

ORDINANCE NO. 130835

Rezoning a 0.94 acre tract of land, generally located on the south side of 45th Street between Madison Avenue and Belleview Avenue from Districts R-1.5 and B1-1 to District MPD and approval of a preliminary development plan. (10589-MPD-2, Springhill Suites)

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 88-20A0938, rezoning an approximately 0.94 acre tract of land, generally located on the south side of 45th Street between Madison Avenue and Belleview Avenue from Districts R-1.5 (Residential 1.5) and B1-1 (Neighborhood Business (dash 1)) to District MPD (Master Planned Development), said section to read as follows:

Section 88-20A0938. That an area legally described as:

All that part of Lots 1 through 5 inclusive and all that part of Lots 43 through 48 inclusive, together with the North Eight (8) feet of Lot 6, and the vacated alley lying between said lots, all in Block 10, Bunker Hill, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof and being situate in the Southwest Quarter of the Northeast Quarter of Section 30, Township 49 North, Range 33 West and being more particularly described as follows:

Beginning at the Northeast corner of the aforesaid Lot 48, being also the intersection of the South right-of-way line of 45th Street, as now established with the West right-of-way line of Madison Avenue, as now established; thence South 02 degrees 35 minutes 13 seconds West along the West right-of-way line of said Madison Avenue, being also along the East line of said Lots 48 through 43 inclusive, a distance of 154.95 feet (155.00 feet, Plat) to the Southeast corner of said Lot 43, being also the Northeast corner of Lot 1, 4520 Madison, a condominium subdivision in said City, County and State according to the recorded plat thereof and recorded in the Office of the Recorder of Deeds for said County and State in Plat Book 97 at Page 51 as Document No. 2006E0083058; thence North 87 degrees 21 minutes 42 seconds West (North 87 degrees 16 minutes 24 seconds West, Plat) along the South line of said Lot 43 and along the Westerly extension of the South line thereof, being also along the Northerly line of Lot 1 of said 4520 Madison and along the Westerly extension of the North line thereof, a distance of 139.71 feet to a point on the centerline of the aforesaid vacated alley lying West of said Lot 43; thence North 02 degrees 30 minutes 27 seconds East along the centerline of said vacated alley, a distance of 17.07 feet to the point of intersection with the Easterly extension of the North line of Lot 1, Plaza West, a subdivision in said City, County and State according to the recorded plat thereof and recorded in the Office of the Recorder of Deeds for said County and State in Plat Book 36 at Page 86 as Document No. 1986K0720875, being also the point of intersection with the Easterly extension of the South line of the North

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Eight (8) feet of Lot 6 of said Bunker Hill; thence North 87 degrees 21 minutes 42 seconds West (North 87 degrees 19 minutes 34 seconds West, Plat) along the North line of Lot 1 of said Plaza West, being also along the South line of the North Eight (8) feet of Lot 6 of said Bunker Hill and along the Easterly extension of said North and South lines thereof, a distance of 139.73 feet to the Northwest corner of Lot 1 of said Plaza West, being also a point on the West line of Lot 6 of said Bunker Hill and a point on the East right-of-way line of Belleview Avenue, as now established; thence North 02 degrees 25 minutes 43 seconds East along the East right-of-way line of said Belleview Avenue, being also along the West line of Lots 6 through 1 inclusive of said Bunker Hill, a distance of 138.67 feet (138.00 feet, Plat) to the Northwest corner of said Lot 1, being also the point of intersection with the South right-of-way line of said 45th Street; thence South 87 degrees 12 minutes 02 seconds East along the South right-of-way line of said 45th Street, being also along the North line of Lots 1, 48 and the vacated alley as shown in said Block 10, Bunker Hill, a distance of 279.85 feet (279.72 feet, Plat) to the Point of Beginning. Containing 41,054 square feet or 0.942 acres, more or less.

is hereby rezoned from Districts R-1.5 (Residential 1.5) and B1-1 (Neighborhood Business (dash 1)) to District MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A0938, 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 preliminary development plan for the above-described property is hereby approved, subject to the following conditions:

1. That the final plat and proposed alley vacation shall be approved and recorded prior to building permit.
2. That the developer cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
3. That the developer submit a detailed micro storm drainage study to Development Services, in general compliance with adopted standards, including a BMP level of service analysis, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to approval and issuance of any building permits to modify the site.
4. That the developer submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and Chapters 56 and 64, Code of Ordinances, and shall identify the quantity and

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location of such sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. 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 the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.

5. That the developer integrate into the existing streetlight system any relocated existing streetlights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
6. That the owner/developer submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
7. That the owner/developer secure a site disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity. The developer must secure permits to extend sanitary and storm water conveyance systems to serve the development and determine adequacy of receiving systems as required by the Land Development Division, prior to issuance of a building permit.
8. That the owner/developer grant on City approved forms, a BMP Easement to the City, as required by Chapter 88 and Land Development Division, prior to recording the plat or issuance of a building permit, whichever occurs first.
9. That the developer pay impact fees as required by Chapter 39 of the City's Code of ordinances, as required by the Land Development Division.

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