

ORDINANCE NO. 160736

Rezoning an area of approximately 3.83 acres generally located east of Holmes Road and north of E. 137th Street from Districts B3-2 and R-80 to B3-2, and approving a development plan for the same that allows for the expansion of an existing light equipment sales/rental (outdoor) development. (14727-P and 14727-P-1)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A1070, rezoning an area of approximately 3.83 acres generally located east of Holmes Road and north of E. 137th Street from Districts B3-2 (Community Business 3-2) and R-80 (Residential 80) to B3-2 (Community Business 3-2), said section to read as follows:

Section 88-20A1070. That an area legally described as:

Lots 1 and 2, Emrch's Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and all that part of the north 200 feet of the south 50 acres of the East 1/2 of the Southeast 1/4 of Section 20, Township 47, Range 33, lying east and adjoining said lots, except the east 450 feet thereof, condemned by Jackson County, under Cause No. 763004 and recorded in Report of Commissioners under Document No. K-214350, in Book K-485, at page 1381, being more particularly described as follows: Beginning at found 1/2 inch iron bar at the southwest corner of Lot 2, Emrich's Addition; thence North 03 degrees 23 minutes 48 seconds East on the west lines of Lots 2 and 1 of said Emrich's Addition a distance of 200.00 feet to the northwest corner of said Lot 1; thence South 86 degrees 12 minutes 01 seconds East on the north line of said Lot 1 and the extension thereof a distance of 833.68 feet; thence South 03 degrees 05 minutes 46 seconds West a distance of 200.01 feet; thence North 86 degrees 12 minutes 01 seconds West on the south line of said Lot 2 and its easterly extension a distance of 834.73 feet to the point of beginning. Contains 166,838 square feet or 3.83 acres more or less. subject to easements, restrictions and reservations now of record.

is hereby rezoned from District Districts B3-2 (Community Business 3-2) and R-80 (Residential 80) to B3-2 (Community Business 3-2), all as shown outlined on a map marked Section 88-20A1070, 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 in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

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1. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
2. The developer shall dedicate additional right of way for Holmes Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements adjacent to this project, as required by the Public Works Department.
3. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
4. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
5. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances as required by the Land Development Division.
6. The owner/developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
7. The developer shall grant a BMP Easement to the City, as required by the Land Development Division, prior to issuance of any 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.

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I hereby certify that as required by Chapter 88, 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