

ORDINANCE NO. 170435

Rezoning a 1.5 acre tract of land generally located on the west side of Holmes Road, approximately 530 feet south of E. Blue Ridge Boulevard, from District R-7.5 to District B1-1, and approving a development plan to allow for a commercial development. (4364-P-9 & 4364-P-10).

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 88-20A1102, rezoning an area of approximately 1.5 acres generally located on the west side of Holmes Road, approximately 530 feet south of E. Blue Ridge Boulevard, from District R-7.5 (Residential dash 7.5) to District B1-1 (Neighborhood Business dash 1), said section to read as follows:

Section 88-20A1102. That an area legally described as:

A portion of the tract of land described in Book 2010E at page 43111 in the Jackson County, Missouri Recorders Office, all lying in the Northeast Quarter of Section 20, Township 47 North, Range 33 West, Jackson County, Missouri. being more particularly described as follows: Commencing at the northeast corner of Section 20, Township 47 North, Range 33 West, Jackson County, Missouri. thence along the north line of said section, North 85 degrees 42 minutes 20 seconds West, 1359.66 feet; thence leaving said north section line and along the west right-of-way of Holmes Road, South 03 degrees 05 minutes 01 seconds West, 584.12 feet, to the point of beginning; thence continuing along said west right-of-way, South 03 degrees 05 minutes 01 seconds West, 194.29 feet; thence leaving said west right-of-way, North 85 degrees 41 minutes 51 seconds West, 318.73 feet; thence North 03 degrees 04 minutes 41 seconds East, 194.37 feet; thence South 85 degrees 41 minutes 03 seconds East, 318.75 feet, to the point of beginning. all lying in the Northeast Quarter of Section 20, Township 47 North, Range 33 West, Jackson County, Missouri. Containing 1.42 acres, more or less.

is hereby rezoned from District R-7.5 (Residential dash 7.5) to District B1-1 (Neighborhood Business dash 1), all as shown outlined on a map marked Section 88-20A1102, 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 development plan for the area legally described above is hereby approved, subject to the following conditions:

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1. The developer shall plat the property via a minor subdivision lot line adjustment to reduce the size of the property to be rezoned.
2. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
3. The developer shall dedicate additional right of way for Holmes Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements adjacent to this project, as required by the Public Works Department.
4. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
5. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
6. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
7. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
8. The owner/developer shall submit plans for grading, siltation, and erosion control to the Land Development Division for review and acceptance, and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The developer shall grant a BMP Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any

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building permits.

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 and Development Code 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.

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Secretary, City Plan Commission

Approved as to form and legality:

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M. Margaret Sheahan Moran  
Deputy City Attorney