

ORDINANCE NO. 080303

Rezoning approximately 0.324 acres generally located at the southwest corner of 39th Street and Clark Street from District C-1 to District PD/C-1, and approving a development plan for the same. (13586-PD-2)

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 80-11A0797, rezoning an area of approximately 0.324 acres generally located at the southwest corner of 39th Street and Clark Street from District C-1 (Neighborhood Retail Business) to District PD/C-1 (Planned District/Neighborhood Retail Business), said section to read as follows:

Section 80-11A0797. That an area legally described as:

Lots 1 and 2 Esslinger Place, a subdivision in Kansas City, Jackson County, Missouri.

is hereby rezoned from District C-1 (Neighborhood Retail Business) to District PD/C-1 (Planned District/Neighborhood Retail Business), all as shown outlined on a map marked Section 80-11A0797, 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, 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 review and issuance of any building permits, and that the developer construct any improvements as required by Development Services.
2. That the dedication of additional right of way for 39th Street provide a minimum of 40 feet of right of way as measured from the centerline be waived.
3. That the dedication of additional right of way for Clark Avenue to provide a total of 25 feet of right of way as measured from the centerline be waived
4. 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 be responsible for all costs associated with subordination activities.

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5. 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 as necessary along all development street frontages, as required by Development Services, prior to the issuance of a certificate of occupancy.
6. 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.
7. That the developer submit a final plan to the City Plan Commission for approval of fencing, landscaping, building elevation and materials for a proposed building, and photometric study showing zero footcandles at the property lines.
8. That the developer contribute \$504.45 for 4 duplex units in lieu of parkland dedication as required by Section 66-128 of the Subdivision Regulations, prior to the issuance of a certificate of occupancy.

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