

ORDINANCE NO. 090089

Rezoning an area of approximately .54 acres generally located at the northwest corner of Independence Avenue and Myrtle Avenue from District C-2 to District PD/C-2, and approving a preliminary development plan for the same. (13887-PD-1)

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 80-11A0832, rezoning an area of approximately .54 acres generally located at the northwest corner of Independence Avenue and Myrtle Avenue from District C-2 (Local Retail Business) to District PD/C-2 (Local Retail Business/Planned Development), said section to read as follows:

Section 80-11A0832. That an area legally described as:

Lots 41-48 inclusive, Corrected Plat of Bethesda Place Annex, and the west five feet of Vacated Myrtle Avenue lying east of and adjacent said lots, all in Kansas City, Jackson County, Missouri.

is hereby rezoned from District C-2 (Local Retail Business) to District PD/C-2 (Local Retail Business/Planned Development), all as shown outlined on a map marked Section 80-11A0832, 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 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, alleys, curbs, and gutters. The letter must identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, alleys, curbs, and gutters. It shall identify the quantity and location of sidewalks, alleys, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, alleys, curbs, and gutters as necessary along all development street frontages, as required by Development Services, prior to issuance of a certificate of occupancy.
2. 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.

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3. That the developer grant a BMP Easement to the City as required by Development Services prior to approval of a final plan.
4. That dedication of right of way for Independence Avenue in accordance with the Major Street Plan be waived.
5. That the developer receive the approval of the Board of Zoning Adjustment for any necessary variances.
6. That the developer submit a final plan to the City Plan Commission for approval, including detailed information on landscaping, signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line) and building elevations.

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 have been given and hearings have been held as required by the Zoning Ordinance.

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