. That the developer dedicate additional right of way by general warranty deed for primary arterial with a bike path as required by Development Services so as to provide a minimum of 56 feet of right of way as measured from the centerline of N. Antioch Road prior to the issuance of a certificate of occupancy.
4. That the developer secure permits to repair sidewalks, curbs, and gutters as necessary along all development street frontages as required by Development Services in accordance with Chapters 56 and 64, Code of Ordinances, prior to issuance of a certificate of occupancy.

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5. That the developer provide for fire protection as required by the Fire Department.
6. That the developer secure the approval of the Missouri Department of Transportation prior to working within any State right-of-way.
7. That the developer obtain a variance from the Board of Zoning Adjustment to the required side yard setback.
8. That the developer submit a final plan to the City Plan Commission for approval, showing grading, landscaping, berming and screening, showing a 4 foot berm with conifers, the berming will extend behind each of the parking areas adjacent to the single-family lots to the north, building elevations and a photometric study showing zero footcandles at the property line.

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 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