

ORDINANCE NO. 070090

Rezoning an area of approximately 12.3 acres generally located on the south side of 39th Street about 1,000 feet east of Blue Ridge Cutoff, from Districts CP-3 and C-2 to District CP-3, and approving a preliminary development plan for the same. (6320-CP-2)

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 80-11A0737, rezoning an area of approximately 12.3 acres generally located on the south side of 39th Street about 1,000 feet east of Blue Ridge Cutoff, from Districts CP-3 (Regional Planned Business Center) and C-2 (Local Retail Business) to District CP-3 (Regional Planned Business Center), said section to read as follows:

Section 80-11A0737. That an area legally described as:

All that part of Tract A, Royalview Plat, a subdivision of land in Kansas City, Jackson County, Missouri and all that part of the northeast quarter of the southwest quarter of Section 20, Township 49, Range 32, in said city, county and state, more particularly described as follows: Commencing at the northeast corner of the northeast quarter of said southwest quarter, thence north 86 degrees 47 minutes 02 seconds west, along the north line of the northeast quarter of said southwest quarter, a distance of 429.00 feet, to the northwest corner of said Royalview plat; thence south 21 degrees 33 minutes 19 seconds west, along the west line of said Royalview plat, a distance of 31.61 feet, to the northwest corner of said Tract A, being a point on the south right of way line of 39th street, as now established; and the point of beginning; thence south 86 degrees 47 minutes 02 seconds east, along said south right of way line, a distance of 438.93 feet; thence south 86 degrees 43 minutes 33 seconds east, continuing along said south right of way line, a distance of 639.92 feet, to the northeast corner of said Tract A; thence south 28 degrees 48 minutes 11 seconds west, along the east line of said Tract A, a distance of 825.50 feet, to the point on the northerly right of way line of Interstate Highway No. 70, as now established; thence north 59 degrees 21 minutes 56 seconds west, along said northerly right of way line, a distance of 88.56 feet; thence north 50 degrees 04 minutes 04 seconds west, continuing along said northerly right of way line, a distance of 187.25 feet; thence north 59 degrees 21 minutes 56 seconds west, continuing along said northerly right of way line, a distance of 333.09 feet; thence north 53 degrees 46 minutes 45 seconds west, continuing along said northerly right of way line, a distance of 324.37 feet; thence north 3 degrees 12 minutes

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58 seconds east, a distance of 262.40 feet, to a point on the south right of way line of 39th Street; south 86 degrees 47 minutes 02 seconds east, along said south right of way line, a distance of 74.08 feet, to the point of beginning.

Also known as, Tract 1, Certificate of Survey, filed August 20, 1997, as Document No. I-1127908, in Book T-6, at Page 6.

is hereby rezoned from Districts CP-3 (Regional Planned Business Center) and C-2 (Local Retail Business) to District CP-3 (Regional Planned Business Center), all as shown outlined on a map marked Section 80-11A0737, 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, commonly known as the Subdivision Regulations.
2. That the developer improve the southern one-half of 39th Street to collector street standards as required by Development Services, including curbs, gutters, sidewalks, streetlights, existing roadway section transitions to meet vertical and horizontal alignment standards, and relocation of utilities.
3. That the developer submit a macro/micro storm drainage study to Development Services for review and acceptance for the entire development when the final plat is submitted, and that the developer construct any improvements as required by Development Services.
4. That the developer provide a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by Development Services.
5. That the developer submit plans for grading, siltation, and erosion control to Development Services for approval and permitting prior to beginning any construction activities.
6. That the developer secure a land disturbance permit from Development Services prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area exceeds one acre.

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7. That the developer obtain the grading consents, and all grading, temporary construction and drainage/sewer easements from the abutting property owner prior to submitting any public improvements.
8. That the developer subordinate to the City all private interest in the area of any right-of-way dedication as required by Development Services, and that the developer be responsible for all costs associated with subordination activities.
9. That the developer extend/relocate sanitary sewers to ensure individual service is provided to all proposed lots and determine adequacy as required by Development Services.
10. That the developer extend/relocate water mains as required by the Water Services Department.
11. That the developer submit covenants, conditions and restrictions to Development Services for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.
12. That the developer provide for fire protection as required by the Fire Department prior to construction beyond foundations.
13. That the developer secure the approval of the Missouri Department of Transportation for any work within State right of way.
14. That the developer submit a final plan to the City Plan Commission for approval, including detailed information on landscaping (including existing and proposed canopy shade trees on-site along 39th Street a maximum average of 50 feet on center), signage (including elevations), lighting (including a photometric study showing zero footcandles at the property line and no direct illumination beyond the property line), building elevations and Chapter 52 screening requirements along 39th Street met with berming and/or landscaping.

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