

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 070098

Rezoning an area of approximately 0.63 acres generally located on the west side of Highway 9, north of Winter Avenue, from District R-1b to District R-5-p, and approving a preliminary development plan for the same. (13648-P);

WHEREAS, an owner of property on the west side of Highway 9, north of Winter Avenue, has requested that his .63 acre property, which contains a building constructed as a single family home, be rezoned from R-1b (single family residential) to R-5-p (high apartment); and

WHEREAS, the owner has operated a photography studio at the property pursuant to a use variance since 1990; and

WHEREAS, the owner would like the rezoning so that he can market the property as being available for an office or studio use that is not allowed in R-1b; and

WHEREAS, the City believes that because of the property's location an office or studio use will be compatible with the surrounding single family residential uses, but that not all of the uses allowed under an R-5-p zoning would be compatible with residential uses; and

WHEREAS, the development plan limits the use to certain specifically stated uses, and the City at this time does not believe that a plan amendment to allow any other uses would be appropriate; and

WHEREAS, the City might consider rezoning this property to a more appropriately limited district in the future, but such a district does not exist under the City's current zoning ordinance; and

WHEREAS, the location and history of the use of this property warrants a deviation from the single family use recommended in the area plan; and

WHEREAS, a more comprehensive examination of this area should be undertaken for possible changes to the area plan; NOW, THEREFORE,

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 80-11A0735, rezoning an area of approximately 0.63 acres generally located on the west side of Highway 9, north of Winter Avenue, from District R-1b (One-Family Dwellings) to District R-5-p (High Apartments - Limited District), said section to read as follows:

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Section 80-11A0735. That an area legally described as:

All that part of the East Half of the Northeast Quarter of Section 24, Township 51, Range 34, in Kansas City, Platte County Missouri, more particularly described as follows: Beginning at a point on the east line of Lot A, Chapel Woods, a subdivision of land in Kansas City, Platte County, Missouri, and 1014.05 feet south of the northeast corner thereof; thence South 77 degrees, 27 minutes, 22 seconds East, (this and all other bearings refer to the east line of said Lot A as being North 0 degrees East), along the southwesterly line of a tract of land conveyed to Frank R. and Janice R. Schneider by Deed as recorded in Book 227 at page 215 in the Office of the Recorder of Deeds of Platte County, Missouri, a distance of 189.41 feet, to a point on the centerline of Missouri State Highway No. 9, as now located; thence South 29 degrees, 39 minutes, 15 seconds West, along the centerline of said Missouri State Highway No. 9, a distance of 223 feet to a point on the southeasterly extension of the easterly line of said Lot A; thence North 60 degrees, 20 minutes, 45 seconds West, along the easterly line and its extension of said Lot A, a distance of 85.79 feet; thence North 0 degrees East, along the east line of said Lot A, a distance of 192.48 feet, to the point of beginning, except that part in the Missouri Highway No. 9.

is hereby rezoned from District R-1b (One-Family Dwellings) to District R-5-p (High Apartments - Limited District), all as shown outlined on a map marked Section 80-11A0735, 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 final plan to the City Plan Commission for approval, including plans for grading, landscaping, screening, berming, lighting (provide a photometric study, with the intent that there shall be no direct illumination beyond the property line), signage, and building elevation drawings.
- 2 The uses allowed on this property are limited to office buildings, administrative functions of business firms, professional groups or societies, or a combination of such groups or for a residential use.

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 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