

**ORDINANCE NO. 031303**

**Amending Chapter 80, Code of Ordinances, by adding a new section to be known as Section 80-11A0531, rezoning an area of approximately .67 acres generally located at the northeast corner of 46th Street and Washington Street from District R-4 (Low Apartments) to District PD/R-4 (Planned District/Low Apartments), and approving a development plan for the same. (12591-GP)**

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 80-11A0531, rezoning an area of approximately .67 acres generally located at the northeast corner of 46th Street and Washington Street from District R-4 (Low Apartments) to District PD/R-4 (Planned District/Low Apartments), said section to read as follows:

Section 80-11A0531. That an area legally described as:

TRACT I: All of the west 71.5 feet of the north 19 feet of Lot 37, and the west 71.5 feet of the south 13 feet of Lot 36, Block 1, Edwin and Lockwood's First Addition, and the vacated part of Washington Street west of and adjoining, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT II: Lot 2, Home Place, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; and the west 71.5 feet of Lot 38 and the west 71.5 feet of the south 6 feet of Lot 37, and that part vacated Washington Street adjoining said premises on the west, Block 1, Edwin & Lockwood's 1st Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

is hereby rezoned from District R-4 (Low Apartments) to District PD/R-4 (Planned District/Low Apartments), all as shown outlined on a map marked Section 80-11A0531, 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 cause the area to be platted and processed in accordance with Chapter 66, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Subdivision Regulations.

2. That the developer dedicate additional right of way for 46th Street as required by the Department of Public Works so as to insure the location of the sidewalk entirely within the right of way.
3. That the developer submit a storm drainage study for the entire development to the City Engineer's Office for approval and that the developer make any improvements as required by the City Engineer's Office.
4. That the developer submit plans for grading and siltation and erosion control to the City Engineer's Office for approval prior to the commencement of any construction activities.
5. That the developer obtain the grading consents, and all grading, temporary construction and drainage easements from the abutting property owner(s) prior to submitting any public improvements.
6. That the developer extend sanitary and/or storm sewers and determine the adequacy of receiving sewers as required by the Department of Public Works.
7. That the developer relocate existing sanitary and/or storm sewers under proposed structures and apply for permits to abandon any existing sewers that will not be used for this development prior to the issuance of building permits or approval of the final plat as required by the Department of Public Works.
8. That the developer petition for the release of existing sewer or general utility easements due to the removal or abandonment of existing utility facilities prior to the issuance of building permits as required by the Department of Public Works.
9. That the developer provide for fire protection as required by the Fire Department prior to construction beyond foundations.
10. That the developer contribute \$2,777.06 in lieu of parkland dedication for 18 units ( $18 \times 2 \times .006 \times \$12,856.74$ ) in satisfaction of Section 66-128 of the Subdivision Regulations.
11. That the developer receive the approval of the Board of Zoning

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Adjustment for variances to building height, setbacks and number of stories.

12. That the developer submit a final plan to the City Plan Commission for approval, including detailed information on landscaping, signage (including elevations), lighting and building elevations.

A copy of said development plan is on file in the office of the City Clerk under Document No. 031303, which is attached hereto and 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.

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Secretary, City Plan Commission

Approved as to form and legality:

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M. Margaret Sheahan Moran  
Assistant City Attorney